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May 2021

### Administrative Appeal Decision - Watson, Kyle (2020-04-14)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Watson, Kyle

Facility: Gouverneur CF

NYSID: [REDACTED]

Appeal Control No.: 07-048-19 B

DIN: 00-A-4282

Appearances: Cheryl Kates Esq.  
P.O. Box 734  
Fairport, New York 14450

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

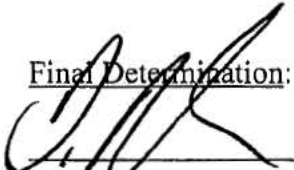
Board Member(s) who participated: Crangle, Cruse

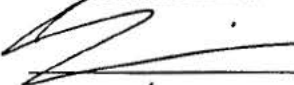
Papers considered: Appellant's Letter-brief received December 10, 2019  
Appellant's Supplemental Letter-brief received December 26, 2019


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), 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 4/14/2020.

LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Watson, Kyle

**DIN:** 00-A-4282

**Facility:** Gouverneur CF

**AC No.:** 07-048-19 B

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

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Appellant challenges the June 2019 determination of the Board, denying release and imposing a 24-month hold. Appellant is incarcerated for two separate crimes. In one he shot the victim to death. In the second, he displayed a gun and robbed a person of his money. Appellant raises the following issues: 1) the decision is arbitrary and capricious in that the Board failed to consider and/or properly weigh the required statutory factors. 2) the decision lacks detail. 3) the decision violated the due process clause of the constitution. 4) the decision erroneously says he was convicted of intentional murder, but in fact it was felony murder. 5) the COMPAS has errors in it. 6) the PSI has errors in it. 7) the decision illegally resentenced him. 8) the Board never contacted the former criminal defense lawyer. 9) the Board never reviewed his sentencing minutes. 10) the decision was predetermined. 11) the Board ignored his youth at the time of the crime. 12) the Board failed to comply with the 2011 amendments to the Executive Law in that they are evidence and rehabilitation based, and the COMPAS departure was done in an illegal manner. 13) the 24 month hold is excessive.

The letter to the criminal defense lawyer in the year 2000 does not mention any name or address. And the letter from 2018 to him was sent to the office address from 18 years ago, which was no longer correct. And former criminal defense counsel has now submitted a new letter with relevant information, and states he was never contacted. Since a required statutory factor was not complied with, a de novo is warranted.

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