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June 2023

Administrative Appeal Decision - Augugliaro, Alfred (2022-02-11)

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STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Augugliaro, Alfred

DIN: 97-R-6103

Facility: Otisville CF

AC No.: 11-004-21 B

Findings: (Page 1 of 1)

Appellant challenges the October 2021 determination of the Board, denying release and imposing a 15-month hold. Appellant's instant offenses involve him committing two armed robberies, and in one of the robberies, shooting the victim to death. Appellant raises many issues. Two of the issues raised are the decision lacks detail, and the Board failed to provide individualized scales when departing from the COMPAS.

A review by the Appeals Unit shows the decision fails to articulate and tie together specific reasons for the denial. And because of this, it is unclear if the Board departed from the COMPAS or not. As such, since appellate review has been frustrated, a de novo interview is warranted.

Recommendation: Vacate and remand for de novo interview.

STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Augugliaro, Alfred

Facility: Otisville CF

NYSID: [REDACTED]

Appeal Control No.: 11-004-21 B

DIN: 97-R-6103

Appearances: Alfred Augugliario 97R6103
Otisville Correctional Facility
P.O. Box 8
57 Sanitorium Avenue
Otisville, New York 10963

Decision appealed: October 2021 decision, denying discretionary release and imposing a hold of 15 months.


Board Member(s) who participated: Mitchell, Demosthenes, Segarra

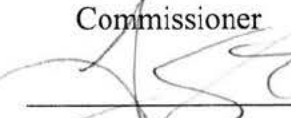
Papers considered: Appellant’s Letter-brief received November 23, 2021

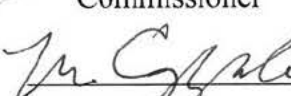
Appeals Unit Review: Statement of the Appeals Unit’s Findings and Recommendation

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:

 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

2/11/2022
LB

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