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May 2021

### Administrative Appeal Decision - Hoyer, Thomas G (2020-07-01)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Hoyer, Thomas Facility: Shawangunk CF  
NYSID: [REDACTED] Appeal Control No.: 01-100-20 B  
DIN: 85-B-1909

Appearances: Thomas Hoyer 85B1909  
Shawangunk Correctional Facility  
P.O. Box 700  
Walkkill, New York 12589

Decision appealed: January 2020 decision, denying discretionary release and imposing a hold of 12 months.

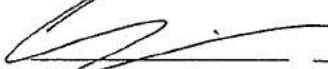
Board Member(s) who participated: Cruse, Drake, Davis

Papers considered: Appellant’s Letter-brief received March 5, 2020  
Appellant’s Supplemental Letter-brief received April 27, 2020

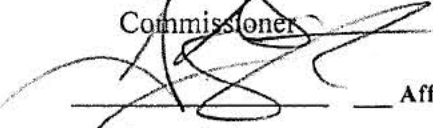
Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

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 7/1/2020  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Hoyer, Thomas

**DIN:** 85-B-1909

**Facility:** Shawangunk CF

**AC No.:** 01-100-20 B

**Findings:** (Page 1 of 1)

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Appellant challenges the January 2020 determination of the Board, denying release and imposing a 12-month hold. Appellant is incarcerated for several different crimes. In one, he entered into a house and stole personal property. In a second, during an armed robbery of a store, he shot the store employee to death. And in the third, while incarcerated in a County jail awaiting trial, he tried to escape by hitting a deputy in the head with a piece of a radiator, tied him up and took his keys and his money. Appellant raises the following issues: 1) the decision is arbitrary and capricious, and irrational bordering on impropriety, in that the Board failed to consider and/or properly weigh the required statutory factors. 2) the decision is the same as prior Board decisions. 3) the decision lacks detail. 4) the decision fails to list any facts in support of the statutory standard cited. 5) the decision was the result of bias. 6) the decision illegally resentenced him. 7) the decision was predetermined. 8) the Board failed to comply with the 2011 amendments to the Executive Law, and the 2017 regulations, in that the mostly positive COMPAS was ignored, and the departure was not done in compliance with the laws.

The written Board decision lacks key details. As such, due to legally sufficient detail being lacking in the decision, a de novo interview is warranted.

**Recommendation:** Vacate and remand for de novo interview.