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Parole Administrative Appeal Decisions

Parole Administrative Appeal Documents

Administrative Appeal Decision - Allen, Dale (2023-03-07)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Allen, Dale

Facility: Marcy CF

NYSID: [REDACTED]

Appeal Control No.: 05-090-22 B

DIN: 94-B-2097

Appearances: John McManus Esq.
571 Central Avenue
Suite 120
New Providence, New Jersey 07974

Decision appealed: April 2022 decision, denying discretionary release and imposing a hold of 24 months.

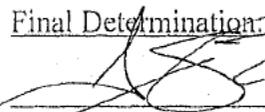
Board Member(s) who participated: Corley, Drake, Mitchell

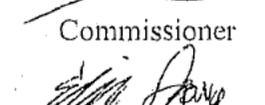
Papers considered: Appellant's Brief received November 7, 2022

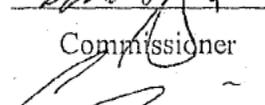
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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:

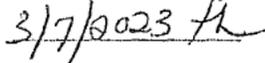
 Affirmed Vacated, remanded for de novo interview Modified to _____
Commissioner

 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

3/7/2023 

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Allen, Dale

DIN: 94-B-2097

Facility: Marcy CF

AC No.: 05-090-22 B

Findings: (Page 1 of 1)

Appellant challenges the April 2022 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense is for stabbing two women, resulting in the death of one of them and severe injuries to the second. Appellant raises many issues. One of appellant's claims is the Board decision lacks details.

The Board decision is somewhat confusing as to exactly why parole release is being denied. Thus, due to failure to articulate the denial reasons in sufficient detail, a de novo interview is warranted.

Recommendation: Vacate and remand for de novo interview.