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Administrative Appeal Decision - Hamilton, Jeremy (2019-02-06)

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ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Hamilton, Jeremy

Facility: Great Meadow CF

NYSID: [REDACTED]

Appeal Control No.: 07-139-18 R

DIN: 10-B-2439

Appearances: Benjamin A. Gilmour, Esq.
Ontario Co. Conflict Defender
3010 County Complex Drive
Canandaigua, New York 14424

Decision appealed: June 19, 2018 revocation of release and imposition of a time assessment of 24-months.


Final Revocation Hearing Date: June 19, 2018


Papers considered: Appellant's Brief received November 16, 2018

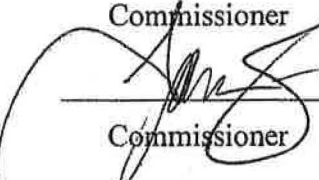
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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

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

 Affirmed Reversed, remanded for de novo hearing Reversed, violation vacated
Commissioner Vacated for de novo review of time assessment only Modified to _____

 Affirmed Reversed, remanded for de novo hearing Reversed, violation vacated
Commissioner Vacated for de novo review of time assessment only Modified to _____

 Affirmed Reversed, remanded for de novo hearing Reversed, violation vacated
Commissioner Vacated for de novo review of time assessment only 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 2/6/19 66.

STATE OF NEW YORK - BOARD OF PAROLE

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Hamilton, Jeremy

Facility: Great Meadow CF

Dept. DIN#: 10-B-2439

AC No.: 07-139-18 R

Findings: (Page 1 of 1)

Appellant challenges the determination of the administrative law judge (“ALJ”), revoking release and imposing a 24-month time assessment.

Appellant’s parole was revoked at the hearing upon his unconditional plea of guilty. Appellant was represented by counsel at the final hearing, and the Administrative Law Judge explained the substance of the plea agreement. The guilty plea was entered into knowingly, intelligently and voluntarily, and is therefore valid. Matter of Steele v. New York State Div. of Parole, 123 A.D.3d 1170, 998 N.Y.S.2d 244 (3d Dept. 2014); Matter of James v. Chairman of N.Y. State Bd. of Parole, 106 A.D.3d 1300, 965 N.Y.S.2d 235 (3d Dept. 2013); Matter of Ramos v. New York State Div. of Parole, 300 A.D.2d 852, 853, 752 N.Y.S.2d 159 (3d Dept. 2002). Consequently, his guilty plea forecloses this challenge. See Matter of Steele, 123 A.D.3d 1170, 998 N.Y.S.2d 244; Matter of Gonzalez v. Artus, 107 A.D.3d 1568, 1569, 966 N.Y.S.2d 710, 711 (4th Dept. 2013).

Recommendation: Affirm.