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 - Flowers, Corey (2022-03-28)

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

Recommended Citation

"Administrative Appeal Decision - Flowers, Corey (2022-03-28)" (2023). Parole Information Project https://ir.lawnet.fordham.edu/aad/1414

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.

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Flowers, Corey
DIN: 05-A-1784
Facility: Fishkill CF
AC No.: 08-009-21 B

Findings: (Page 1 of 1)

Appellant challenges the July 2021 determination of the Board, denying release and imposing a 24-month hold. The instant offense involved Appellant causing the death of the victim by shooting him multiple times while the victim was standing with a group of people. Among other things, Appellant argues that the Board improperly relied on erroneous information to deny him parole.

A review by the Appeals Unit reveals that Appellant's contention is correct. The decision states that during the interview, Appellant explained that he was robbed by individuals and that he "went back to see if [he] could find them." In fact, Appellant told the Board three separate times during the interview that he was in the area to drop off a friend. (Tr. at 4, 7, 10.) As such, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name:	Flowers, Corey		Facility:	Fishkill CF	
NYSID:		<i>y</i>	Appeal Control No.:	08-009-21 B	
DIN:	05-A-1784				
Appearances:		Steven Levine, Esq. Dutchess County Office of the Public Defender 45 Market Street Poughkeepsie, NY 12601			
Decision appealed:		July 2021 decision, denying discretionary release and imposing a hold of 24 months.			
Board Member(s) who participated:		Corley, Alexander, Samuels			
Papers considered:		Appellant's Brief received January 18, 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:			
Comm	rissioner	Affirmed /Vac	eated, remanded fo	r de novo interview Modified to _	*
Comm	nissioney	Affirmed Vac	eated, remanded fo	r de novo interview Modified to _	
J-/	nissioner	Affirmed Vac	eated, remanded fo	r 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 <u>must</u> 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 03/28/2022 66.

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