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May 2022

Administrative Appeal Decision - Curet, Jose R (2021-11-19)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Curet, Jose

DIN: 83-B-0774

Facility: Fishkill CF

AC No.: 05-098-21 B

Findings: (Page 1 of 1)

Appellant challenges the May 2021 determination of the Board, denying release and imposing a 12-month hold. Appellant is incarcerated for two separate crimes. In one, he sold cocaine to an undercover police officer. In the second, he committed an armed robbery of a bodega, and when being chased by an off-duty police officer, shot the officer dead. Appellant raises many issues. One of the issues raised is a claim that the decision lacks details.

The Board decision gives few if any reasons as to why parole is being denied. Certainly there is no adequate articulation given as to the reasons parole was denied. As such, since the Board decision lacked adequate details, a de novo is warranted.

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Curet, Jose Facility: Fishkill CF
NYSID: [REDACTED] Appeal Control No.: 05-098-21 B
DIN: 83-B-0774

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

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


Board Member(s) who participated: Davis, Samuels


Papers considered: Appellant's Letter-brief received September 15, 2021
Appellant's Supplemental Letter-brief received September 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, 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