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Administrative Appeal Decision - Lewis, James (2020-10-30)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Lewis, James

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal Control No.: 03-120-20 B

DIN: 96-A-4959

Appearances: James Lewis 96A4959
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 24 months.

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

Papers considered: Appellant's Brief received July 13, 2020

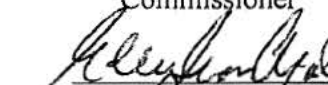
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

Records relied upon: Pre-Sentence Investigation Report, Parole Board Report, Interview Transcript, Parole Board Release Decision Notice (Form 9026), COMPAS instrument, Offender Case Plan.

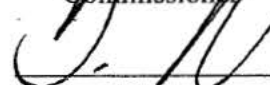
Final Determination: The undersigned determine that the decision appealed is hereby:

 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: Lewis, James

DIN: 96-A-4959

Facility: Woodbourne CF

AC No.: 03-120-20 B

Findings: (Page 1 of 1)

Appellant challenges the March 2020 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense involved him shooting the victim to death. Appellant raises the following issues: 1) the decision contains poor grammar. 2) the decision is arbitrary and capricious, and irrational bordering on impropriety, in that it lacks detail. 3) the Board failed to list any facts in support of the statutory standard cited. 4) the decision illegally resentenced him. 5) the decision contains errors in that he never submitted a parole packet, and contrary to the decision, he has never been on parole before.

This is appellant's first arrest and appellant is correct to assert he has never been on parole before. The Board decision does state he has been on parole before-which also implies a prior criminal arrest. As such, the Board decision is based upon erroneous information. A de novo interview is warranted.

Recommendation: Vacate and remand for de novo interview.