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May 2022

### Administrative Appeal Decision - Reichenbach, Carrie (2019-05-10)

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STATE OF NEW YORK – BOARD OF PAROLE

**ADMINISTRATIVE APPEAL DECISION NOTICE**

Name: Reichenbach, Carrie

Facility: Albion CF

NYSID: [REDACTED]

Appeal  
Control No.: 01-146-19 B

DIN: 18-G-0739

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

Decision appealed: January 2019 decision, denying discretionary release and imposing a hold of 18 months.

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

Papers considered: Appellant's Letter-brief received March 13, 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 5/10/19 bb.

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Reichenbach, Carrie

**DIN:** 18-G-0739

**Facility:** Albion CF

**AC No.:** 01-146-19 B

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

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Appellant challenges the January 2019 determination of the Board, denying release and imposing a 18-month hold. Appellant's instant offense consisted of her driving a car in an intoxicated condition (.31%) with her minor children seated in the car. Appellant raises the following issues: 1) the decision is arbitrary and capricious, and irrational bordering on impropriety, in that the Board failed to consider and/or properly weigh the required statutory factors. 2) the Board ignored her receipt of an EEC and its presumption of release. 3) the decision lacks detail. 4) not all factors were discussed, per the 2017 regulations. 5) community opposition statements were not released under the FOIL statutes and guidelines. 6) the Board members inserted their personal opinions. 7) the decision illegally resented her. 8) the decision was predetermined.

None of the issues raised will be discussed. At the time of this initial Parole Board Release Interview in January 2019, appellant had only one felony conviction, and her parole eligibility date was May 4, 2019. However, in April 2019 appellant received a new second felony conviction, and her May 2019 parole eligibility date has now been voided and cancelled due to the new conviction and new sentence computations. As such, this appeal is dismissed as being totally moot. A case is moot when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome. City of Erie v Pap's A.M., 529 U.S. 277, 287 (2000). Cases that were once live can become moot by a passage of time or change in circumstances and particular subsequent events. Hearst Corp. v Clyne, 50 N.Y.2d 707 (1980); Johnson v Pataki, 91 N.Y.2d 214 (1997).

**Recommendation:** Affirm.