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May 2021

### Administrative Appeal Decision - Segura, Jonatan (2020-07-01)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Segura, Jonatan Facility: Gowanda CF  
NYSID: [REDACTED] Appeal Control No.: 09-134-19 B  
DIN: 17-R-1465

Appearances: Stephen K. Underwood, Esq.  
1395 Union Road  
West Seneca, NY 14224

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

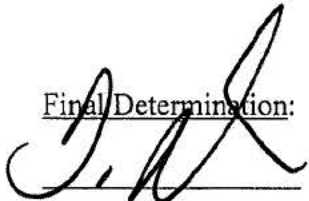
Board Member(s) who participated: Cruse, Corley

Papers considered: Appellant’s Brief received March 10, 2020

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

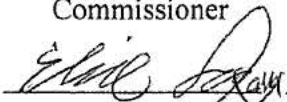
Records relied upon: Pre-Sentence Investigation Report, Parole Board Report, Interview Transcript, Parole Board Release Decision Notice (Form 9026), COMPAS instrument, Offender Case Plan.

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



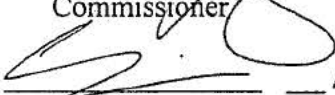
\_\_\_ Affirmed  Vacated, remanded for de novo interview \_\_\_ Modified to \_\_\_

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:** Segura, Jonatan

**DIN:** 17-R-1465

**Facility:** Gowanda CF

**AC No.:** 09-134-19 B

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

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Appellant challenges the September 2019 determination of the Board, denying release and imposing a 24-month hold. The instant offense involved Appellant, while intoxicated, driving a vehicle at a high rate of speed and striking one male victim and one female victim from behind as they were walking across the George Washington Bridge. Appellant got out of his car, walked past the injured victims, got into another vehicle, and left the scene. Appellant later returned to the scene and admitted his guilt and alcohol use. The male victim died from his injuries and the female victim was seriously injured. Among other things, Appellant argues that the decision was conclusory and lacked detail.

In its decision, the Board addressed many of the factors considered in individualized terms. However, the Board employed the incorrect standard for an incarcerated individual that has an Earned Eligibility Certificate (“EEC”). The record reflects the Board considered Appellant’s receipt of an EEC but improperly determined that his release would so deprecate the serious nature of his crime as to undermine respect for the law. Correction Law § 805. Accordingly, a *de novo* interview is appropriate.

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