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Administrative Appeal Decision - Chen, Lei (2022-01-07)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Chen, Lei

DIN: 04-A-4139

Facility: Wyoming CF

AC No.: 06-082-21 B

Findings: (Page 1 of 1)

Appellant challenges the June 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 the victim 10 times with a knife, causing his death. In the second, he stabbed the victim in the chest and in the leg. Appellant raises many issues. One of the issues raised is a claim that the decision is based upon erroneous information. Specifically, the Board decision made mistakes concerning the COMPAS decision.

The Board decision says appellant's COMPAS scores are medium for both felony violence and for arrests. However, as appellant points out, his COMPAS scores in those two categories are low, and not medium. Thus, the decision is based upon erroneous information, and a de novo interview is warranted.

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Chen, Lei

Facility: Wyoming CF

NYSID: [REDACTED]

Appeal Control No.: 06-082-21 B

DIN: 04-A-4139

Appearances: Norman Effman Esq.
Wyoming County Legal Aid
18 Linwood Avenue
Warsaw, New York 14569

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

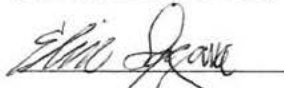
Board Member(s) who participated: Crangle, Davis


Papers considered: Appellant’s Brief received October 25, 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

1/7/2022
LB