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December 2020

Administrative Appeal Decision - Falasco, Lisa (2019-05-10)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Falasco, Lisa

Facility: Albion CF

NYSID: [REDACTED]

Appeal Control No.: 11-103-18 R

DIN: 17-G-0825

Appearances: Lawrence Young Esq.
Hiscock Legal Aid Society
351 South Warren Street
Syracuse, New York 13202

Decision appealed: October 12, 2018 revocation of release and imposition of a time assessment of hold to ME date.


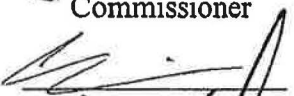
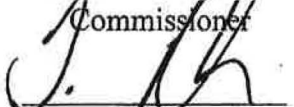
Final Revocation Hearing Date: October 4, 2018

Papers considered: Appellant's Letter-brief received March 6, 2019

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:

	<input checked="" type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	
	<input checked="" type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	
	<input checked="" type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> 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 5/10/19 60.

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Falasco, Lisa

DIN: 17-G-0825

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Findings: (Page 2 of 2)

A short time on parole before the violation also may be used. See Matter of Wilson v. Evans, 104 A.D.3d 1190, 1191, 960 N.Y.S.2d 807, 809 (4th Dept. 2013) (finding no impropriety in 30 month time assessment where releasee violated by consuming alcohol two days after release); Matter of Davidson v. N.Y. State Div. of Parole, 34 A.D.3d 998, 999, 824 N.Y.S.2d 466, 467 (3d Dept. 2006) (hold to ME was not excessive given violent attack and that it occurred less than four months after release), lv. denied, 8 N.Y.3d 803, 830 N.Y.S.2d 699 (2007); Matter of Drayton v. Travis, 5 A.D.3d 891, 892, 772 N.Y.S.2d 886 (3d Dept. 2004) (“ALJ properly considered petitioner’s short time on parole” in imposing 40 month time assessment for traveling outside city without permission and failing to report to parole officer following release for prior curfew violations).

Recommendation: Affirm.