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Administrative Appeal Decision - Lopiccolo, Dominic (2019-03-22)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Lopiccolo, Dominic Facility: Cayuga CF
NYSID: [REDACTED] Appeal Control No.: 10-020-18 B
DIN: 94-B-1182

Appearances: Norman P. Effman, Esq.
Wyoming Co. Legal Aid
18 Linwood Avenue
Warsaw, New York 14569

Decision appealed: September 2018 decision, denying discretionary release and imposing a hold of 24 months.



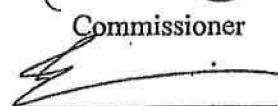
Board Member(s) who participated: Cruse, Demosthenes.

Papers considered: Appellant's Brief received January 18, 2019

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 3/22/19
LB

Distribution: Appeals Unit – Appellant - Appellant's Counsel - Inst. Parole File - Central File
P-2002(B) (11/2018)

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Lopiccolo, Dominic

DIN: 94-B-1182

Facility: Cayuga CF

AC No.: 10-020-18 B

Findings: (Page 1 of 1)

Appellant challenges the September 2018 determination of the Board, denying release and imposing a 24-month hold.

Appellant raises various issues in his brief, among which is the claim that the Board's decision erroneously states that his extensive criminal activities include driving while intoxicated. The Appeals Unit has determined that Appellant's criminal activities do not include driving while intoxicated. Accordingly, Appellant is entitled to a *de novo* interview to be held before different Board members.

Given that a *de novo* interview is being recommended, a response to Appellant's remaining arguments is not warranted.

Recommendation: Vacate and remand for de novo interview.