

Administrative Appeal Decision Notice

Inmate Name: Guilbault, Jon

Facility: Wallkill Correctional Facility

NYSID No.: 6264113Y

Appeal Control #: 06-291-09-B

Dept. DIN#: 06R4771

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: Elovich, Grant, Ludlow

Decision appealed from: 6/2009-Denial of discretionary release, with imposition of 24 month hold.

Pleadings considered: Letter-brief on behalf of the appellant received on September 4, 2009.
Statement of the Appeals Unit's Findings and Recommendation

Documents relied upon: Presentence Investigation Report, Inmate Status Report, Interview Transcript,
Parole Board Release Decision (Form 9026)

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

Christina Henard Commissioner Affirmed Reversed for De Novo Interview ___ Modified to ___

Deborah Commissioner Affirmed Reversed for De Novo Interview ___ Modified to ___

James Commissioner Affirmed Reversed for De Novo Interview ___ Modified to ___

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 Inmate and the Inmate's Counsel, if any, on 3/3/10
JP

Distribution: Appeals Unit – Inmate - Inmate's Counsel - Inst. Parole File - Central File
P-2002(B) (1/10)

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

Inmate Name: Guilbault, Jon
NYSID No.: 6264113Y
Dept. DIN#: 06R4771

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Findings:

Counsel for the appellant has submitted a letter-brief to serve as the perfected appeal. For the reason explained below, none of the issues raised will be addressed.

While reviewing the issues raised by appellant, the Appeals Unit discovered that letters seeking input were never sent in this case to the sentencing Judge, the District Attorney, and the defense lawyer at the criminal trial. As this is mandatory but was not done, a de novo interview is warranted. The letters are in fact being sent out now to all parties involved.

Recommendation:

Accordingly, it is recommended the decision of the Board be vacated, and that a de novo interview be held forthwith in front of a new panel of Commissioners once the required letters are sent to the appropriate officials.