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December 2020

### Administrative Appeal Decision - Muggelberg, John (2019-03-22)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Muggelberg, John Facility: Cayuga CF  
NYSID: [REDACTED] Appeal Control No.: 09-015-18 B  
DIN: 86-B-0049

Appearances: John Muggelberg, 86-B-0049  
Cayuga C.F.  
2202 State Route 38A  
P.O. Box 1150  
Moravia, NY, 13118-1150

Decision appealed: August 2018 decision denying discretionary release and imposing a hold of 23 months.

Board Member(s) who participated: Demosthenes, Coppola


Papers considered: Appellant's Brief received January 4, 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).

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.

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:** Muggelberg, John

**DIN:** 86-B-0049

**Facility:** Cayuga CF

**AC No.:** 09-015-18 B

**Findings:** (Page 1 of 1)

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Appellant was sentenced to 25 years to life upon his conviction of Murder in the second degree. In the instant appeal, Appellant challenges the August 2018 determination of the Board denying release and imposing a 23-month hold. Among other things, he contends the decision fails to adequately explain the reasons for denial.

A review by the Appeals Unit reveals that the decision addresses a number of the applicable factors in individualized terms but nonetheless is confusing and, as a result, does not adequately explain the Board's reasons for denying discretionary release on parole. Accordingly, a *de novo* interview is appropriate.

**Recommendation:** Vacate and remand for de novo interview.