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ORDER OF THE HONORABLE JOHN L. MICHALSKI, J.S.C.,
DATED JUNE 13, 2016 [6-7]

NYSCEF DOC. NO. 14

RECEIVED NYSCEF: 06/09/2016

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

In the Matter of the Application of
DEBORAH SOULE, #96-G-0391

Petitioner,

v.

Index No. 2016-804074

TINA STANFORD, in her official capacity
As Chairperson, of the Board of Parole,

Respondent.

DECISION & ORDER

Michalski, J.

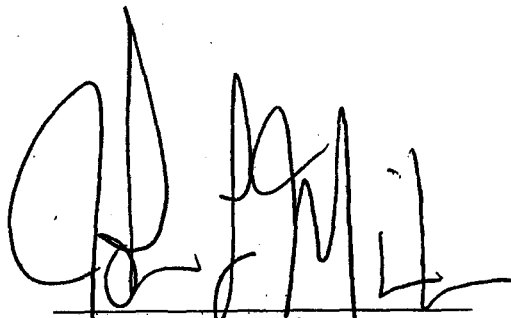
Petitioner brought this Civil Practice Law and Rules (CPLR) Article 78 special proceeding seeking an Order vacating Respondent's decision to deny her release to parole supervision. Specifically, she alleges that Respondent acted arbitrarily and capriciously, in basing that determination "entirely on the severity of the underlying offense". We disagree.

A review of the record clearly reveals that Respondent considered all the requisite factors under Executive Law § 259-i(2)(c). Those factors included Petitioner's risk assessment, release plans, institutional achievements and record, letters of support, and the gravity of the offense resulting in her incarceration. Accordingly, it can not be said that Respondent's determination is "irrational bordering on impropriety" (see *Russo v. N.Y. State Parole Board*, 50 N.Y.2d 69); and,


therefore, judicial intervention is not warranted.

WHEREFORE, it is hereby ORDERED that Petitioner's request for Article 78 relief is *denied.*

Dated: Buffalo, New York
June 6, 2016


Hon. John L. Michalski

GRANTED

JUN 09 2016
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