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Administrative Appeal Decision - White, Mark (2021-11-19)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: White, Mark

DIN: 20-A-1519

Facility: Hale Creek ASACTC

AC No.: 03-148- 21 B

Findings: (Page 1 of 1)

Appellant challenges the March 2021 Board of Parole decision to deny release to parole. Among other things, Appellant argues a *de novo* interview is required because a case plan was not made available to the Board for their review.

A review by the Appeals Unit reveals that the Appellant's contention was correct. Although there was a Case Plan completed in February of 2020, this plan was not placed into the Parole file. Accordingly, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: White, Mark

Facility: Hale Creek ASACTC

NYSID: [REDACTED]

Appeal Control No.: 03-148- 21 B

DIN: 20-A-1519

Appearances: Thomas G. Soucia, Esq.
Franklin County Public Defender's Office
355 West Main Street
Malone, NY 12953

Decision appealed: March 2021 decision, denying discretionary release and imposing a hold of 12 months.


Board Member(s) who participated: Cruse, Corley

Papers considered: Appellant's Brief received August 23, 2021

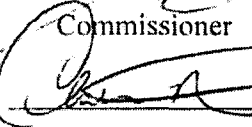
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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

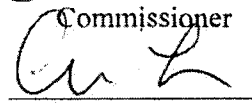
Final Determination: The undersigned determine that the decision appealed is hereby:

 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

11/19/2021
LB