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Administrative Appeal Decision - Baez, Edward (2020-11-24)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Baez, Edward

Facility: Ulster CF

NYSID: [REDACTED]

Appeal Control No.: 03-085-20 B

DIN: 03-A-5022

Appearances: Glenn Bruno Esq.
11 Market Street
Suite 221
Poughkeepsie, New York 12601

Decision appealed: March 2020 decision, denying discretionary release and imposing a hold of 18 months.

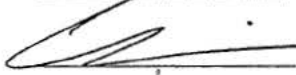
Board Member(s) who participated: Davis, Corley, Segarra

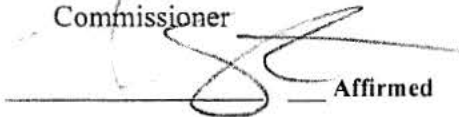
Papers considered: Appellant's Brief received August 27, 2020

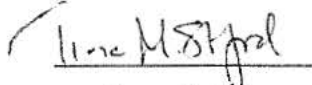
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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 11/24/2020.

LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Baez, Edward

DIN: 03-A-5022

Facility: Ulster CF

AC No.: 03-085-20 B

Findings: (Page 1 of 1)

Appellant challenges the March 2020 determination of the Board, denying release and imposing a 18-month hold. Appellant's instant offense involved him and co-defendants kidnapping the victim at gunpoint, repeatedly beating the victim, demanding ransom money from the victim's family, and leaving the victim for dead in a deserted area. Appellant raises the following issues: 1) the decision is arbitrary and capricious in that the Board failed to consider and/or properly weigh the required statutory factors. 2) the decision violated the due process clause of the constitution. 3) the interpreter's qualifications were never placed on the record, nor did they take an oath. 4) the Board failed to list any facts in support of the statutory standard cited. 5) the decision illegally resentenced him. 6) no aggravating factors exist. 7) the decision lacks future guidance. 8) the decision lacks details. 9) the decision is based upon erroneous information which claims appellant has prior felony convictions, as he has none. 10) insight and remorse are not statutory factors. 11) the interview process is defective, per comments by former Board Commissioner [REDACTED] 12) the Board didn't have his sentencing minutes. 13) the Parole Board Report is defective when compared to the former Inmate Status Report. 14) the decision was due to a policy of the Governor to deny parole release to all violent felons. 15) the Board failed to comply with the 2011 amendments to the Executive Law, and the 2014 regulations, in that no TAP was done, no written procedures exist, the COMPAS was ignored, the departure was illegally done, and the laws are now present/future based. 16) the 18 month hold is excessive.

A review by the Appeals Unit of appellant's rap sheet shows he has no prior criminal arrests. As such, that part of the Board decision which states his criminal record has a number of felony convictions is erroneous. As such, a de novo Board interview is warranted.

Recommendation: Vacate and remand for de novo interview.