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Administrative Appeal Decision - Villa, Ricardo (2019-02-27)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Villa, Ricardo

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal Control No.: 09-142-18 B

DIN: 90-A-1776

Appearances: Ricardo Villa, 90-A-1776
Woodbourne CF
99 Prison Road
P.O. Box 1000
Woodbourne, NY 12788-1000

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


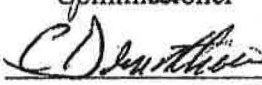
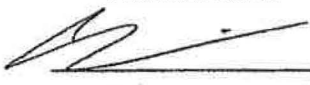
Board Member(s) who participated: Davis, Coppola

Papers considered: Appellant's Brief received December 18, 2018

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:

 Commissioner	___ Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	___ Modified to _____
 Commissioner	___ Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	___ Modified to _____
 Commissioner	___ Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	___ 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 2/27/19.
LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Villa, Ricardo

DIN: 90-A-1776

Facility: Woodbourne CF

AC No.: 09-142-18 B

Findings: (Page 1 of 1)

Appellant was sentenced to 25 years to life upon his conviction of Murder in the second degree, Conspiracy in the second degree, and Robbery in the second degree. In the instant appeal, Appellant challenges the September 2018 determination of the Board denying release and imposing a 24-month hold. Among other things, he contends the decision fails to adequately explain the reasons for the denial of parole as required by section 259-i of the Executive Law.

A review by the Appeals Unit reveals that the decision fails to adequately explain the reasons for the denial of parole release. Accordingly, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.