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Administrative Appeal Decision - Turley, Robert (2022-03-28)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Turley, Robert

DIN: 85-A-8060

Facility: Wyoming CF

AC No.: 09-070-21 B

Findings: (Page 1 of 1)

Appellant challenges the August 2021 determination of the Board, denying release and imposing a 24-month hold. The instant offense involved Appellant punching a 12-year-old girl until she was unconscious and dragging her into a wooded area. Appellant then sexually abused the victim and attempted to rape her before strangling her and causing her death by hitting her with a rock. Among other things, Appellant argues that the Board departed from the COMPAS and failed to specify the scale and the individualized reasons for the departure.

A review by the Appeals Unit reveals the Board found a reasonable probability that Appellant would reoffend and did not specify a scale or provide an explanation for the departure from his low COMPAS scores. 9 NYCRR § 8002.2(a).

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Turley, Robert

Facility: Wyoming CF

NYSID: [REDACTED]

Appeal Control No.: 09-070-21 B

DIN: 85-A-8060

Appearances: Norman P. Effman, Esq.
Wyoming County-Attica Legal Aid Bureau
18 Linwood Avenue
Warsaw, NY 14569

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

Board Member(s) who participated: Lee, Coppola

Papers considered: Appellant’s Brief received January 19, 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:

 _____ 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 Appellant and the Appellant’s Counsel, if any, on

03/28/2022.66