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June 2023

### Administrative Appeal Decision - Amoroso, Alex (2022-03-28)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Amoroso, Alex

**DIN:** 20-A-0353

**Facility:** Greene CF

**AC No.:** 01-107-21 B

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

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Appellant challenges the January 2021 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense is for viewing child pornography on his computer. Appellant raises many issues. One of the issues raised is a sentence in the Board decision stating the Board had reviewed his sentencing minutes.

As was stated during the interview, the Board had requested but not received the sentencing minutes. And in fact the Board did not have the sentencing minutes. As such, the decision is based upon erroneous information. Thus, 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: Amoroso, Alex

Facility: Greene CF

NYSID: [REDACTED]

Appeal  
Control No.: 01-107-21 B

DIN: 20-A-0353

Appearances: Charles Greenberg Esq.  
3840 East Robinson Road  
#318  
Amherst, New York 14228

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


Board Member(s)  
who participated: Smith, Coppola

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

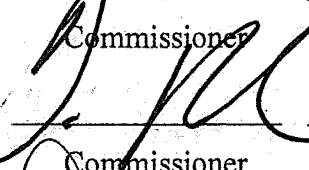
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

Records relied upon: Pre-Sentence Investigation Report, Parole Board Report, Interview Transcript, Parole Board Release Decision Notice (Form 9026), COMPAS instrument, Offender Case Plan.

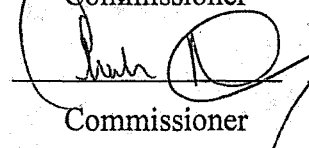
Final Determination: The undersigned determine that the decision appealed is hereby:

 \_\_\_\_\_ 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

03/28/2022 66

Distribution: Appeals Unit – Appellant – Appellant's Counsel – Inst. Parole File – Central File  
P-2002(B) (11/2018)