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May 2022

### Administrative Appeal Decision - Simpson, Richard (2022-02-17)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Simpson, Richard

**DIN:** 86-A-5912

**Facility:** Otisville CF

**AC No.:** 08-074-21 B

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

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Appellant challenges the July 2021 determination of the Board, denying release and imposing a 24-month hold. The instant offense involved Appellant leading one victim to a secluded location and stabbing him in the back, severing two arteries. Appellant then caused the death of a second victim by stabbing him in the back after luring him to a park under false pretenses. Among other things, Appellant argues that the Board failed to explain its departure from his low COMPAS scores.

A review by the Appeals Unit reveals the Board found a reasonable probability that Appellant would reoffend and did not provide an explanation for the departure from the low COMPAS scores. 9 NYCRR § 8002.2(a).

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

STATE OF NEW YORK – BOARD OF PAROLE

**ADMINISTRATIVE APPEAL DECISION NOTICE**

Name: Simpson, Richard

Facility: Otisville CF

NYSID: [REDACTED]

Appeal Control No.: 08-074-21 B

DIN: 86-A-5912

Appearances: Ronald L. Kuby, Esq.  
Law Office of Ronald L. Kuby  
119 West 23rd Street, Suite 900  
New York, NY 10011

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

Board Member(s) who participated: **Drake, Demosthenes, Segarra**

Papers considered: Appellant’s Letter-brief received December 8, 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:

[Signature] \_\_\_ Affirmed  \_\_\_ Vacated, remanded for de novo interview \_\_\_ Modified to \_\_\_

Commissioner

[Signature] \_\_\_ Affirmed  \_\_\_ Vacated, remanded for de novo interview \_\_\_ Modified to \_\_\_

Commissioner

[Signature] \_\_\_ 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

2/17/2022  
LB