

Fordham Law School

## FLASH: The Fordham Law Archive of Scholarship and History

---

Parole Administrative Appeal Decisions

Parole Administrative Appeal Documents

---

May 2021

### Administrative Appeal Decision - Kyreakedes, Harry (2020-10-03)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/aad>

---

#### Recommended Citation

"Administrative Appeal Decision - Kyreakedes, Harry (2020-10-03)" (2021). Parole Information Project  
<https://ir.lawnet.fordham.edu/aad/584>

This Parole Document is brought to you for free and open access by the Parole Administrative Appeal Documents at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Administrative Appeal Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact [tmelnick@law.fordham.edu](mailto:tmelnick@law.fordham.edu).

STATE OF NEW YORK – BOARD OF PAROLE

**ADMINISTRATIVE APPEAL DECISION NOTICE**

Name: Kyreakedes, Harry

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal Control No.: 04-024-20 B

DIN: 18-A-0192

Appearances: Harry Kyreakedes 18A0192  
Woodbourne Correctional Facility  
99 Prison Road  
P.O. Box 1000  
Woodbourne, New York 12788

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

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

Papers considered: Appellant’s Brief received July 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 10/30/2020.

LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Kyreakedes, Harry

**DIN:** 18-A-0192

**Facility:** Woodbourne CF

**AC No.:** 04-024-20 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 is for driving a car while intoxicated, and crashing the car which caused the death of a passenger. Appellant blew a .18%. 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 reflected bias against a police officer. 3) the decision lacks detail. 4) the decision illegally resentenced him. 5) the Board distorted his sentencing minutes. 6) the Board failed to comply with the 2011 amendments to the Executive Law and the 2017 regulation in that the COMPAS was ignored, and the departure was illegally done. 7) the 18 month hold is excessive.

The appellant has an EEC. However, the Board decision not only failed to use the standard required for an EEC, but used the standard that is applied to non-EEC cases. As such, a de novo interview is warranted.

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