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May 2022

### Administrative Appeal Decision - McCoy, Chekyriel (2019-05-10)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: McCoy, Chekyriel Facility: Greene CF  
NYSID: [REDACTED] Appeal Control No.: 02-056-19 PIE  
DIN: 18-R-2360

Appearances: Chekyriel McCoy, 18-R-2360  
Greene C.F.  
165 Plan Road  
P.O. Box 8  
Coxsackie, New York 12051-0008

Decision appealed: January 2019 decision denying discretionary release and imposing a hold of 12 months.

Board Member(s) who participated: Agostini, Demosthenes

Papers considered: Appellant's Brief received March 4, 2019

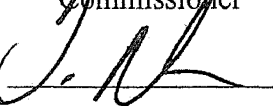
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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

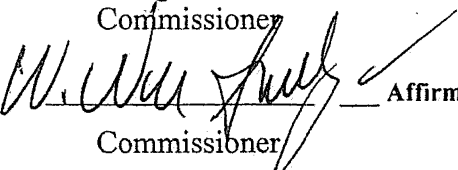
Final Determination: The undersigned determine that the decision appealed is hereby:

  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 5/10/19.

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** McCoy, Chekyriel

**DIN:** 18-R-2360

**Facility:** Greene CF

**AC No.:** 02-056-19 PIE

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

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Appellant was sentenced to two to four years upon his conviction of Criminal Possession of a Forged Instrument in the second degree to run concurrent to a sentence being served in Connecticut. He was received into DOCCS' custody in October 2018. In the instant appeal, Appellant challenges the January 2019 determination of the Board denying release and imposing a 12-month hold on the grounds that the Board relied on erroneous information concerning his program needs and the COMPAS instrument. This argument is without merit.

In denying release, the Board cited Appellant's criminal behavior, that his recent arrival into New York State custody rendered him unable to complete required programs that the panel believed would be beneficial to him, and the COMPAS instrument's elevated risk for recidivist behavior indicating the importance of his need to improve decision-making skills.

First, Appellant argues that, contrary to the Board's decision, he has no required programs due to his time and program participation in Connecticut. He submits two vocational and reentry certificates from Connecticut, which the record reflects the Board had and considered. However, his program/EEP plan assessment – which contains his signature – confirms several program needs. Moreover, the Board concluded, based on its review of the record and the interview, that DOCCS programs would be beneficial to him.

Second, Appellant contends the Board erroneously stated his COMPAS instrument reflects an elevated risk for recidivist behavior and he highlights several low scores. But, as the Board noted during the interview, his COMPAS also includes an elevated score (medium) for risk of felony violence. Thus, the Board did not rely on erroneous information.

**Recommendation:** Affirm.