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Administrative Appeal Decision - Burns, Thomas (2022-02-02)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Burns, Thomas

DIN: 98-A-1483

Facility: Fishkill CF

AC No.: 08-125-21 B

Findings: (Page 1 of 1)

Appellant challenges the August 2021 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense is for killing his father and his father's girlfriend. Appellant raises many issues. One of the issues raised is a claim the Board never contacted appellant's former criminal defense lawyer.

A letter was sent in 2010 to the Clerk of the Court, asking them to contact the former criminal defense lawyer. Given the amount of information available in 2010, a more diligent effort should have been made. As the lawyer has now been contacted and does wish to submit a favorable parole recommendation, a de novo interview is warranted.

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Burns, Thomas

Facility: Fishkill CF

NYSID: [REDACTED]

Appeal Control No.: 08-125-21 B

DIN: 98-A-1483

Appearances: Kate Mogulescu Esq.
Brooklyn Law School Legal Services
250 Joralemon Street
Brooklyn, New York 11201

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

Board Member(s) who participated: Coppola, Agostini, Demosthenes

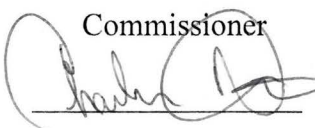
Papers considered: Appellant’s Brief received November 2, 2021


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 _____

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

2/2/2022
LB