

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Administrative Appeal Decisions

Parole Administrative Appeal Documents

February 2022

Administrative Appeal Decision - Rodriguez, Adolfo (2021-09-17)

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

Recommended Citation

"Administrative Appeal Decision - Rodriguez, Adolfo (2021-09-17)" (2022). Parole Information Project
<https://ir.lawnet.fordham.edu/aad/716>

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: Rodriguez, Rodolfo

Facility: Shawangunk CF

NYSID: [REDACTED]

Appeal
Control No.: 12-021-20 B

DIN: 95-A-3656

Appearances: Eve Rosahn, Esq.
125 Frenchtown Road
Shohola, PA 18458

Decision appealed: November 2020 decision, denying discretionary release and imposing a hold of 18 months.


Board Member(s)
who participated: Corley, Berliner

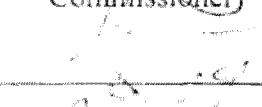
Papers considered: Appellant's Letter-brief received June 21, 2021


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:

 Commissioner ☐ 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 _____

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 Appellant and the Appellant's Counsel, if any, on

9/17/2021
LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Rodriguez, Rodolfo

DIN: 95-A-3656

Facility: Shawangunk CF

AC No.: 12-021-20 B

Findings: (Page 1 of 1)

Appellant challenges the November 2020 determination of the Board, denying release and imposing a 18-month hold. Appellant is incarcerated for multiple offenses. In one, Appellant was committing an armed robbery when he shot and killed a police officer who attempted to arrest him. In the second, Appellant robbed three victims at gunpoint in two separate incidents. In the third, Appellant sold a controlled substance. Among other things, Appellant argues that the Board failed to specify the COMPAS scales from which it departed.

A review by the Appeals Unit reveals the decision fails to specify the particular COMPAS scales from which the Board departed. 9 NYCRR § 8002.2(a). As such, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.