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June 2023

Administrative Appeal Decision - King, Isaac C (2019-06-21)

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STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: King, Isaac

Facility: Marcy CF

NYSID: [REDACTED]

Appeal Control No.: 03-052-19 B

DIN: 18-B-0641

Appearances: Isaac King 18B0641
Marcy Correctional Facility
Box 3600
Marcy, New York 13403

Decision appealed: February 2019 decision, denying discretionary release and imposing a hold of 15 months.

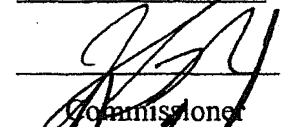
Board Member(s) who participated: Davis, Smith

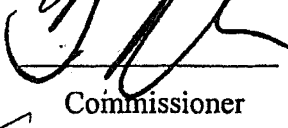
Papers considered: Appellant's Letter-brief received April 8, 2019

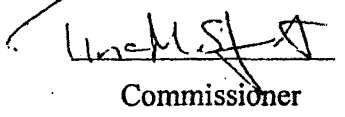
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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:

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

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

 _____ 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 6/21/19.
LB

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: King, Isaac

DIN: 18-B-0641

Facility: Marcy CF

AC No.: 03-052-19 B

Findings: (Page 1 of 1)

Appellant challenges the February 2019 determination of the Board, denying release and imposing a 15-month hold. Appellant is incarcerated for two different instant offenses. In one crime he was convicted of possessing the drug suboxone. In the second crime he was convicted of Attempted Assault 2nd Degree, which involved him punching another inmate in the County Jail. Appellant raises two issues: 1) the Board failed to consider and/or properly weigh the required statutory factors. 2) the decision is based upon erroneous information in that he was not convicted of Assault 2nd Degree.

The Board decision does state appellant was convicted of Assault 2nd Degree. Appellant is correct that this is erroneous, as he was only convicted of Attempted Assault 2nd Degree. Since the Board decision contains erroneous sentence information, a de novo interview is warranted.

Recommendation: Vacate and remand for de novo interview.