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Administrative Appeal Decision - Mite, Eddie (2021-12-23)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Mite, Eddie

DIN: 21-A-0287

Facility: Marcy CF

AC No.: 07-052-21 B

Findings: (Page 1 of 1)

Appellant challenges the June 2021 determination of the Board, denying release and imposing a 18-month hold. Appellant's instant offense is for committing identity theft by opening up bank accounts and credit cards from two different victims, and borrowing money and running up bills in their names. Appellant raises many issues. One issue raised is a claim that DOCCS never tried to contact the former criminal defense lawyer, which is required by statute.

Appellant was originally convicted of this crime in 2017, but was only sentenced at that time to felony probation. It wasn't until 2021 that he was resentenced to State prison. His lawyer in 2017 was not the same lawyer as in 2021. But DOCCS only wrote to the lawyer from 2017, and not the lawyer from 2021. Appellant's parole lawyer has contacted the 2021 lawyer and he has submitted a letter in support of parole release. Given the facts of this case, since DOCCS didn't try to contact the 2021 criminal defense lawyer, 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: Mite, Eddie

Facility: Marcy CF

NYSID: [REDACTED]

Appeal Control No.: 07-052-21 B

DIN: 21-A-0287

Appearances: Cheryl Kates Esq.
P.O. Box 734
Fairport, New York 14450

Decision appealed: June 2021 decision, denying discretionary release and imposing a hold of 18 months.

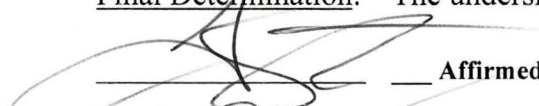
Board Member(s) who participated: Lee, Samuels


Papers considered: Appellant’s Letter-brief received September 28, 2021

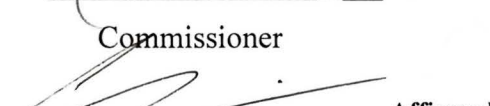
Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

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

12/23/2021
LB