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May 2021

### Administrative Appeal Decision - Jones, Randy (2020-02-10)

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ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Jones, Randy

Facility: Orleans CF

NYSID [REDACTED]

Appeal Control No.: 09-014-19 R

DIN: 10-A-2741

Appearances: Randy Jones, 10-A-2741  
Orleans C.F.  
3595 Gaines Basin Road  
Albion, NY 14411-9199

Decision appealed: August 14, 2019 revocation of release and imposition of a time assessment of 18 months.

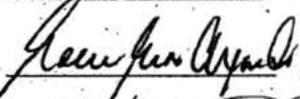
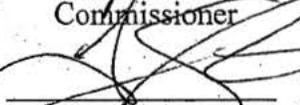
Final Revocation Hearing Date: June 26, 2019

Papers considered: Appellant's Letter-brief received September 26, 2019

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

Records relied upon: Notice of Violation, Violation of Release Report, Final Hearing Transcript, Parole Revocation Decision Notice

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

	<input checked="" type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	
	<input type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	
	<input checked="" type="checkbox"/> Affirmed	<input type="checkbox"/> Reversed, remanded for de novo hearing	<input type="checkbox"/> Reversed, violation vacated
Commissioner	<input type="checkbox"/> Vacated for de novo review of time assessment only	<input type="checkbox"/> Modified to _____	

**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 2/10/2020.

LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Jones, Randy

**DIN:** 10-A-2741

**Facility:** Orleans CF

**AC No.:** 09-014-19 R

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

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Appellant was sentenced to six years incarceration followed by ten years post-release supervision upon his conviction of Course of Sexual Conduct with a Child in the second degree. He most recently resumed community supervision in March 2018. In April 2019, he was charged with violating conditions of his release including in relevant part a Rule 13 violation for failing to comply with his parole officer's written instructions directing him not to have contact with the victim from a prior offense without permission. Following a final revocation hearing, the administrative law judge ("ALJ") issued an August 14, 2019 determination sustaining the single charge, revoking release and imposing an 18-month time assessment. This appeal ensued.

Appellant submits a one-page letter to serve as his perfected appeal in which he argues the condition prohibiting contact with his prior victim was no longer in effect. Specifically, he contends it was "only a parole officers stipulation," every parole officer gives new ones when parole officers are changed, and his current parole officer did not include the victim of the prior offense in "the current stipulation." In other words, the condition ceased to apply when he changed parole officers.

Appellant's claim is inconsistent with policy and practice and he identifies no supporting evidence. Moreover, the condition explicitly provides that it will remain in effect "until the termination of my legal period of supervision 5/5/25."

**Recommendation:** Affirm.