

Fordham Law School

## FLASH: The Fordham Law Archive of Scholarship and History

---

Parole Administrative Appeal Decisions

Parole Administrative Appeal Documents

---

June 2023

### Administrative Appeal Decision - Norman, Jahan H (2019-08-30)

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

---

#### Recommended Citation

"Administrative Appeal Decision - Norman, Jahan H (2019-08-30)" (2023). Parole Information Project  
<https://ir.lawnet.fordham.edu/aad/1378>

This Parole Document is brought to you for free and open access by the Parole Administrative Appeal Documents at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Administrative Appeal Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact [tmelnick@law.fordham.edu](mailto:tmelnick@law.fordham.edu).

**ADMINISTRATIVE APPEAL DECISION NOTICE**

Name: Norman, Jahan

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal  
Control No.: 03-162-19 B

DIN: 14-A-4545

Appearances: Jahan Norman 14A4545  
Woodbourne Correctional Facility  
99 Prison Road  
P.O. Box 1000  
Woodbourne, New York 12788

Decision appealed: March 2019 decision, denying discretionary release and imposing a hold of 24 months.

Board Member(s) who participated: Agostini, Demosthenes, Shapiro

Papers considered: Appellant's Brief received May 24, 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                     

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 Inmate and the Inmate's Counsel, if any, on 8/30/19.

48

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Norman, Jahan

**DIN:** 14-A-4545

**Facility:** Woodbourne CF

**AC No.:** 03-162-19 B

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

---

Appellant challenges the March 2019 determination of the Board, denying release and imposing a 24-month hold. This is appellant's fifth State bid, and he is on lifetime parole. The current instant offense involved him possessing 28 rocks of cocaine, 28 zip lock bags of marijuana, and suboxone pills. Appellant raises the following issues: 1) the Board failed to consider and/or properly weigh the required statutory factors. 2) the Board ignored his EEC. 3) no aggravating factors exist. 4) the decision violates the due process clause of the constitution. 5) the decision lacks detail. 6) the decision illegally resentenced him. 7) the decision lacks future guidance. 8) the Board failed to comply with the 2011 amendments to the Executive Law in that the statutes are now forward/rehabilitation based. 9) the decision is based upon erroneous information in that he is not a "persistent" felony offender.

The Board decision states that for his fourth State bid, he was sentenced to life as a "persistent offender." The Sentence and Commitment Orders for both his 4<sup>th</sup> and 5<sup>th</sup> State bids have boxes for persistent status, but they are not checked off. So clearly the appellant was not sentenced as a persistent offender. Since the decision contains erroneous information on appellant's sentence status, a de novo interview is warranted.

**Recommendation:** Vacate and remand for de novo interview.