

Administrative Appeal Decision Notice

Inmate Name: Yeung, Man

Facility: Mid-State Correctional Facility

NYSID No.: 6965046N

Appeal Control #: 03-130-11-B

Dept. DIN#: 92B1089

Appearances:

For the Board, the Appeals Unit

For Appellant:

Cheryl Kates Esq.
P.O. Box 734
Victor, New York 14564

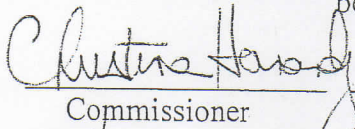
Board Member(s) who participated in appealed from decision: Ferguson, Lemons, Thompson

Decision appealed from: 3/2011-Denial of discretionary release, with imposition of 24 month hold.

Pleadings considered: Brief on behalf of the appellant received on July 11, 2011.
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)

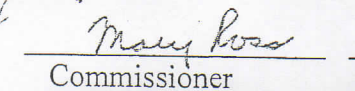
Final Determination: The undersigned have determined that the decision from which this appeal was taken
be and the same is hereby


Commissioner

___ Affirmed Reversed for De Novo Interview ___ Modified to ___


Commissioner

___ Affirmed Reversed for De Novo Interview ___ Modified to ___


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 12/16/11 RF.

Distribution: Appeals Unit - Inmate - Inmate's Counsel - Inst. Parole File - Central File
P-2002(B) (5/2011)

STATE OF NEW YORK - BOARD OF PAROLE

STATEMENT OF APPEALS UNIT FINDINGS & RECOMMENDATION

Inmate Name: Yeung, Man

Facility: Mid-State Correctional Facility

NYSID No.: 6965046N

Appeal Control #: 03-130-11-B

Dept. DIN# 92B1089

Findings:

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

One of the issues raised is an allegation the former Division of Parole never sent the mandatory letter to the defense lawyer seeking his opinion as to discretionary parole release.

In response, a review indicates the appellant had two co-counselors at his trial. An opinion was sought of only one of them, and that was some 12 years after the conviction, to an address that the counsel had long since moved away from. The Appeals Unit has now contacted both co-counselors, and both have responded with meaningful letters. As such, a de novo interview is warranted.

Recommendation:

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