

STATE OF NEW YORK – BOARD OF PAROLE

**APPEALS UNIT FINDINGS & RECOMMENDATION**

**Name:** Conner, Lemar

**DIN:** 04-A-1523

**Facility:** Willard DTC

**AC No.:** 03-085-19 R

**Findings:** (Page 1 of 1)

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Appellant challenges the February 15, 2019 determination of the administrative law judge (“ALJ”), revoking release and imposing a 12-month/DOCCS alternate 90 day treatment program time assessment. Appellant’s instant offense involved him and a co-defendant shooting a victim, thereby killing him. The present parole violation stems from appellant traveling to the State of Ohio, in violation of his parole conditions, and while in Ohio incurring new criminal arrests. Appellant ended up pleading guilty in Ohio to Identity Fraud, and Possession of Criminal Tools, both felonies in Ohio. In his final parole revocation hearing, appellant pled guilty to the charge of leaving the State of New York without the permission of his parole officer. Appellant raises only one claim, that being the time assessment imposed is harsh and excessive.

It is presumed the Administrative Law Judge considered all of the relevant factors. Ramirez v New York State Board of Parole, 214 A.D.2d 441, 625 N.Y.S.2d 505 (1<sup>st</sup> Dept 1995); Garner v Jones, 529 U.S. 244, 120 S.Ct. 1362, 1371, 146 L.Ed.2d 236 (2000). The time assessment imposed is clearly permissible. Otero v New York State Board of Parole, 266 A.D.2d 771, 698 N.Y.S.2d 781 (3d Dept 1999) leave to appeal denied 95 N.Y.2d 758, 713 N.Y.S.2d 2 (2000); Carney v New York State Board of Parole, 244 A.D.2d 746, 665 N.Y.S.2d 687 (3d Dept 1997); Issac v. New York State Division of Parole, 222 A.D.2d 913, 635 N.Y.S.2d 756 (3d Dept. 1995).

**Recommendation:** Affirm.