

Fordham Law School

## FLASH: The Fordham Law Archive of Scholarship and History

---

Parole Administrative Appeal Decisions

Parole Information Project – CURRENT

---

### 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

Facility: Marcy CF

NYSID: [REDACTED]

Appeal Control No.: 11-047-22 B

DIN: 19-A-4604

Appearances: Eve Rosahn, Esq.  
125 Frenchtown Road  
Shohola, Pennsylvania

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



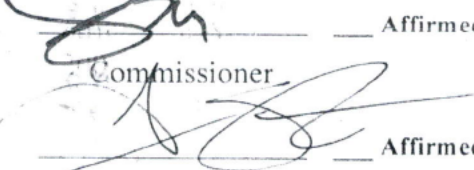
Board Member(s) who participated: Drake, Crangle, Lee

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

	<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

10/26/2023.  
LB

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Verley, Harold

**DIN:** 19-A-4604

**Facility:** Marcy CF

**AC No.:** 11-047-22 B

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

---

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 2<sup>nd</sup> degree and identity theft in the 1<sup>st</sup> 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.