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Administrative Appeal Decision - Russell, Ayele (2020-07-01)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Russell, Ayele

Facility: Elmira CF

NYSID



Appeal Control No.: 11-079-19 B

DIN: 19-R-0335

Appearances: Mackenzie M. Stutzman, Esq.
163 Lake Street
Elmira, NY 14901

Decision appealed: October 2019 decision, denying discretionary release and imposing a hold of 24 months.

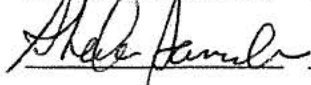
Board Member(s) who participated: **Berliner, Demosthenes**

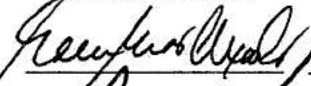
Papers considered: Appellant's Brief received March 18, 2020


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: Russell, Ayele

DIN: 19-R-0335

Facility: Elmira CF

AC No.: 11-079-19 B

Findings: (Page 1 of 1)

Appellant challenges the October 2019 determination of the Board, denying release and imposing a 24-month hold. The instant offense involved Appellant getting into physical altercations with his girlfriend and injuring her on several occasions over a span of about three months, including one incident that resulted in a car accident. Among other things, Appellant argues that the Board erroneously referred to official opposition to his release in the decision.

A review by the Appeals Unit reveals that Appellant's contention is correct. While the Board referred to official opposition to Appellant's release in the decision, there is in fact no such opposition in the record. As such, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.