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Administrative Appeal Decision - Garcia, Jose T (2020-09-15)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Garcia, Jose

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal Control No.: 01-136-20 B

DIN: 02-A-6260

Appearances: Lawrence D. Gold, Esq.
P.O. Box 269
Monticello, NY 12701

Decision appealed: January 2020 decision, denying discretionary release and imposing a hold of 24 months.

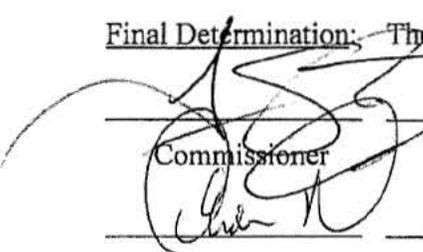
Board Member(s) who participated: Mitchell, Segarra, Lee

Papers considered: Appellant's Brief received May 13, 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 9/15/2020.
LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Garcia, Jose

DIN: 02-A-6260

Facility: Woodbourne CF

AC No.: 01-136-20 B

Findings: (Page 1 of 1)

Appellant challenges the January 2020 determination of the Board, denying release and imposing a 24-month hold. The instant offense involved Appellant stabbing his estranged wife three times in the chest and causing her death. Appellant argues that the decision was arbitrary, capricious, and excessive.

A review by the Appeals Unit reveals that the decision lacked detail in denying parole. As such, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.