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Administrative Appeal Decision - Felder, Alex (2018-12-29)

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STATE OF NEW YORK- BOARD OF PAROLE

Administrative Appeal Decision Notice

Inmate Name: Felder, Alex

Facility: Altona Correctional Facility.

NYSID No. [REDACTED]

Appeal Control #: 10-194-18-R

Dept. DIN#: 03A2112

Appearances:

For the Board, the Appeals Unit

For Appellant:

Alex Felder 03A2112
Altona Correctional Facility
555 Devils Den Road
P.O. Box 3000
Altona, New York 12910

Board Member(s) who participated in appealed from decision: NONE

Decision appealed from: 8/2018-Revocation of release, with imposition of 17 month time assessment.

Pleadings considered: Handwritten letter on behalf of the pro se appellant received on October 29, 2018.
Statement of the Appeals Unit's Findings and Recommendation

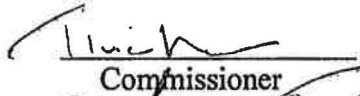
Documents relied upon: Notice of Violation, Violation of Release Report, Final Hearing Transcript, Parole Revocation Decision Notice.

Final Determination: The undersigned have determined that the decision from which this appeal was taken be and the same is hereby


Commissioner

Affirmed Reversed for De Novo Hearing
 Vacated for De Novo Review of Time Assessment Only

Reversed - Violation Vacated
 Modified to _____


Commissioner

Affirmed Reversed for De Novo Hearing
 Vacated for De Novo Review of Time Assessment Only

Reversed - Violation Vacated
 Modified to _____


Commissioner

Affirmed Reversed for De Novo Hearing
 Vacated for De Novo Review of Time Assessment Only

Reversed - Violation Vacated
 Modified to _____

If the Final Determination is at variance with Findings and Recommendation of Appeals Unit, written reasons for the Parole Board's determination must be annexed hereto.

This Final Determination, the related Statement of the Appeals Unit's Findings and the separate findings of the Parole Board, if any, were mailed to the Inmate and the Inmate's Counsel, if any, on 12/28/18.
LB

Distribution: Appeals Unit - Inmate - Inmate's Counsel - Inst. Parole File - Central File
P-2002(R) (May 2011)

STATE OF NEW YORK - BOARD OF PAROLE

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

Inmate Name: Felder, Alex

Facility: Altona Correctional Facility

Dept. DIN#: 03A2112

Appeal Control #: 10-194-18-R

Findings:

The now pro se appellant has submitted a handwritten letter to serve as the perfected appeal. The letter raises only one issue. Appellant claims the time assessment imposed is harsh and excessive. Given the totality of the circumstances, it should be lowered to 12-15 months.

Appellant appeared at the hearing with counsel, and after discussions a plea bargain was entered into. Appellant's parole was revoked at the hearing upon his unconditional plea of guilty with an explanation. Given his failure to object and his plea of guilty, all issues are now waived and/or moot and are not preserved for judicial review. Stanbridge v Hammock, 55 N.Y.2d 661, 663, 446 N.Y.S.2d 929 (1981); Herman v Blum, 54 N.Y.2d 677, 678, 442 N.Y.S.2d 510 (1981); Wescott v New York State Board of Parole, 256 A.D.2d 1179, 682 N.Y.S.2d 499 (4th Dept 1998); Kirk v Hammock, 119 A.D.2d 851, 500 N.Y.S.2d 424, 426 (3d Dept 1986); Chavis v Superintendent, 236 A.D.2d 892, 653 N.Y.S.2d 752 (4th Dept 1997).

Recommendation:

Accordingly, it is recommended the decision of the Administrative Law Judge be affirmed.