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Administrative Appeal Decision - Abreu, Manolo (2021-10-21)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Abreu, Manolo

DIN: 96-A-5763

Facility: Fishkill CF

AC No.: 03-150-21 B

Findings: (Page 1 of 1)

Appellant challenges the March 2021 determination of the Board, denying release and imposing a 24-month hold. Appellant is incarcerated for two separate crimes. In the first, he stabbed and strangled his girlfriend to death. In the second, while incarcerated, he slashed a woman with a razor, severely disfiguring her. Appellant raises many issues. One of the issues raised is the Board improperly departed and deviated from the COMPAS.

The Board decision states the appellant is not likely to remain at liberty without violating the law, but then doesn't cite any individualized scale. So the Board decision is a departure, but the departure doesn't comply with the regulation. As such, a de novo interview is warranted.

Recommendation: Vacate and remand for de novo interview.

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Abreu, Manolo

Facility: Fishkill CF

NYSID: [REDACTED]

Appeal Control No.: 03-150-21 B

DIN: 96-A-5763

Appearances: Jennifer Burton Esq.
Dutchess County Public Defender
45 Market Street
Poughkeepsie, New York 12601

Decision appealed: March 2021 decision, denying discretionary release and imposing a hold of 24 months.


Board Member(s) who participated: Alexander, Agostini

Papers considered: Appellant’s Letter-brief received July 29, 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

10/21/2021
LB