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June 2023

Administrative Appeal Decision - Davidson, Corey T (2019-09-30)

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ADMINISTRATIVE APPEAL DECISION NOTICE

Name:	Davidson, Corey	**Facility:**	Clinton CF
NYSID:	███████	**Appeal Control No.:**	02-165-19 B
DIN:	18-B-1650		

Appearances: Corey Davidson 18B1650
Clinton Correctional Facility
P.O. Box 768
Dannemora, New York 12929

Decision appealed: February 2019 decision, denying discretionary release and imposing a hold of 24 months.
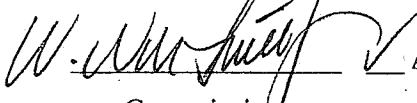
Board Member(s) who participated: Alexander, Crangle

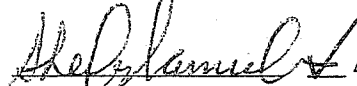**Papers considered:**   Appellant's Letter-brief received May 3, 2019

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:

_____ Commissioner   ✓ 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 _____

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 Inmate and the Inmate's Counsel, if any, on _9/3/19_ .

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

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Davidson, Corey   **DIN:** 18-B-1650

Facility: Clinton CF   **AC No.:** 02-165-19 B

Findings: (Page 1 of 1)

Appellant challenges the February 2019 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense involved him attacking the mother of his child while she was holding their 10 week old son. Specifically, the appellant repeatedly punched her, and repeatedly hit her in the back with a metal pole. Appellant was initially sentenced to probation, but violated probation by harassing the same victim. Appellant raises the following issues: 1) appellant claims he is innocent of the charges. 2) the Parole Board Report says the appellant admitted to striking the victim with a knife. Appellant denies ever telling that to anybody. Appellant wants that statement redacted from the report.

Once an individual has been convicted of a crime, it is generally not the Board's role to reevaluate a claim of innocence. Matter of Silmon v Travis, 95 N.Y.2d 470, 718 N.Y.S.2d 704, 708 (2000); Copeland v New York State Board of Parole, 154 A.D.3d 1157, 63 N.Y.S.3d 548 (3d Dept. 2017).

The statement in the Parole Board Report was not used in the Board decision. The Board has no authority to order a redaction. So, this issue is dismissed as moot. In any event, the Second Circuit has not recognized that prisoners have a constitutional right to have incorrect information expunged from their files. LaBounty v Coombe, 208 F.3d 203 (2nd Cir. 2000). Information that comes from third parties and that has not been demonstrated to be inaccurate would not be redacted anyway.

Recommendation: Affirm.