

Fordham Law School

## FLASH: The Fordham Law Archive of Scholarship and History

---

Parole Administrative Appeal Decisions

Parole Information Project – CURRENT

---

May 2022

### Administrative Appeal Decision - Royster, John (2022-02-02)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/aad>

---

#### Recommended Citation

"Administrative Appeal Decision - Royster, John (2022-02-02)" (2022). Parole Information Project  
<https://ir.lawnet.fordham.edu/aad/831>

This Parole Document is brought to you for free and open access by the Parole Information Project – CURRENT at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Administrative Appeal Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact [tmelnick@law.fordham.edu](mailto:tmelnick@law.fordham.edu).

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Royster, John

**DIN:** 89-T-0542

**Facility:** Otisville CF

**AC No.:** 04-030-21 B

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

---

Appellant challenges the March 2021 determination of the Board, denying release and imposing a 12-month hold. The instant offense involved Appellant causing the death of his estranged common law wife by shooting her in the back with a shotgun on a subway train platform. Appellant also shot the victim's sister in the arm. Among other things, Appellant argues that the Board's decision misrepresented his COMPAS score for reentry substance abuse as "probable."

A review by the Appeals Unit reveals that Appellant's contention is correct. Appellant's score for reentry substance abuse is listed as 2 – "unlikely" – on the COMPAS instrument. As such, 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:** Royster, John

**Facility:** Otisville CF

**NYSID:** [REDACTED]

**Appeal Control No.:** 04-030-21 B

**DIN:** 89-T-0542

Appearances: Eileen McNerney, Esq  
6569 162 St. No. 3B  
Fresh Meadows, NY 11365

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


Board Member(s) who participated: **Lee, Segarra**


Papers considered: Appellant's Brief received November 5, 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

2/2/2022  
LB