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Administrative Appeal Decision - Applegate, Bradford (2020-08-27)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Applegate, Bradford

Facility: Adirondack CF

NYSID: [REDACTED]

Appeal Control No.: 01-088-20 B

DIN: 89-T-2501

Appearances: Andre Sedlak, Esq.
11 Market Street, Suite 205
Poughkeepsie, NY 12601

Decision appealed: December 2019 decision, denying discretionary release and imposing a hold of 15 months.

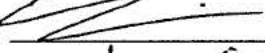
Board Member(s) who participated: **Cruse, Samuels, Lee**

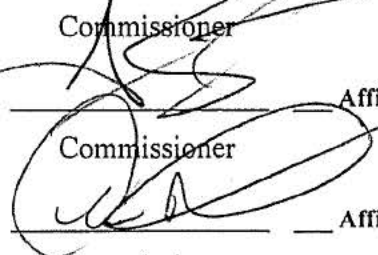
Papers considered: Appellant's Brief received May 15, 2020
Appellant's Supplemental Brief received July 23, 2020


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 8/27/2020.

LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Applegate, Bradford

DIN: 89-T-2501

Facility: Adirondack CF

AC No.: 01-088-20 B

Findings: (Page 1 of 1)

Appellant challenges the December 2019 determination of the Board, denying release and imposing a 15-month hold. The instant offense involved Appellant causing the death of the female victim by repeatedly striking her about the face and head with a novelty baseball bat. After dumping the body into the Hudson River, Appellant caused more than \$250 damage to a motel room. Among other things, Appellant argues that the Board erroneously stated that the sentencing transcript was considered when no transcript existed.

A review by the Appeals Unit reveals that Appellant's contention is correct. The Board stated in its decision that it considered the sentencing transcript when in fact the sentencing minutes were not available. Accordingly, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.