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Parole Administrative Appeal Decisions

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### Administrative Appeal Decision - Pulliam, Brian (2022-07-29)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Pulliam, Brian

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal Control No.: 10-066-21 B

DIN: 96-A-3884

Appearances: Madeleine Kurtz, Esq.  
Parole Preparation Project  
c/o Law Office of Michelle L. Lewin  
135 West 20th Street, Suite 401  
New York, NY 10011

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


Board Member(s) who participated: Segarra, Corley

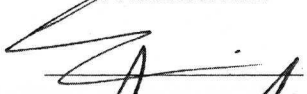
Papers considered: Appellant's Brief received April 14, 2022


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

7/29/2022  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Pulliam, Brian

**DIN:** 96-A-3884

**Facility:** Woodbourne CF

**AC No.:** 10-066-21 B

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

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The Appellant is serving an aggregate term of 25 years to life as a result of his conviction by jury verdict to Murder in the 2<sup>nd</sup> Degree. In the instant appeal, the Appellant challenges the October 2021 determination of the Board, denying release and imposing a 24-month hold. Among other things, Appellant argues that the Board departed from his low COMPAS scores without an adequate explanation as required by Executive Law.

A review by the Appeals Unit reveals the Board's decision- which concluded that there was a reasonable probability Appellant would not live and remain at liberty without violating the law was impacted by a departure from the low-risk score for felony violence. Upon review of the decision, it appears that the Board failed to fully articulate their reasoning and explanation as to why they were departing from the specific score. As such, a *de novo* interview is appropriate.

The Appellant's remaining arguments are without merit.

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