

FROM: **Mr. MUJAHID FARID**

TO: **NYS ASSEMBLY STANDING COMMITTEE ON CORRECTION**
Scheduled for Wednesday December 4, 2013 / 10:00 A.M.
Roosevelt Hearing Room C
Legislative Office Building, 2nd Floor
Albany, New York

DATE: November 29, 2013

RE: TESTIMONY ON BEHALF OF **RAPP** (Release Aging People in Prison) Campaign

Dear Honorable Assembly Member Daniel O'Donnell and your esteemed colleagues:

Please accept this document on behalf of the RAPP Campaign in your quest to investigate and establish fair policies and practices within the parole process in New York State. The RAPP Campaign is an independent organizing and policy project that aims to establish a parole process in New York State that is transparent, all inclusive and fair, in which the Parole Board bases its decisions on legitimate public safety risk and individuals' personal growth while in prison. RAPP focuses on the rapidly expanding population of aging people in prison—many of whom are long-termers convicted of serious offenses. The RAPP Campaign is located and hosted at *The Correctional Association of New York* (CANY), an independent non-profit prison reform organization. CANY was founded in 1844 by concerned citizens and granted the unique authority by the New York State Legislature to inspect prisons and report its findings and recommendations to the Legislature and public.

INTRODUCTION

Thank you for affording this opportunity to address issues which are impacting upon thousands of people confined in New York State prisons who regularly appear before the Parole Board for release consideration. I offer a unique perspective to this forum as the evidence submitted here and my testimony are based on personal experience, documented incidents, reported cases, and publicly recorded testimony by others. I am a formerly incarcerated person who was released in April 2011 after serving thirty-three years.

In 1978 I entered the NYS prison system with a sentence of fifteen years to life after being convicted of the attempted murder of a New York City police officer as the controlling offense.

At the time of my arrest I did not have much formal education and was even lacking a High School Diploma. Since the court refused to assign any amount of bail, I was held on Rikers Island until the trial was completed. While preparing for trial, and before I entered the state system six months after arrest, I earned a G.E.D. Diploma. I did not expect to serve a full 15 years minimum and expected to get the conviction reversed on appeal, inasmuch as there

being no concrete evidence supporting the attempted murder (i.e. the plainclothes police officer claimed he heard a “click” when I pointed a gun in his direction—and while he was in the midst of a crowd of 30 people—and the supposedly “misfired” bullet having disappeared before trial). I still realized that I must use whatever time I served productively and develop myself while confined to the fullest extent possible. Thus, although there was no reversal of the conviction, by the time I reached the 15-year mark, and became eligible for parole, I had earned four (4) college degrees including an A.S. in Business from Regents New York; a B.A. in Arts & Sciences from Syracuse University; a M.A. in Sociology from SUNY New Paltz; and a M.P.S. from New York Theological Seminary. Along the way I also picked up numerous certifications such as paralegal, income tax preparer, HIV/AIDS peer-counselor and employment counseling. I was also part of a trio that created and proposed the first HIV/AIDS peer education program in New York State prisons (PEPA) which later developed into the widely acclaimed program existing throughout New York State prisons called PACE (Prisoners AIDS Counseling & Education). In addition, I participated in the creation of a credited college certificate program sponsored by New York Theological Seminary, and I taught accredited introductory to sociology courses for people in confinement who were training for ASAT counseling certification.

Although I made these accomplishments, and more, before my initial parole hearing in 1993, none of it mattered. I was denied parole then, and again denied parole every two years thereafter for eight more boards before I was finally released at the tenth in 2011. The basis for all the denials was “the nature of my original offense”—which never changed between the ten boards. I did, however, take notice that this wasn’t personal—what happened to me was common Parole Board practice.

This practice, which had taken hold throughout the country, created a crisis where we now have a situation with the population of people confined aging at an accelerating rate. That is, because the punishment paradigm caused those convicted of violent offenses to receive incredibly long prison terms, and these people are now stacking-up behind bars. A recent report issued by The Human Rights Watch noted that In New York State the proportion of “...inmates age 55 or older increased more than threefold in 15 years, from 2.3 percent of all inmates in 1995 to 7.2 percent in 2010.” (See, **HUMAN RIGHTS WATCH**, “*Old Behind Bars: The Aging Population in the United States*, 2012, pg. 22).

ISSUES

- 1. The RAPP Campaign has accumulated evidence establishing that the Parole Board pre-determines denials to many people appearing for release consideration without considering personal rehabilitative accomplishments and the benefit of a prior-scored low-risk assessment.***

Over the past twenty years or more, it has become abundantly clear that parole release policy and practice in New York State took a major shift.

After taking office in 1995, Governor George Pataki engaged in a crusade to “abolish parole” for all violent felony offenders. He made progress in his first year when the NYS Legislature passed the *Sentencing Reform Act of 1995*, which established determinate sentences for all repeat violent felony offenders. The policy was expanded in 1998 with the passage of “*Jenna’s Law*,” which abolished indeterminate sentencing and replaced it with determinate sentencing for many first-time felony offenders.

With this shift focusing on punishment rather than rehabilitation and treatment, there still remained one significant dilemma—the proverbial elephant left standing in the room. What about all of the people in the state system who were serving time long before the policy shift? What about those who were not only serving indeterminate sentences, but were also serving such sentences with “life” on the end?

The Board began to abrogate its duty to follow the mandates of Executive Law Sec. 259-1. Instead of giving meaningful consideration to the rehabilitative function of New York’s penal system, as embodied in the philosophy of indeterminate sentencing, the Board commenced a course of wholesale denying people convicted of A-1 violent felonies in a manner reflecting a penal philosophy that these people should be kept in prison for as long as possible—regardless of public risk. The issue of release by the Board became not one of rehabilitation and eligibility, but “just say no”—except in the rarest of cases.

Indications of a Pre-determined practice:

- a) During expansion of the New York State prison system there was no corresponding growth of the number of commissioners on the Board of Parole to respond to the increase of people confined who would be eligible for parole consideration. An already overworked Board of Parole became even more beleaguered. One example of an overworked Board Parole can be seen in the volume of cases it reviews monthly for release consideration (See, Exhibit “A” attached herewith). This crude, but realistic, chart demonstrates that even if the Board of Parole wasn’t responding in a manner indicating political concerns in their boilerplate denials, and wanted to afford full and fair consideration to each applicant, such a noble quest may not be possible. That is, due to the volume of cases it considers monthly; the number of commissioners available to conduct such hearings; and the amount of time it can realistically devote to these hearings. The Board can only sometimes devote an average of five minutes or less to each hearing (*id.*).
- b) Another indication of pre-determination is the Board’s failure to rely on evidence-based factors in their decision-making process. Based on anecdotal evidence, and by information gleaned directly from the Division of Parole, the Division took some steps to implement the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment tool, but decided to exclude the Board of Parole Commissioners in their decision-making process from having to rely, or even weigh, the scores generated by the assessments. The Division has decided to make the COMPAS risk-assessment scores relevant **only** to determining the level of supervision

to place upon people *in the event* they are released. Of course, utilizing these assessments for release decision-making would have brought the process into the twenty-first century and helped restrict the Board's power to what they are commissioned to do and leaving sentencing and punishment philosophy to the courts and legislature; moreover, doing so would have required these actors to relinquish some of the power they wield though they may have been loath to do so. And of course making this policy relevant to release decision-making would have opened the door to tracking how often the Board deviated from such considerations.

- c) A third instance evidencing pre-determination in parole denials came directly from the mouth of a former Parole Board Commissioner. After his tenure on the Board ended in 2007, former Commissioner Vernon Manley appeared at a New York Bar Association seminar focusing on parole issues and publicly stated the following:

"I was asked to talk about my experiences on the Parole Board, but I thought it was important that the audience understand the parole process, because this is something that people always ask me about all the time and they don't really understand what the Parole Board does...

"One other commissioner—it could be two or three—are half listening to what is going on, because they are focusing on the next case. So there they are looking at a case, they are trying to find the information...I think that it is a process that is not in favor of the inmate...

"The average interview is about seven minutes. If you have been in for 15-25 years, maybe 10-20 minutes...rarely are there discussions about what goes on after the interview occurs. The perception is that there is a discussion that goes on afterwards. Well, that rarely happens, except when maybe the commissioner says, 'you know what, I wrote a hold on this person, but he did such a fantastic job, I want to let him out.' The other commissioner thinks they are going to be held, so he gives a reason, and there is a discussion, so they can agree or not agree...

"Let me talk to you briefly about the most disturbing things that I have experienced in the Parole Board. My very first day on the job, I am on a panel and I am one of three commissioners...and the number two commissioner is over there yelling at the inmate, calling him scum, and then talks about how could you do such a violent crime. And I am looking, oh, he must have cut somebody's head off. So, I am looking at the inmate status report and saying I must have the wrong one, 'cause I see burglary here...

"And here are some of the comments that I heard, while being on the Parole Board. And these comments were directed at me and others. 'Hurry up. You are not going to let this guy out anyway. It is a sex offense. It is manslaughter. Or murder. If I let this guy out my name will be all over *The Post*, and why should I pay for this when I am

not the criminal?’ Panel members have questioned the length of my interviews many times.”

(“Restoring Fairness to Parole,” Transcripts of proceedings held at the New York City Bar Association, Feb. 15, 2007).

- d) Finally, clear evidence of pre-determination is seen in the current practice of considering parole applications of the elderly. The RAPP Campaign is currently collecting and compiling data from elderly long-termers, many of whom have appeared before the Board for release on numerous occasions. Our data to date establishes that the vast majority of these people have been assessed and classified as “low-risk” for re-offending—but this is not taken into account at the Board hearings. In May of this year a person named Mohaman Koti, confined at the Walsh Medical Center at the Mohawk Correctional Facility in upstate New York, appeared before his sixth parole hearing after serving 35 years. Mr. Koti, who is either age 85 or 87, depending on who is asked, was again denied parole (See, Exhibit “B”). Notably, the decision denying parole rotely cited the standard line: “...was at risk to commit another crime, and letting [him] go would create disrespect for the law.” This boilerplate statement was issued even in the face of Mr. Koti having received an earlier official assessment for being low-risk, and the testimony of correctional officials that, indeed, Mr. Koti was a peacemaker.

2. There is sufficient historical evidence suggesting that the Board of Parole’s Administrative Appeal process deprives appellants of a fair opportunity to have decisions of parole panels fairly reviewed, that it issues boilerplates, and that the Appeals Unit actually engaged in contempt of court by obscuring the process when a State Appellate Court rendered a decision ordering the Appeals Unit to change their review practices.

On many occasions during my confinement, and at various facilities, my assigned job was as a Law Library Clerk. In that capacity one of my functions was to assist people with administrative parole appeals. Thus, I began to notice that the rather lengthy Appeal Statements (3-page single-spaced on legal-sized paper) offering explanations for the appeal denial were absolute boilerplates; i.e. every word, sentence, and paragraph break was identical. The only differences that could be noted were the specific items identifying the appellant, such as name and identification number. Between the years 2001-2007, I collected perhaps thirty (30) of such Appeal Statement notices.

According to the regulations governing parole appeals, the appeals are to be conducted by three (3) board commissioners sitting in conference, and none of them should be of the original panel that considered and denied release. In 1995 a person who had been denied parole and submitted an administrative appeal noticed that the administrative appeal denial was signed by all three reviewing commissioners on different dates. Upon commencing a judicial challenge regarding this matter, The Appellate Division Third Department agreed that the hearing was held in violation of regulation and fundamental fairness, and the court ruled

that the three commissioners must convene and meet “collectively” to render a proper decision. See, Harris v. N.Y.S. Division of Parole, 628 N.Y.S.2d 416, 211 A.D.2d 205 (1995).

Recognizing that, even if it wanted to, it does not have the capacity to follow proper procedure due to time constraints (See, earlier point 1(a) herein), what the Parole Board did almost immediately in response was to excise or block-out the section of the administrative appeal form that indicated the date each respective commissioner affixed his or her name to the appeal notice (See, Exhibits “C”). Some years later the Parole Board Appeals Unit completely revised the appeal notice so that no date of the signatures need be reflected.

Subsequent to adopting this tactic, on two separate occasions this writer submitted Freedom of Information (FOIL) requests to the Parole Board Appeals Unit for the following information: (1) the dates each respective commissioner signed the administrative appeal denying my appeal; and (2) the date the document [appeal decision] was actually executed (See, Exhibits “D”).

On each of the two occasions the response I received to the FOIL requests were: “...*there is no document or other information on file indicating the actual date each of the members of the Board of Parole signed...*” (Id.). I found it somewhat astonishing that the Parole Board could actually claim they had no date of execution of what should be an official document, and could flagrantly engage in what was apparent contempt of a court order.

Finally, notwithstanding my own astonishment, the flagrancy of an abusive appeal policy and practice doesn’t stop there.

On a future occasion of my receiving a denial of an administrative appeal, I noticed that one of the “original” three signatures had been scratched over and another signature substituted (See, Exhibit “E”). Upon another FOIL inquiry, and a lengthy struggle, I finally was informed that the scratched-over signature had been one of the commissioners who conducted the original parole hearing. What this means is that the commissioner who initially signed the form denying my appeal did so without taking the time to look at the top of that very document to see that his name was indicated in **BOLD PRINT** as the person who conducted the hearing.

RECOMMENDATIONS

- *RAPP recommends the establishing of regulations requiring the Board of Parole to primarily focus on parole applicants’ accomplishments and assessments of risk in its decision-making process. Currently, critical decisions about punishment and treatment are being guided by personal experience, professional judgment and limited understanding about the effective ways to deter future criminal activity, and those most likely to re-offend. After decades of analyzing data, practitioners and researchers have identified key factors that can help predict the likelihood of any individual returning to crime and violence. This information should be employed and*

relied upon heavily in the decision-making process. When developed and utilized fully and properly, these risk-assessment instruments can help state governments target the right people to reduce recidivism and cut costs.

- Parole Commissioners are apt to grant release decisions for those people convicted of minor non-violent offenses and deny release to those who have been convicted of violent offenses and served long terms. This is counterintuitive practice. People convicted of major violent offenses, and who have served considerable time confined, are the least likely to commit another offense upon release. *RAPP recommends that the Governor appoint Parole Board commissioners who are more representative of the communities from which the majority of parole applicants come, and who have a demonstrated history and background in making sound decisions rather than caving-in to personal political concerns.*
- A recent report by the American Civil Liberties Union (ACLU) documented a significantly lower rate of recidivism among older people than their younger counterparts, and those convicted of minor offenses. *RAPP recommends that there be a requirement in parole release regulations that “age” and “time confined” be heavily factored-in the compassionate release, clemency, and parole decision-making process.*
- *RAPP recommends that a “Commission” or “Ombudsman” be created to monitor and evaluate the practice and policy of the Parole Board and to develop policies and practices of accelerating the release of elderly people who do not pose a public risk; and which shall issue yearly reports to the Governor, Legislature, Chairperson of The Parole Board, and the public on whether the Board is properly serving the public’s safety interest, and offer suggestions on adopting effective strategies.*
- *RAPP recommends establishing a system for reviewing release policies that could drive down the number of elderly people confined who have already served considerable time behind the walls and are no longer a threat to public safety. Developing this approach could be accomplished through existing systems such as work release, clemency and pardon.*

CONCLUSION

Historically, the pendulum regarding the U.S. legal system approach to incarceration has swung between two positions—rehabilitation/compassion and punitive. In recent decades stricter sentencing laws and the resultant impulse to perpetually punish has created a prison environment where the elderly is mushrooming, creating a moral and financial expensive crisis. In recent years some states, including New York, have grown concerned and wisely taken measures to reduce their burgeoning prison populations, even in the face of powerful industrial and union lobbying. Over the past 11 years, New York’s overall prison population decreased by 21%--from 71,466 in 2000 to 56,315 in 2011.

Yet, during the same period the population of people confined in New York State age 50 and over increased by 64%--from 5,111 in 2000 to 8,392 in 2011. Despite low recidivism rates, ample evidence of personal transformation, low-risk assessment scores, and the significant cost savings that could be realized, because of political considerations the New York State Board of Parole continues to consistently, and in a sweeping manner, deny elderly people the benefit of release and return to their communities to become productive members.

The problem of reducing mass incarceration will never be accomplished by excluding those convicted of violent offenses. In New York State 64 percent of the people under custody as of January 1, 2013 were serving sentences for a Violent Felony Offense (VFO)(See, **State of New York, Department of Corrections and Community Supervision, "UNDER CUSTODY REPORT: Profile of Inmate Population Under Custody on January 1, 2013"**).

Indeed, backend strategies play a significant role in reducing mass incarceration. Rational release mechanism which will reduce populations without compromising public safety and feed into rising recidivism rates must be implemented. Thus, a focus on parole policy and practice is crucial. Research shows that one in three prison admissions are for parole violations (Paul Guerino, Paige M. Harrison & William J. Sobol, **BUREAU OF JUSTICE STATISTICS, PRISONERS IN 2011 6 (2011)**). Available at <http://www.bjs.gov/pub/pdf/p10.pdf>.

Changes to criminal justice policies can only do so much in a system that relies on the absolute discretion of individual actors. People are inclined to resist change. The criminal justice system may be filled with generally well-meaning actors. But the incentives created for them are often misaligned with sensible policy. They sometimes succumb to incentives that continue to entrench and fortify mass incarceration.

Fortunately, in recent times there has been a turn towards evidence-based decision-making by policymakers who are leading an approach which shatters thoughtless criminalization and over-incarceration.

These new approaches, rooted in data analyses, seek to align public policy with public safety. The People of the State of New York, in order to garner the full benefit of these approaches, must find a way to reorient Parole Board discretion. One way to accomplish this is to monitor and measure how often the board's release decisions comport to scientifically-based risk assessments. Research has shown that the mere act of measuring can affect the behavior of an actor (See, e.g. Alix Peterson Zwane, et al., **BEING SURVEYED CAN CHANGE LATER BEHAVIOR AND RELATED PARAMETER ESTIMATES (2010)**). Available at <http://economics.mit.edu/files/6765>.

The time to implement these changes is well upon us.

EXHIBIT

A

NEW YORK STATE BOARD OF PAROLE OCTOBER 2013 PAROLE HEARINGS

(TOTAL HEARINGS HELD = 1,133)

TOTAL HEARINGS HELD IN OCTOBER 2013	TOTAL NUMBER OF PAROLE COMMISSIONERS AVAILABLE TO CONDUCT PAROLE HEARINGS	NUMBER OF DAYS PAROLE BOARD CONDUCTED HEARINGS IN OCTOBER	MAXIMUM POSSIBLE AMOUNT OF PAROLE PANELS	ESTIMATED AMOUNT OF HOURS WORKED PER DAY BY BOARD COMMISSIONERS	ESTIMATED AMOUNT OF MINUTES WORKED PER DAY BY BOARD	AVERAGE NUMBER OF HEARINGS HELD PER DAY	AVERAGE TIME THAT CAN BE ACCORDED TO EACH HEARING
1,133	14	10	7	8 hours	480	113	4.2 mins. *

KEY:

8 x 10 = 80 (ESTIMATED HOURS OF BOARD HEARINGS IN OCTOBER 2013)

60 x 80 = 4,800 (ESTIMATED MINUTES OF BOARD HEARINGS IN OCTOBER 2013)

4,800 / 1,133 = 4.2 (ESTIMATED MINUTES OF EACH BOARD HEARING)*

***/ It is possible time allotted for Board hearings may be increased depending on the amount of Board Panels conducting hearings.**

EXHIBIT

B

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ABOUT NEW YORK

He's Over 80, but a Convict Gets No Parole

By JIM DWYER
Published: October 8, 2013

It began with a parking ticket dispute on a street in Manhattan more than 35 years ago, then lots of stupidity, shots fired, everyone lived.



Mohamud G. Koti

In a medical ward in May 2013, the parole board was trying to figure out if it was safe to put Mohamud G. Koti, the driver involved, back on the street.

"Where does your sister live, sir?" a parole commissioner asked.

"Ma'am?" Mr. Koti replied, not making out the question.

Lots of that. Mr. Koti said he would not be a danger to society.

"O.K., why not?" the commissioner asked.

"What?" Mr. Koti answered.

Mr. Koti will officially be 85 years old on Friday, but his mother told him he was born in 1926, not 1928 as the records show. So perhaps he will be 87. The case is now so old that the parole board cannot find a copy of the transcript from his sentencing.

Mr. Koti may be on in years, but he does not make the list of the 10 oldest prisoners in New York State, where, over the last decade, the number of inmates has dropped by close to 15,000. One section of the prison system has run against that trend. There are 859 more prisoners over the age of 60, a current total of 2,133, according to Linda M. Foglia, a public information officer for the prison system. About half are doing life without parole.

Mr. Koti got into an argument with a police officer in Midtown about an inspection sticker on his car. This was hideous judgment: he had a record dating back to the 1940s and was on federal parole for a bank robbery in South Carolina. Mr. Koti said the officer drew his gun, then he pulled a gun and shot the officer. Nine other police officers joined in a chase, with shots fired. Mr. Koti fled into a woman's apartment, and when he was arrested, the charges included attempted murder and kidnapping. Later, he was caught in the water, trying to escape from Rikers Island.

"I don't think I should have had a gun in the first place," Mr. Koti said. "I should not have shot the police officer. If he had done his job as a police officer and given me a ticket, let me go, give me a warning, that would have never happened."

Still, he repeated, he should not have had a gun.

Offered a sentence of 7 1/2 to 15 years, he turned it down because he thought he could beat the charges at trial. The wounded officer had recovered, and his lawyer had found a witness who would give an account of the confrontation sympathetic to Mr. Koti. It did not work. He arrived in state prison in 1978 to serve a sentence of 25 years to life. There, he became known as a peacemaker and gave talks to schools.

"You have done a lot of good things in prison," a commissioner said at the parole hearing.

Mr. Koti said, "When I came to prison, instead of being with the gangsters and dopes and drug addicts, I went to school."

For prisoners over age 60, the rate of recidivism is about 1 percent, compared with the general prison population, which a 2011 study put at about 40 percent in New York. Why do the older paroled inmates do better?

"They age out of crime," said Mujahid Farid, a former prisoner and current Soros fellow who is working on a campaign to increase the rate of release of aging prisoners in New York. "They have spent a lot of time reflecting on their life," he said. "Sometime, there is a lot of growth in prison, despite the oppressive conditions. Almost like a flower growing through cement."

Even so, Mr. Koti, who was rated by parole investigators at a low risk to commit another crime, was turned down for release by a 2-to-1 vote.

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Why? The board said he had a history of violence, was at risk to commit another crime, and letting him go would create disrespect for the law. Mr. Farid had another view: "They're saying no because of this whole zeitgeist of the punishment. Once a person had been punished, punish them again."

Mr. Koti, who has been turned down for parole six times, can apply again in two years. Will he last that long?

He has been in and out of hospitals dozens of times in the last few years, suffering from a neuromuscular disorder, asthma, intestinal problems. A sister has offered to take him in.

The parole decision "deprives an old man of an opportunity not to die in prison," said Susan V. Tipograph, a lawyer for Mr. Koti.

At the hearing in May, the commissioners kept repeating questions.

"I am a little hard of hearing, that is why," Mr. Koti said.

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A version of this article appears in print on October 10, 2013, on page A22 of the New York edition with the headline: He's Over 80, But a Convict Gets No Parole.

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EXHIBIT

C

Parole Appeal Decision Notice

Inmate Name: F. J. Masahid Facility: Eastern
NYSID #: 119400 H Appeal Control #: 3-64-93
Dept. DIN #: 75 A 0062

Appearances (on Papers):
Appellant, pro se:
William K. Altschuler, for the Division

Board Member(s) who participated in the decision from which this appeal was taken: Burke, Biddle

Pleadings considered:
Appellant's submittal received 3/3/93 ; Statement of Appeals Unit Findings of 10/10/93

Documents relied upon:
Presentence Investigation Report;
4/93 Initial Appearance Parole Summary Report;
4/93 Interview Transcript(s) and Decision Notice(s)

Issues: See pleadings.

Findings (if at variance with those contained in the Statement of Appeals Unit Findings):

Determination: The decision from which this appeal was taken is hereby:

Affirmed Modified Reversed Dismissed - Moot

Board Members Rendering Appellate Decision:

Commissioner: _____ Date: 10/15/93

Commissioner: _____ Date: 10/15/93

Commissioner: J. Kevin McNeill Date: 10/18/93

Date Decision Notice Mailed to Inmate and Counsel (if appropriate): 10/19/93

Distribution: White-Appeals Unit; Green-Inmate; Yellow-Inst. Parole; Pink-Central File; Gold-Attorney

THIS SECTION WAS REMOVED AFTER HARRIS DECISION

Parole Appeal Decision Not

Inmate Name: Farid, Mujahid Facility: Attica
NYSID #: 1189458 H Appeal Control #: 5-167-95
Dept. DIN #: 79 A 0362

2/1/96

Appearances (on Papers):
Melvin T. Higgins, counsel for appellant;
The Appeals Unit, for the Division

Board Member(s) who participated in the decision from which this appeal was taken: GONZALEZ, McSHERRY

Pleadings considered:
Appellant's submittals received 9/11/95 and 10/16/95; Statement of Appeals Unit Findings of 1/9/96

Documents relied upon:
Pre-Sentence Investigation Report;
5/93 Initial Appearance Parole Summary Report;
5/95 Reappearance Parole Summary Report;
Related Interview Transcript(s) and Decision Notice(s)

Issues: See pleadings.

Findings (if at variance with those contained in the Statement of Appeals Unit Findings):

Determination: The decision from which this appeal was taken is hereby:

Affirmed Modified Reversed Dismissed - Moot

NOTE: It is not necessary for each Parole Board panel member to ask questions in order to be a participant

Board Members Rendering Appellate Decision:

Commissioner: _____
Commissioner: *Paul M. Kelly*
Commissioner: *Maria J. Beckman*

in the interview process & decision
MISSING SECTION

ate Decision Notice Mailed to Inmate and Counsel (if appropriate): 1-25-96 ad

istribution: White-Appeals Unit; Green-Inmate; Yellow-Inst. Parole; ink-Central File; Gold-Attorney

EXHIBIT

D

Mujahid Farid - #79A0362
Franklin Correctional Facility
62 Bare Hill Road - P.O. Box 10
Malone, New York 12953

February 3, 2005

Robert Dennison, Chairman
State of New York Executive Department
Division of Parole Appeals Unit
97 Central Avenue
Albany, New York 12206

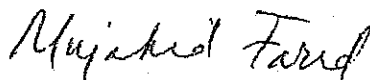
Freedom of Information Law Request
Re: Administrative Appeal #05-101-03-B

Dear Mr. Dennison:

This letter is my official request pursuant to New York State's freedom of information law for clarification regarding the above referenced Administrative Appeal Decision Notice. The information I am seeking is the date that the respective Commissioners rendered the final determination in this matter. I note that the only date indicated on the form (1/23/04) is the date that the final determination and related documents are being mailed to appellant. Please send me clarification of the day when the final determination was rendered by the Appeals Unit commissioners.

Thank you for your attention to this matter and I look forward to your response.

Sincerely,



Mujahid Farid

ME/

cc: file



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
97 CENTRAL AVENUE
ALBANY, NEW YORK 12206

ROBERT DENNISON
CHAIRMAN

ANTHONY G. ELLIS, II
EXECUTIVE DIRECTOR

March 11, 2005

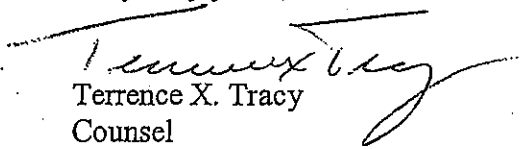
Mr. Mujahid Farid
79-A-0362
Franklin Correctional Facility
62 Bare Hill Road
P.O. Box 10
Malone, N.Y. 12953

Dear Mr. Farid:

In response to your letter of February 3, 2005 to Chairman Robert Dennison, please be advised that there is no document or other information indicating the actual date each of the members of the Board of Parole signed the *Administrative Appeal Decision Notice* dated January 23, 2004 for your administrative appeal #05-101-03-B.

Thank you for your attention in this matter.

Very truly yours,


Terrence X. Tracy
Counsel

cc: Central File (w/encls.)

Received
3/17/05

Mujahid Farid
#79A0362
Franklin Correctional Facility
62 Bare Hill Road - P.O. Box 10
Malone, New York 12953

November 1, 2008

State of New York Executive Department
Division of Parole Appeals Unit
97 Central Avenue
Albany, New York 12206

Re: Freedom of Information Law Request
Administrative Appeal #: 06-103-07

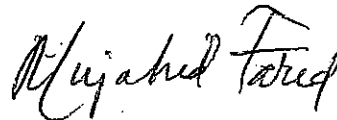
Dear Sir or Madam:

This letter is my official request pursuant to New York State's Freedom of Information Law for information and clarification regarding the following:

1. The names of the three Commissioners who signed the "Administrative Appeal Decision Notice," numbered as referenced above, and which was mailed to me on 10/6/08;
2. the actual date that the decision noted above was rendered; and
3. The actual date that each respective Commissioner whose name is affixed to the notice signed the document.

Thank you for your attention to this matter and I look forward to your response

Sincerely,



Mujahid Farid

cc: file



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
97 CENTRAL AVENUE
ALBANY, NY 12206

DAVID A. PATERSON
GOVERNOR

GEORGE B. ALEXANDER
CHAIRMAN

November 10, 2008

Mujahid Farid
79-A-0362 / 1189458-H
Franklin Correctional Facility
62 Bare Hill Road - PO Box 10
Elmira, New York 12953

Re: FOIL Request - Administrative Appeal

Dear Mr. Farid:

This is in response to your letter dated November 1, 2008, and received by Counsel's Office on November 7, 2008, wherein you request the names of the Commissioners who signed your Administrative Appeal Decision Notice. Please be advised that the notice was signed by Thomas P. Grant, Vanessa A. Clarke, and Christina Hernandez. As to the portion of your request inquiring the "actual date" the decision was rendered and the date each commissioner signed the notice, please be advised that the Division does not maintain that information in the format as requested. Accordingly, there is no information that can be furnished in response to that portion of your request.

You have the right to administratively appeal this decision. Within thirty days of receipt of this letter the appeal, if pursued, should be submitted to Terrence X. Tracy, Chief Counsel, Division of Parole, 97 Central Avenue, Albany, New York 12206.

Hopefully this information will assist you in this matter.

Sincerely,

Patrick Lawlor
Administrative Assistant Trainee

EXHIBIT

E

Mujahid Farid - #79A0362
Franklin Correctional Facility
62 Bare Hill Road - P.O. Box 10
Malone, New York 12953

February 3, 2005

Robert Dennison, Chairman
State of New York Executive Department
Division of Parole Appeals Unit
97 Central Avenue
Albany, New York 12206

Freedom of Information Law Request
Re: Administrative Appeal #05-101-03-B

Dear Mr. Dennison:

This letter is my official request pursuant to New York State's freedom of information law for clarification regarding the above referenced Administrative Appeal Decision Notice. The information I am seeking is the date that the respective Commissioners rendered the final determination in this matter. I note that the only date indicated on the form (1/23/04) is the date that the final determination and related documents are being mailed to appellant. Please send me clarification of the day when the final determination was rendered by the Appeals Unit commissioners.

Thank you for your attention to this matter and I look forward to your response.

Sincerely,



Mujahid Farid

MF/

cc: file



STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE
97 CENTRAL AVENUE
ALBANY, NEW YORK 12206

ROBERT DENNISON
CHAIRMAN

ANTHONY G. ELLIS, II
EXECUTIVE DIRECTOR

March 11, 2005

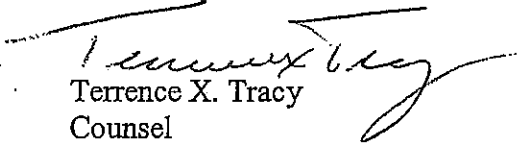
Mr. Mujahid Farid
79-A-0362
Franklin Correctional Facility
62 Bare Hill Road
P.O. Box 10
Malone, N.Y. 12953

Dear Mr. Farid:

In response to your letter of February 3, 2005 to Chairman Robert Dennison, please be advised that there is no document or other information indicating the actual date each of the members of the Board of Parole signed the *Administrative Appeal Decision Notice* dated January 23, 2004 for your administrative appeal #05-101-03-B.

Thank you for your attention in this matter.

Very truly yours,


Terrence X. Tracy
Counsel

cc: Central File (w/encls.)

Received
3/17/05