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May 2021

### Administrative Appeal Decision - Anderson, William D (2020-02-28)

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STATE OF NEW YORK – BOARD OF PAROLE

**ADMINISTRATIVE APPEAL DECISION NOTICE**

Name: Anderson, William

Facility: Hudson CF

NYSID: [REDACTED]

Appeal Control No.: 02-156-19 B

DIN: 18-B-0867

Appearances: Charles Greenberg, Esq.  
3840 East Robinson Road - #318  
Amherst, New York 14228-2001

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


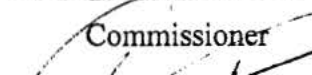
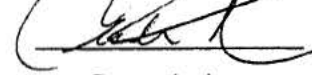
Board Member(s) who participated: **Coppola, Smith**

Papers considered: Appellant's Brief received September 30, 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:

	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	<input type="checkbox"/> Modified to _____
Commissioner			
	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	<input type="checkbox"/> Modified to _____
Commissioner			
	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	<input type="checkbox"/> 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 2/28/2020.  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Anderson, William

**DIN:** 18-B-0867

**Facility:** Hudson CF

**AC No.:** 02-156-19 B

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

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Appellant was sentenced to one year, four months to four years upon his conviction of DWI – previous conviction of designated offense within ten years. In the instant appeal, Appellant challenges the February 2019 determination of the Board denying release and imposing a 24-month hold. Among other things, he argues the Board failed to adequately explain why he is a threat to the community and points to low risk scores in his COMPAS instrument.

In its written decision, the Board explained its conclusion that if released at this time, there is a reasonable probability Appellant would not live and remain at liberty without violating the law and that release would be incompatible with the welfare and safety of society. While an inmate's COMPAS instrument cannot mandate a particular result, Matter of King v. Stanford, 137 A.D.3d 1396, 26 N.Y.S.3d 815 (3d Dept. 2016), the Board's decision does not address Appellant's COMPAS instrument in factually individualized terms. Under the circumstances presented here, a *de novo* interview is appropriate.

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