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Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0182-16T1

KOFI RIES,

Appellant,

v.

NEW JERSEY STATE
PAROLE BOARD,

Respondent.

Submitted January 8, 2018 – Decided January 30, 2018

Before Judges Ostrer and Whipple.

On appeal from the New Jersey State Parole Board.

Kofi Ries, appellant pro se.

Christopher S. Porrino, Attorney General,
attorney for respondent (Melissa Dutton
Schaffer, Assistant Attorney General, of
counsel; Gregory R. Bueno, Deputy Attorney
General, on the brief).

PER CURIAM

Kofi Ries, an inmate at South Woods State Prison, appeals the
August 24, 2016 New Jersey State Parole Board (the Board) decision

denying him parole and imposing an eighteen-month future eligibility term.

Ries pled guilty to two counts of third-degree possession of CDS with the intent to distribute within 1,000 feet of a school, N.J.S.A. 2C:35-7; third-degree possession of CDS, N.J.S.A. 2C:35-10(1)(1); third-degree burglary, N.J.S.A. 2C:18-2; second-degree burglary, N.J.S.A. 2C:18-2(a)(1); and second-degree eluding an officer, N.J.S.A. 2C:29-2. He was sentenced to an aggregate term of eleven years and nine months.

On April 15, 2016, Ries became eligible for parole after serving four years, three months, and five days. On March 8, 2016, a two-member Board panel denied him parole and set an eighteen-month future eligibility term.

On March 17, 2016, Ries administratively appealed the denial. On August 24, 2016, a full Board panel affirmed. This appeal followed.

On appeal, Ries argues the Board improperly discriminated against him by basing its decision to deny him parole on a substance abuse issue. He further avers the Board acted in an arbitrary fashion in denying him parole based on undefined criteria. Because the Board properly exercised its statutory discretion, we affirm.

Ries argues the Board's decision to deny him parole due to a drug addiction was arbitrary and capricious because the Board did not offer him adequate, professional treatment. While Ries acknowledges the Board relied on other factors in denying him parole, he contends its most significant reason was that he had unresolved drug problems. Ries further contends it was an error for the Board to deny him parole based on facts from a prior record. We disagree.

We must affirm the Board's decision unless it was unreasonable, unsupported by credible evidence in the record, or contrary to the law. Trantino v. N.J. State Parole Bd., 166 N.J. 113, 172 (2001). "Board decisions are highly 'individualized discretionary appraisals.'" Id. at 173 (quoting Beckworth v. N.J. State Parole Bd., 62 N.J. 348, 359 (1973)). Thus, the Board has "broad but not unlimited discretionary powers," and its determinations are "judicially reviewable for arbitrariness." Monks v. N.J. State Parole Bd., 58 N.J. 238, 242 (1971). "Common sense dictates that [the Board's] prediction as to future conduct and its opinion as to compatibility with the public welfare be grounded on due consideration of the aggregate of all the factors which may have pertinence." Beckworth, 62 N.J. at 360. The Board must also consider the factors in N.J.A.C. 10A:71-3.11(b), which

contains a non-exhaustive list, in determining an inmate's eligibility for parole.


Even if we were to agree the Board erred in denying Ries parole based on an unresolved substance abuse issue, the Board denied parole for numerous other reasons amply supported by the record. The Board denied Ries parole because of the serious nature of his offenses – he pled guilty to two counts of third-degree possession of a controlled dangerous substance with the intent to distribute within 1,000 feet of a school, one count of second-degree burglary, one count of third-degree burglary, one count of second-degree eluding an officer, and one count of third-degree possession of a controlled dangerous substance. Moreover, the Board denied him parole based on an extensive criminal record – Ries has been convicted of twenty offenses as an adult. The Board further reasoned Ries's offense were repetitive, increased in seriousness, and he was committed for multiple offense. Furthermore, Ries was denied parole because he had previously been paroled, but parole did not deter his criminal behavior. While on parole on three separate occasions, Ries violated parole each time.

Based on our review of the record, the Board's decision to deny parole is amply supported and is not arbitrary, capricious, or unreasonable.

Ries's additional arguments lack sufficient merit to warrant discussion in a written opinion. R. 2:11-3(e)(1)(D) and (E).

Affirmed.

I hereby certify that the foregoing is a true copy of the original on file in my office.


CLERK OF THE APPELLATE DIVISION