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Administrative Appeal Decision - Bellew, Kaitlin (2022-01-07)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Bellew, Kaitlin

DIN: 21-G-0110

Facility: Albion CF

AC No.: 07-045-21 B

Findings: (Page 1 of 1)

Appellant challenges the June 2021 determination of the Board, denying release and imposing a 12-month hold. Appellant's instant offense is for driving her car, knowing her drivers license had been suspended or revoked on 10 prior occasions, and crashing the car. Her BAC was a .33%. Appellant raises many issues. One of the issues raised is a claim that the COMPAS departure was not properly done.

The Board decision states there is a reasonable probability the appellant would not remain at liberty without violating the law. This contradicts the COMPAS score of low for arrest risk. So the Board departed from the COMPAS. However, the Board decision didn't specify any specific scale it was departing from. Thus, due to an invalid COMPAS departure, 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: Bellew, Kaitlin

Facility: Albion CF

NYSID: [REDACTED]

Appeal Control No.: 07-045-21 B

DIN: 21-G-0110

Appearances: Patricia Pope Esq.
Orleans County Public Defender
3 South Main Street
2nd Floor
Albion, New York 14411

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


Board Member(s) who participated: Drake, Alexander, Coppola

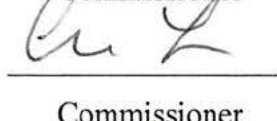
Papers considered: Appellant’s Letter-brief received November 2, 2021


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
CB

Distribution: Appeals Unit – Appellant - Appellant’s Counsel - Inst. Parole File - Central File
P-2002(B) (11/2018)