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December 2020

### Administrative Appeal Decision - Matteson, Martha (2019-08-15)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Matteson, Martha

Facility: Albion CF

NYSID



Appeal Control No.: 11-107-18 B

DIN: 18-G-0658

Appearances: Joanne Best Esq.  
Orleans County Public Defender  
1 South Main Street  
Suite 5  
Albion, New York 14411

Decision appealed: November 2018 decision, denying discretionary release and imposing a hold of 12 months.

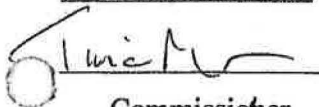
Board Member(s) who participated: Demosthenes, Coppola

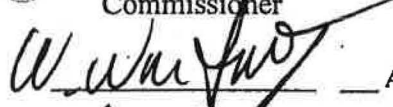
Papers considered: Appellant's Brief received May 9, 2019


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 8/5/19.  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Matteson, Martha

**DIN:** 18-G-0658

**Facility:** Albion CF

**AC No.:** 11-107-18 B

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

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Appellant challenges the November 2018 determination of the Board, denying release and imposing a 12-month hold. Appellant's instant offense involved her putting her underage daughter on the internet to engage in sex acts for money. Appellant raises the following issues: 1) the decision is arbitrary and capricious in that the Board failed to consider and/or properly weigh the required statutory factors. 2) the decision lacks detail. 3) the interview was not done in person, but rather by video-conference. 4) appellant was prejudiced in that her entire parole file was not disclosed to her. 5) the decision is based upon erroneous information in that she has no prior larceny crimes.

Only one issue will be addressed. The Board decision refers to larcenous behavior in her criminal history. Appellant has only one prior arrest, and it was also a sex offense related crime, but no larceny allegations were involved. As the Board decision is based upon erroneous information, a de novo interview is warranted.

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