

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 - Aufiero, John (2019-08-05)

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

---

#### Recommended Citation

"Administrative Appeal Decision - Aufiero, John (2019-08-05)" (2023). Parole Information Project  
<https://ir.lawnet.fordham.edu/aad/1379>

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).

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Aufiero, John

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal Control No.: 03-170-19 B

DIN: 00-A-6912

Appearances: John Aufiero 00A6912  
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 18 months.

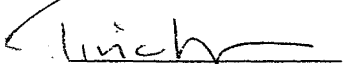
Board Member(s) who participated: Agostini, Demosthenes, Shapiro

Papers considered: Appellant's Brief received May 3, 2019

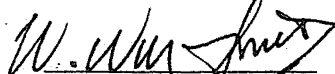
Appeals Unit Review: Statement of the Appeals Unit's Findings and Recommendation

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:

  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 8/5/19.  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Aufiero, John

**DIN:** 00-A-6912

**Facility:** Woodbourne CF

**AC No.:** 03-170-19 B

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

---

Appellant challenges the March 2019 determination of the Board, denying release and imposing a 18-month hold. Appellant's instant offense involved him shooting the victim to death. Appellant raises the following issues: 1) the decision is arbitrary and capricious, and irrational bordering on impropriety, in that the Board failed to consider and/or properly weigh the required statutory factors. 2) the decision is the same as in prior interviews. 3) the decision lacks detail. 4) the Commissioners were biased. 5) the Board failed to make findings of fact in support of the statutory standards cited. 6) no aggravating factors exist. 7) the decision violates the due process clause of the constitution. 8) the decision lacks future guidance. 9) the decision illegally resentenced him. 10) the decision was predetermined. 11) the decision failed to comply with the 2011 amendments to the Executive Law and the 2017 regulations, as the COMPAS was ignored, the laws are now forward based, and no reason was given for departing from the COMPAS.

Only one issue will be addressed. The Board decision contains few if any factual details in support of the decision. A reading of the Board decision finds no rationale in support of what is stated. As such, the decision lacks details, and a de novo interview is warranted.

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