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Administrative Appeal Decision - Tissiera, Michael (2019-04-29)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Tissiera, Michael Facility: Great Meadow CF
NYSID: [REDACTED] Appeal Control No.: 09-185-18 B
DIN: 14-A-3241

Appearances: Michael Tissiera, 14-A-3241
Great Meadow C.F.
11739 State Route 22
P.O. Box 51
Comstock, NY 12821-0051

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

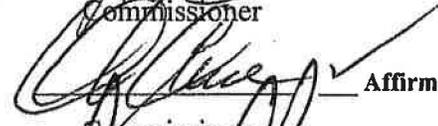
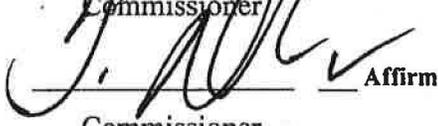
Board Member(s) who participated: Alexander, Berliner

Papers considered: Appellant's Letter-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), 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 4/27/19 G.C.

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: Tissiera, Michael

DIN: 14-A-3241

Facility: Great Meadow CF

AC No.: 09-185-18 B

Findings: (Page 1 of 1)

Appellant was sentenced to an aggregate term of five years, six months to 11 years upon his conviction of Criminal Contempt in the first degree, Aggravated Criminal Contempt, and three counts of Aggravated Family Offense. In the instant appeal, Appellant challenges the September 2018 determination of the Board denying release and imposing a 24-month hold due to the Board's alleged reliance on erroneous information concerning his criminal history.

In its decision denying release, the Board stated that the instant offenses are a continuation of Appellant's "lengthy criminal history and record on community supervision, which includes multiple prison terms and other sanctions dating back to the 1980s for mostly contempt, robbery and assault related offenses." The Board also cited Appellant's discipline and elevated COMPAS scores and urged him to continue programming so he could develop the skills to be law abiding and safer in the community.

Appellant argues that the Board decision incorrectly refers to multiple prison terms in the 1980s, pointing out that his first prison term was in 1991 and he never had a felony in the 1980s. However, the statement was not limited to his history of prison terms or even felonies and includes "other sanctions" for "offenses." The record reflects Appellant's criminal history dates back to the 1980s and includes not only four prior State terms for felony convictions but numerous misdemeanor convictions that resulted in jail time and probation. Accordingly, the Board did not rely on erroneous information.

Recommendation: Affirm.