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Administrative Appeal Decision - Moore, Devonte (2019-02-27)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Moore, Devonte Facility: Livingston CF
NYSID: [REDACTED] Appeal Control No.: 08-118-18 B
DIN: 17-B-2546

Appearances: Devonte Moore 17B2546
Livingston Correctional Facility
7005 Sonyea Road
Sonyea, New York 14556

Decision appealed: August 2018 decision, denying discretionary release and imposing a hold of 11-months.

Board Member(s) who participated: Crangle, Berliner, Smith

Papers considered: Appellant’s Letter-brief received November 20, 2018

Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

Records relied upon: Pre-Sentence Investigation Report, Parole Board Report, Interview Transcript, Parole Board Release Decision Notice (Form 9026), COMPAS instrument, Offender Case Plan.

Final Determination: The undersigned determine that the decision appealed is hereby:

 Affirmed Vacated, remanded for de novo interview Modified to _____

Commissioner

 Affirmed Vacated, remanded for de novo interview Modified to _____

Commissioner

 Affirmed Vacated, remanded for de novo interview Modified to _____

Commissioner

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 2/27/19.

LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Moore, Devonte

DIN: 17-B-2546

Facility: Livingston CF

AC No.: 08-118-18 B

Findings: (Page 1 of 1)

Appellant challenges the August 2018 determination of the Board, denying release and imposing a 11-month hold. Appellant raises the following issues: 1) the decision is irrational bordering on impropriety in that the Board failed to consider and/or properly weigh the required statutory factors. 2) the Board ignored his EEC and its presumption of release. 3) the decision lacks detail. 4) the Board ignored his COMPAS, and failed to give any reasons for departing from the COMPAS.

Only one issue raised needs to be addressed. Appellant's COMPAS score is low, but no express details are given in the Board decision for departing from the COMPAS. As 9 N.Y.C.R.R. 8002.2(a) requires an individualized reason for said departure, and no apparent specific reason for a departure was given, a de novo interview is required.

Recommendation: Vacate and remand for de novo interview.