

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 - Santiago, Vanessa (2020-01-16)

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

Recommended Citation

"Administrative Appeal Decision - Santiago, Vanessa (2020-01-16)" (2021). Parole Information Project <https://ir.lawnet.fordham.edu/aad/640>

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.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Santiago, Vanessa

Facility: Bedford Hills CF

NYSID: [REDACTED]

Appeal Control No.: 04-187-19 B

DIN: 03-G-1239

Appearances: George Groglio, Esq.
219 Westchester Ave. – Suite 300
Port Chester, New York 10573

Decision appealed: April 2019 decision, denying discretionary release and imposing a hold of 18 months.

Board Member(s) who participated: **Smith, Alexander, Agostini**

Papers considered: Appellant’s Brief received August 9, 2019

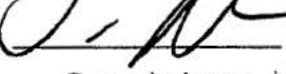
Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

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

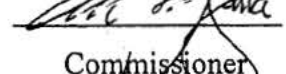
Final Determination: The undersigned determine that the decision appealed is hereby:

 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 1/16/2020.
LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Santiago, Vanessa

DIN: 03-G-1239

Facility: Bedford Hills CF

AC No.: 04-187-19 B

Findings: (Page 1 of 1)

Appellant challenges the April 2019 determination of the Board denying release and imposing a 18-month hold. Among other things, Appellant argues a *de novo* interview is required because the Board failed to solicit a letter from defense counsel.

A review by the Appeals Unit reveals that a request for a recommendation was sent to Appellant's defense counsel at the address listed in the pre-sentence investigation report and no response was received before the Board's decision. However, it appears the address was incorrect. In support of her appeal, Appellant has submitted a letter from counsel indicating he never received the letter and he would have advocated in Appellant's favor. Under the circumstances presented here, a *de novo* interview is appropriate.

Recommendation:

It is the recommendation of the Appeals Unit that the Board's decision be vacated, and that a *de novo* Parole Board Release Interview be held in front of a different panel of Commissioners.