

STATE OF NEW YORK – BOARD OF PAROLE

APPEALS UNIT FINDINGS & RECOMMENDATION

Name: Babenzien, David

DIN: 18-B-0293

Facility: Cayuga CF

AC No.: 03-045-19 B

Findings: (Page 1 of 1)

Appellant challenges the February 2019 determination of the Board, denying release and imposing a hold to the original Parole Eligibility Date. The instant offense involves possession of two large ziplock bags of crystal methamphetamine and a false bottom battery that contained suspected crystal methamphetamine. Among other things, Appellant argues the Board relied on erroneous information regarding his criminal record.

A review by the Appeals Unit reveals that Appellant's contention is correct. Specifically, the Board erroneously referred to Appellant as having two federal terms and convictions. It ultimately was discovered that Appellant has one federal drug conviction and a violation of federal probation supervision. As such, a *de novo* interview is appropriate.

Recommendation: Vacate and remand for de novo interview.