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May 2022

### Administrative Appeal Decision - Briggs, Robert (2021-12-23)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Briggs, Robert

**DIN:** 03-A-2864

**Facility:** Wyoming CF

**AC No.:** 08-004-21 B

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

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Appellant challenges the July 2021 determination of the Board, denying release and imposing a 18-month hold. Appellant's is incarcerated for three separate crimes. In the first, he fired his gun at two people, striking one of them, which caused his death. In the second, while confined in State prison, he hid a weapon (a can lid) inside the sole of his shoe. In the third, again while confined in State prison, he possessed dangerous contraband which was a sharpened toothbrush. Appellant raises many issues.

The Board decision is based partially upon an opposition letter by the Office of the District Attorney from one of his convictions. A review of this letter by the Appeals Unit shows the letter is actually in favor of appellant's parole release. Since the decision is based upon erroneous information, a de novo interview is required.

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

STATE OF NEW YORK – BOARD OF PAROLE

**ADMINISTRATIVE APPEAL DECISION NOTICE**

Name: Briggs, Robert

Facility: Wyoming CF

NYSID: [REDACTED]

Appeal Control No.: 08-004-21 B

DIN: 03-A-2864

Appearances: Norman Effman Esq.  
Wyoming County Legal Aid  
18 Linwood Avenue  
Warsaw, New York 14569

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

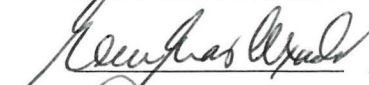
Board Member(s) who participated: Drake, Coppola, Berliner

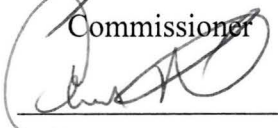
Papers considered: Appellant’s Brief received October 13, 2021


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 \_\_\_\_\_

**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