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May 2022

### Administrative Appeal Decision - Hemphill, John (2022-02-02)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Hemphill, John

**DIN:** 93-A-7476

**Facility:** Bare Hill CF

**AC No.:** 11-015-21 B

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

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Appellant challenges the September 2021 determination of the Board, denying release and imposing a 18-month hold. Appellant's instant offense is for shooting a store employee during an armed robbery of the store, and then leading police on a wild car chase in dangerous conditions. Appellant raises many issues. In general, appellant challenges the accuracy of many documents and facts.

Most of the issues raised by appellant are incorrect, as the Board is entitled to rely upon the official reports. However, in reviewing the matter, the Board decision states this is appellant's third New York State incarceration. That statement in the Board decision is incorrect, as this is only appellant's second New York State incarceration. As such, since the decision is partially based upon erroneous information, 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: Hemphill, John Facility: Bare Hill CF  
NYSID: [REDACTED] Appeal Control No.: 11-015-21 B  
DIN: 93-A-7476

Appearances: John Hemphill 93A7476  
Bare Hill Correctional Facility  
Caller Box 20  
181 Brand Road  
Malone, New York 12953

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

Board Member(s) who participated: Berliner, Agostini, Davis

Papers considered: Appellant’s Letter-brief received October 27, 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:

*John Hemphill* Affirmed  Vacated, remanded for de novo interview \_\_\_ Modified to \_\_\_  
Commissioner  
*John Agostini* Affirmed  Vacated, remanded for de novo interview \_\_\_ Modified to \_\_\_  
Commissioner  
*Chris Denton* 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

2/2/2022  
LB