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Administrative Appeal Decision - Ortiz-Castro, Jose F (2021-12-23)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Ortiz-Castro, Jose

DIN: 95-B-2660

Facility: Orleans CF

AC No.: 07-054-21 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 shooting the victim to death. Appellant raises many issues. One of the issues raised is a claim that the Board departed from the COMPAS, but failed to specify the scales or provide individualized reasons for doing so.

The Board decision states that if released there is a reasonable probability appellant would not remain at liberty without violating the law. The Board decision acknowledges the low COMPAS scores for the scales of arrest risk and risk of felony violence, but then failed to provide any reasons or details as to why the appellant would be such a risk. As such, since the COMPAS departure was not properly done, 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: Ortiz-Castro, Jose

Facility: Orleans CF

NYSID: [REDACTED]

Appeal Control No.: 07-054-21 B

DIN: 95-B-2660

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

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

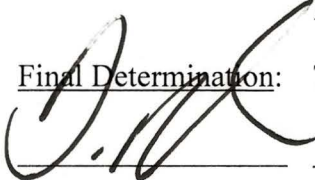
Board Member(s) who participated: Lee, Berliner, Segarra

Papers considered: Appellant’s Letter-brief received September 30, 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