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Administrative Appeal Decision - Allah, Wamel (2019-02-27)

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Administrative Appeal Decision Notice(Amended)

Inmate Name: ALLAH, WAMEL

Facility: Gouverneur Correctional Facility

NYSID No. [REDACTED]

Appeal Control #: 07-059-18 B

Dept. DIN#: 77B0684

Appearances:

For the Board, the Appeals Unit

For Appellant:

Wamel Allah (77B0684)
Gouverneur Correctional Facility
112 Scotch Settlement Rd., Box 370
Gouverneur, New York 13642

Board Member(s) who participated in appealed from decision: Coppola, Davis.

Decision appealed from: 6/2018 Denial of Discretionary Release; 18-month hold.

Pleadings considered:

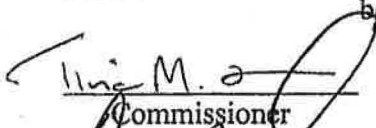


Brief on behalf of the Appellant submitted on: August 16, 2018.

Statement of the Appeals Unit's Findings and Recommendation.

Documents 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 have determined that the decision from which this appeal was taken be and the same is hereby

 Commissioner	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> Modified to _____
 Commissioner	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> Modified to _____
 Commissioner	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Reversed for De Novo Interview	<input type="checkbox"/> 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

Distribution: Appeals Unit - Inmate - Inmate's Counsel - Inst. Parole File - Central File
P-2002(B) (5/2011)

STATE OF NEW YORK - BOARD OF PAROLE

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION (AMENDED)

Inmate Name: ALLAH, WAMEL
Dept. DIN#: 77B0684

Facility: Gouverneur Correctional Facility
Appeal Control #: 07-059-18 B

Appellant challenges the determination of the Board, denying his release and imposing a 18-month hold.

Appellant raises a number of issues in his brief, among which is the argument that the Board mistakenly stated during the interview and in its decision that Appellant shot his half-brother four times, believing that his half-brother was the deceased victim. While the deceased victim was shot four times, the identity of the victim was another man, and not Appellant's half-brother.

It is, therefore, recommended that a *de novo* interview be scheduled before different Board members.

Recommendation:

It is the recommendation of the Appeals Unit that the Board's decision be reversed and that a *de novo* interview be conducted before a panel of new Board members.