

Fordham Law School

## FLASH: The Fordham Law Archive of Scholarship and History

---

Parole Administrative Appeal Decisions

Parole Administrative Appeal Documents

---

September 2022

### Administrative Appeal Decision - Wahedi, Abdul (2022-06-21)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/aad>

---

#### Recommended Citation

"Administrative Appeal Decision - Wahedi, Abdul (2022-06-21)" (2022). Parole Information Project  
<https://ir.lawnet.fordham.edu/aad/975>

This Parole Document is brought to you for free and open access by the Parole Administrative Appeal Documents at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Administrative Appeal Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact [tmelnick@law.fordham.edu](mailto:tmelnick@law.fordham.edu).

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Wahedi, Abdul

Facility: Otisville CF

NYSID: [REDACTED]

Appeal Control No.: 12-044-21 B

DIN: 99-A-2365

Appearances: Kathy Manley Esq.  
26 Dinmore Road  
Selkirk, New York 12158

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

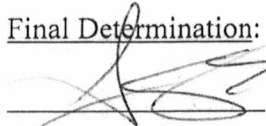
Board Member(s) who participated: Coppola, Cruse, Drake

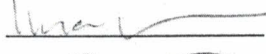
Papers considered: Appellant's Brief received March 17, 2022

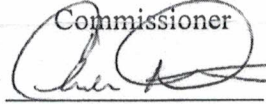
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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

6/21/2022  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Wahedi, Abdul

**DIN:** 99-A-2365

**Facility:** Otisville CF

**AC No.:** 12-044-21 B

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

---

Appellant challenges the November 2021 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense is for stabbing the victim with a knife at least 20 times, causing his death. Appellant raises many issues. Two of the issues raised are as follows: 1) the decision is based upon erroneous information when it states appellant refused mental health treatment. 2) the COMPAS departure is invalid as it failed to list specific scales or provide any individualized reasons.

A review of the record indicates the appellant has not refused any mental health treatment while in State prison. The Pre-sentence Investigation Report states a mental health refusal did take place while awaiting trial in the County Jail, but that doesn't cover appellant's time in State prison. Thus, the decision is partially based upon erroneous information.

The Board decision states the Board believes "maladaptive behaviors may arise again." Thus, the Board clearly states there is a reasonable probability the appellant would not remain at liberty without violating the law again if released. The COMPAS puts appellant's rearrest risk in the low category. So, the Board appears to be departing from the COMPAS. Yet no specific scale is cited in the Board decision for a departure. As such, the departure didn't comply with the regulation.

Based upon the above, a de novo interview is warranted.

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