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Administrative Appeal Decision - Forbes, Terell (2018-12-28)

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Administrative Appeal Decision Notice

Inmate Name: Forbes, Terell

Facility: Clinton Correctional Facility.

NYSID No.:



Appeal Control #: 06-127-18-R

Dept. DIN#: 16R3404

Appearances:

For the Board, the Appeals Unit

For Appellant:

Terell Forbes 16R3404
Clinton Correctional Facility
P.O. Box 2001
Dannemora, New York 12929

Board Member(s) who participated in appealed from decision: NONE

Decision appealed from: 6/2018-Revocation of release, with imposition of 21 month time assessment.

Pleadings considered: Handwritten letter on behalf of the pro se appellant received on October 26, 2018.
Statement of the Appeals Unit's Findings and Recommendation

Documents relied upon: Notice of Violation, Violation of Release Report, Final Hearing Transcript, Parole Revocation Decision Notice.

Final Determination: The undersigned have determined that the decision from which this appeal was taken be and the same is hereby

Commissioner

Affirmed Reversed for De Novo Hearing
 Vacated for De Novo Review of Time Assessment Only

Reversed - Violation Vacated
 Modified to _____

Commissioner

Affirmed Reversed for De Novo Hearing
 Vacated for De Novo Review of Time Assessment Only

Reversed - Violation Vacated
 Modified to _____

Commissioner

Affirmed Reversed for De Novo Hearing
 Vacated for De Novo Review of Time Assessment Only

Reversed - Violation Vacated
 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 12/28/18.
LB

Distribution: Appeals Unit - Inmate - Inmate's Counsel - Inst. Parole File - Central File
P-2002(R) (May 2011)

STATE OF NEW YORK - BOARD OF PAROLE

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

Inmate Name: Forbes, Terell

Facility: Clinton Correctional Facility

Dept. DIN#: 16R3404

Appeal Control #: 06-127-18-R

Findings:

The pro se appellant has submitted a handwritten letter to serve as the perfected appeal. The letter raises only one primary issue. Appellant claims when reviewing the transcript, he felt pressured into accepting the offer of the Administrative Law Judge, and that the case should have been adjourned as his lawyer was on his way. Appellant seeks a shorter time assessment.

In response, appellant does not dispute his guilt to the charge. As a part of the plea, appellant was given five months of delinquent time back-which is highly favorable to him. Appellant stated he wanted to proceed, and a valid waiver of counsel was done. So, there is no legal reason to vacate the proceedings.

Recommendation:

Accordingly, it is recommended the decision of the Administrative Law Judge be affirmed.