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December 2020

### Administrative Appeal Decision - Guinn, Robert (2019-02-06)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Guinn, Robert

Facility: Attica CF

NYSID: [REDACTED]

Appeal Control No.: 07-069-18 B

DIN: 11-A-3378

Appearances: Robert Guinn, 11-A-3378  
639 Exchange Street  
Attica, NY 14011-0149

Decision appealed: June 2018 decision denying discretionary release and imposing a 24-month hold.


Board Member(s) who participated: **Drake, Demosthenes**

Papers considered: Appellant's Letter-brief received October 30, 2018

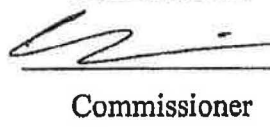
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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:

 \_\_\_\_\_  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 2/6/2019.  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Guinn, Robert

**DIN:** 11-A-3378

**Facility:** Attica CF

**AC No.:** 07-069-18 B

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

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Appellant is serving a sentence upon his conviction of multiple offenses including Rape in the first degree. Appellant waived his appearance before the Board for an initial parole release interview in June 2018. In the instant appeal, Appellant challenges the June 2018 determination of the Board denying discretionary release to parole as erroneous, arbitrary and capricious. Among other things, he points out that he completed recommended programs such as the sex offender program [REDACTED]

A review of the record confirms Appellant completed SOP [REDACTED]. However, the Board decision notice contains a recommendation that he enter and complete [REDACTED] sex offender treatment. It therefore appears the Board relied on erroneous information. Accordingly, a *de novo* interview is appropriate.

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