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Administrative Appeal Decision - Cray, Leslie (2022-01-07)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Cray, Leslie

DIN: 91-B-1622

Facility: Franklin CF

AC No.: 03-132-21 B

Findings: (Page 1 of 1)

Appellant is serving 26 years and 6 months to 53 years in prison as a result of a conviction after trial on the following counts: Sodomy in the 1st Degree (5 cts); Rape in the 1st Degree (4 cts); Criminal Possession of a Weapon in the 2nd Degree; Criminal Use of Firearms in the 1st Degree; Sodomy in the 1st Degree (2 cts); Rape in the 1st Degree (2 cts); Rape in the 1st Degree (2 cts) and Assault in the 2nd Degree.

Appellant challenges, through counsel, the March 2021 determination of the Board, denying release and imposing a 18-month hold. Among other things, the Appellant argues that the Board failed to adequately refer to the individualized COMPAS scales that they departed from.

A review by the Appeals unit reveals the Board's decision- which concluded there is a reasonable probability Appellant would not live and remain at liberty without violating the law- was impacted by a departure from low risk scores in the COMPAS and the Board did not provide an adequate explanation. As such, a *de novo* interview is appropriate.

The Appellant's remaining arguments are without merit.

Recommendation: Vacate and remand for de novo interview.

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Cray, Leslie

Facility: Franklin CF

NYSID: [REDACTED]

Appeal Control No.: 03-132-21 B

DIN: 91-B-1622

Appearances: Ms. Cheryl L. Kates, Esq.
PO Box 734
Fairport, NY 14450

Decision appealed: March 2021 decision, denying discretionary release and imposing a hold of 18 months.

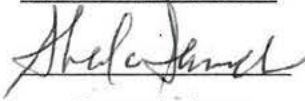
Board Member(s) who participated: Corley, Cruse


Papers considered: Appellant’s Brief received September 15, 2021

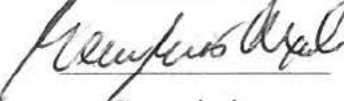
Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

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:

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

1/7/2022
LB