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June 2023

### Administrative Appeal Decision - Tisdale, Joshua (2022-03-28)

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STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Tisdale, Joshua

**DIN:** 98-B-2227

**Facility:** Otisville CF

**AC No.:** 08-019-21 B

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

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Appellant challenges the July 2021 determination of the Board, denying release and imposing a 24-month hold. Appellant's instant offense is for committing an armed robbery, and during the course of the robbery shooting the victim to death. Appellant raises many issues. One of the issues raised is a claim that because appellant was under 18 years of age when he committed the crime, and was given a life sentence, the Board was required to evaluate youth and its attendant circumstances. However, the Board failed to do that.

A review of the record shows the appellant was under the age of 18 years old when he committed this crime. The Board decision is virtually silent as to any the extra factors that must be considered in this type of case. As such, a de novo interview is warranted.

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

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Tisdale, Joshua

Facility: Otisville CF

NYSID: [REDACTED]

Appeal Control No.: 08-019-21 B

DIN: 98-B-2227

Appearances: Erin Tomlinson Esq.  
Main Street Legal Services  
2 Court Square  
Long Island City, New York 11101

Decision appealed: July 2021 decision, denying discretionary release and imposing a hold of 24 months.

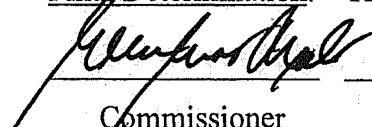
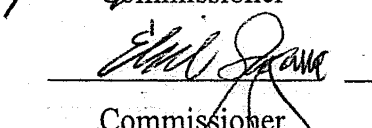
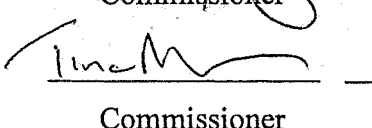
Board Member(s) who participated: Drake, Coppola, Berliner

Papers considered: Appellant's Brief received December 6, 2021

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

03/28/2022 66