

Administrative Appeal Decision Notice

Inmate Name: Griggs, Corey

Facility: Greene Correctional Facility

NYSID No.: 0222901R

Appeal Control #: 05-349-07-B

Dept. DIN# 06B2354

Appearances:

For the Division, the Appeals Unit

For Appellant: Cheryl Kates Esq.

P.O. Box 711

Honeoye, New York 14471

Board Member(s) who participated in appealed from decision: **Ferguson, Hernandez**

Decision appealed from: 5/2007-Denial of discretionary release, with imposition of 12 month hold

Pleadings considered:

Brief submitted by counsel for appellant received on July 5, 2007.

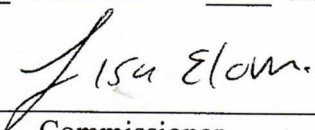
Statement of the Appeals Unit's Findings and Recommendation

Documents relied upon:

Pre-Sentence Investigation Report, Inmate Status Report, Interview Transcript, Parole Board Release Decision Notice (Form 9026).

Final Determination: The undersigned have determined that the decision from which this appeal was taken be and the same is hereby

Affirmed Reversed Modified (explain) _____


Commissioner


Commissioner


Commissioner

If the Final Determination is at variance with findings and recommendation of Appeals Unit, the written reasons for such determination shall be annexed hereto.

This Final Determination, the related Statement of the Appeals Unit's Findings and separate findings of the Board, if any, were mailed to the Inmate and the Inmate's Counsel, if any, on 9/4/07

Distribution: Appeals Unit – Inmate - Inmate's Counsel - Inst. Parole File - Central File

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

Inmate Name: Griggs, Corey
NYSID No.: 0222901R
Dept. DIN#: 06B2354

Facility: Greene Correctional Facility
Appeal Control #: 05-349-07-B

Findings:

Counsel for the appellant has submitted a brief to serve as the perfected appeal. For the reason explained below, only one of the issues raised will be addressed.

One of appellant's claims is that the Board did not review his sentencing minutes at his interview.

In response, appellant is correct that the Board did not review his sentencing minutes-which is statutorily mandated. Counsel for the appellant has obtained them and given them to the Division of Parole. As such, the Division now has the sentencing minutes, and a de novo interview is warranted.

Recommendation:

Accordingly, it is recommended the decision of the Board be vacated, and that a de novo Parole Board Release Interview be held forthwith in front of a different panel of Commissioners.