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May 2022

### Administrative Appeal Decision - Lipscomb, Clifford (2021-11-19)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Lipscomb, Clifford

**DIN:** 87-A-7174

**Facility:** Woodbourne CF

**AC No.:** 04-076-21 B

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

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Appellant challenges the March 2021 determination of the Board, denying release and imposing a 24-month hold. The instant offenses involved Appellant raping, sodomizing, and stealing personal property from five different female victims after threatening them with a knife or a gun. Appellant broke into the homes of some victims and, in two of the incidents, kidnapped the victims in their cars. Among other things, Appellant argues that there was no justification for departing from the low COMPAS scores.

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.

**Recommendation:** Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

**ADMINISTRATIVE APPEAL DECISION NOTICE**

**Name:** Lipscomb, Clifford

**Facility:** Woodbourne CF

**NYSID:** [REDACTED]

**Appeal Control No.:** 04-076-21 B

**DIN:** 87-A-7174

Appearances: Kathy Manley, Esq.  
26 Dinmore Road  
Selkirk, NY 12158

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


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


Papers considered: Appellant’s Brief received August 16, 2021

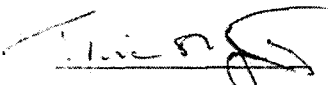
Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

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

11/19/2021  
LB