

**Administrative Appeal Decision Notice**

**Inmate Name:** Valletutti, Frank

**Facility:** Franklin Correctional Facility

**NYSID No.:** 2432972L

**Appeal Control #:** 11-165-06-B

**Dept. DIN#** 05A5694

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: **Arena, Greenan, Smith**

Decision appealed from: 11/2006-Denial of discretionary release, with imposition of 24 month hold

Pleadings considered:

Brief submitted by counsel for appellant received on March 5, 2007, and supplemental letter received on July 16, 2007.

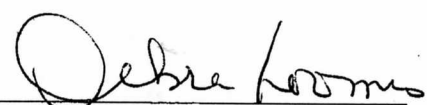
Statement of the Appeals Unit's Findings and Recommendation

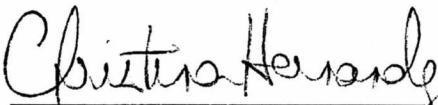
Documents relied upon:


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 8/6/07 JP

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

**STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION**

**Inmate Name:** Valletutti, Frank  
**NYSID No.:** 2432972L  
**Dept. DIN#:** 05A5694

**Facility:** Franklin Correctional Facility  
**Appeal Control #:** 11-165-06-B

**Findings:**

Counsel for the appellant has submitted a brief, and a supplemental letter, to serve as the perfected appeal. For the reason mentioned below, only one issue raised will be addressed:

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

In response, appellant is correct the Board did not have them at the interview. The Board now has them. As such, a de novo interview may be held.

**Recommendation:**

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