

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Administrative Appeal Decisions

Parole Administrative Appeal Documents

Administrative Appeal Decision - West, Jamone (2022-08-05)

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

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: West, Jamone

Facility: Five Points CF

NYSID: [REDACTED]

Appeal Control No.: 11-121-21 B

DIN: 95-B-2547

Appearances: Daniel Collins Esq.
Haynes and Boone
30 Rockefeller Plaza
New York, New York 10112

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

Board Member(s) who participated: Berliner, Corley

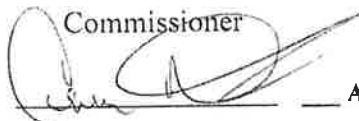
Papers considered: Appellant's Brief received May 19, 2022


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

8/5/2022
LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: West, Jamone

DIN: 95-B-2547

Facility: Five Points CF

AC No.: 11-121-21 B

Findings: (Page 1 of 1)

Appellant challenges the November 2021 determination of the Board, denying release and imposing a 18-month hold. Appellant's instant offense is for shooting the victim three times during an armed robbery, killing him. Appellant raises many issues. One of the issues raised is a claim that the Board COMPAS departure was improperly done.

The Board decision is confusing and ambiguous. The decision doesn't say it is departing, but the decision does say the Board disagrees with the score for risk of arrest. Thus, a departure is implied. But if a departure did take place, no clear reason is given as to why that is being done. As it is unclear if the Board departed from the COMPAS or not, appellate review is frustrated on this issue. Thus, a de novo is warranted.

Recommendation: Vacate and remand for de novo interview.