Administrative Appeal Decision - Verley, Harold (2023-10-26)

Follow this and additional works at: https://ir.lawnet.fordham.edu/aad
STATE OF NEW YORK – BOARD OF PAROLE

ADMINISTRATIVE APPEAL DECISION NOTICE

Name: Verley, Harold

NYSID: [redacted]

Facility: Marcy CF

DIN: 19-A-4604

Appeal

Control No.: 11-047-22 B

Appearances:

Eve Rosahn, Esq.
125 Frenchtown Road
Shohola, Pennsylvania

Decision appealed:

October 2022 decision, denying discretionary release and imposing a hold of 15 months.

Board Member(s) who participated:

Drake, Crangle, Lee

Papers considered:

Appellant’s Brief received May 16, 2023

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

Affirmed

Vacated, remanded for de novo interview

Modified to

Affirmed

Vacated, remanded for de novo interview

Modified to

Commissioner

Commissioner

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 10/26/2023.

Appellant, currently serving an aggregate indeterminate sentence of 2 years’ incarceration to life as a result of his convictions for criminal possession of a forged instrument in the 2nd degree and identity theft in the 1st degree, challenges the October 2022 determination of the Board, denying release and imposing a 15-month hold. Appellant contends, among other things, that the Board failed to specify the scale of the department risk and needs assessment from which it departed and explain the reasons for its departure.

The record here reflects the Board considered appellant’s COMPAS instrument. However, it appears 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 scales in the COMPAS and the Board did not provide an adequate explanation. Under the circumstances, a de novo interview is appropriate.

In light of this recommendation that appellant receive all of the relief to which he could be entitled, appellant’s remaining contentions need not be addressed.

Recommendation: Vacate and remand for de novo interview.