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Administrative Appeal Decision - Ahmad, Saeed (2022-01-07)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Ahmad, Saeed

DIN: 19-R-0079

Facility: Fishkill CF

AC No.: 07-027-21 B

Findings: (Page 1 of 1)

Appellant challenges the June 2021 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense is for driving while intoxicated in a dangerous and erratic manner, with a suspended license, and crashing his car. The car burst into flames, with a passenger trapped inside it (who died from the crash), but appellant chose to hail a cab and leave the scene without calling for assistance. Appellant raises many issues. One of the issues raised is a claim that the Board departure was not properly done as no individualized or specific scale was cited.

The Board decision says there is a reasonable probability appellant would not live at liberty without violating the law. The COMPAS gives appellant low risk scores for arrest risk and risk of felony violence. Thus, the Board did depart from the COMPAS. But the decision doesn't cite the specific scale it is departing from. Also, the Board decision erroneously claims risk of felony violence was not in the low category, when in fact it was in the low category. Thus, 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: Ahmad, Saeed

Facility: Fishkill CF

NYSID: [REDACTED]

Appeal Control No.: 07-027-21 B

DIN: 19-R-0079

Appearances: Saeed Ahmad 19R0079
Fishkill Correctional Facility
P.O. Box 1245
Beacon, New York 12508

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


Board Member(s) who participated: Mitchell, Segarra

Papers considered: Appellant’s Brief received October 28, 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