

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Administrative Appeal Decisions

Parole Administrative Appeal Documents

December 2020

Administrative Appeal Decision - Dolan, Rory (2019-04-15)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/aad>

Recommended Citation

"Administrative Appeal Decision - Dolan, Rory (2019-04-15)" (2020). Parole Information Project
<https://ir.lawnet.fordham.edu/aad/396>

This Parole Document is brought to you for free and open access by the Parole Administrative Appeal Documents at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Administrative Appeal Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Dolan, Rory

Facility: Released

NYSID [REDACTED]

Appeal Control No.: 08-095-18 R

DIN: 95-A-2656

Appearances: Rory Dolan
c/o Andrew Morafates
4618 State Route 97
Narrowsburg, New York 12764

Decision appealed: July 27, 2018 revocation of release and imposition of a time assessment of 12 months.

Final Revocation Hearing Date: May 23, 2018

Papers considered: Appellant's Brief received January 22, 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:

W. Washburn
Commissioner

Affirmed Reversed, remanded for de novo hearing Reversed, violation vacated
 Vacated for de novo review of time assessment only Modified to _____

M. Caputo
Commissioner

Affirmed Reversed, remanded for de novo hearing Reversed, violation vacated
 Vacated for de novo review of time assessment only Modified to _____

C. Demuth
Commissioner

Affirmed Reversed, remanded for de novo hearing Reversed, violation vacated
 Vacated for de novo review of time assessment only 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 4/15/19 GG.

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Dolan, Rory

DIN: 95-A-2656

Facility: Released

AC No.: 08-095-18 R

Findings: (Page 2 of 2)

A guilty plea standing alone is sufficient to support a finding of guilt and it is not required the inmate admit it was a violation in an important respect, in that they bespeak a serious threat to public safety. Horace v Annucci, 133 A.D.3d 1263, 20 N.Y.S.3d 492 (4th Dept. 2015). So all evidence and due process objections have been waived.

The Packingham case is totally distinguishable from this case, as that involved a discharged probationer many years after the fact.

Recommendation: Affirm.