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May 2022

### Administrative Appeal Decision - Calix, Nelson (2021-10-21)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Calix, Nelson

**DIN:** 94-A-5929

**Facility:** Fishkill CF

**AC No.:** 07-038-21 B

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

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Appellant challenges the June 2021 determination of the Board, denying release and imposing a 12-month hold. The instant offense involved Appellant causing the death of the female victim by beating, stabbing, and strangling her before fleeing the scene. Among other things, Appellant argues that the Board failed to specify the COMPAS scale from which it was departing.

A review by the Appeals Unit reveals the Board's stated concern for the safety of others in the community appears to be at odds with low risk scales in the COMPAS and the Board did not adequately address the apparent departure. 9 NYCRR § 8002.2(a).

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

**ADMINISTRATIVE APPEAL DECISION NOTICE**

**Name:** Calix, Nelson

**Facility:** Fishkill CF

**NYSID:** [REDACTED]

**Appeal Control No.:** 07-038-21 B

**DIN:** 94-A-5929

Appearances: Nelson Calix, 94-A-5929  
Fishkill Correctional Facility  
P.O. Box 1245  
Beacon, NY 12508

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


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

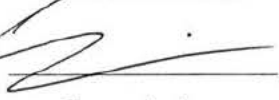
Papers considered: Appellant’s Brief received July 27, 2021

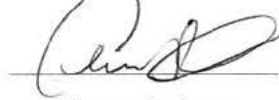
Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

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

10/21/2021  
LB