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June 2023

### Administrative Appeal Decision - Thomas, Errol (2022-05-13)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Thomas, Errol

**DIN:** 96-A-7903

**Facility:** Woodbourne CF

**AC No.:** 07-022-21 B

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

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The Appellant is serving an aggregate term of 25 to 50 years as a result of his conviction by jury verdict to Rape in the 1<sup>st</sup> Degree, Attempted Rape in the 1<sup>st</sup> Degree, Sexual Abuse in the 1<sup>st</sup> Degree, and Assault in the 2<sup>nd</sup> Degree. In the instant appeal, Appellant, through counsel, challenges the June 2021 determination of the Board, denying release and imposing a 18-month hold. Among other things, Appellant argues that the Board departed from his low COMPAS scores without an explanation required by Executive Law.

A review by the Appeals Unit reveals the Board's decision – which concluded there is a reasonable probability Appellant would not live and remain at liberty without violating the law – was impacted by a departure from low risk scores in the COMPAS and the Board did not provide an adequate explanation. As such, a *de novo* interview is appropriate.

The Appellant's remaining arguments are without merit.

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

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Thomas, Errol

Facility: Woodbourne CF

NYSID: [REDACTED]

Appeal Control No.: 07-022-21 B

DIN: 96-A-7903

Appearances: Gail B. Rubinfeld, Esq.  
10 St. John Street – PO Box 281  
Monticello, NY 12701

Decision appealed: June 2021 decision, denying discretionary release and imposing a hold of 18 months.

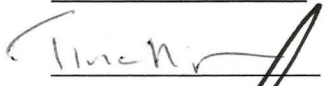


Board Member(s) who participated: Corley, Crangle

Papers considered: Appellant’s Brief received February 3, 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:

	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	<input type="checkbox"/> Modified to _____
Commissioner			
	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	<input type="checkbox"/> Modified to _____
Commissioner			
	<input type="checkbox"/> Affirmed	<input checked="" type="checkbox"/> Vacated, remanded for de novo interview	<input type="checkbox"/> 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

5/13/2022  
LB