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District Attorney Recommendation - FUSL000019 (2011-02-03)

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INIT

OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY

RENAISSANCE PLAZA at 350 JAY STREET
BROOKLYN, N.Y. 11201-2908
(718) 250-2000

CHARLES J. HYNES
District Attorney

February 3, 2011

DIVISION OF PAROLE
RECEIVED

FEB 07 2011

FISHKILL CORR. FACILITY

New York State Board of Parole
c/o Fishkill Correctional Facility Parole Office
18 Strack Drive
Beacon, N.Y. 12508

Re: [REDACTED]
DIN No. [REDACTED]

To the Members of the Board of Parole:

[REDACTED] makes first appearance before you next month having served almost 32 years of a life sentence. He was convicted of killing two young men.

The incident began, as most homicides do, over a trivial incident. The victims and others were playing softball in an [REDACTED] school yard. [REDACTED] along with two other young men, intentionally walked across the field of play. This resulted in an argument and a scuffle. Unbeknown to those he was arguing with, [REDACTED] was in possession of a fully loaded revolver. [REDACTED] in turn, did not know that some of the softball players were off-duty police officers and that the umpire was a local parish priest.

When one of his friends was either knocked or fell to the ground, [REDACTED] used his gun to shoot [REDACTED] dead. Having witnessed this, some of the off-duty officers chased after the killer. One of them was [REDACTED] who by all accounts was unarmed. The chase lasted about four blocks across a main thoroughfare.

The defendant fired three times at pursuing officers. The chase concluded with [REDACTED] catching [REDACTED] in a backyard. [REDACTED] was alone and struggling to subdue [REDACTED] when [REDACTED] used his last bullet to fire point blank into [REDACTED] abdomen. He died at the hospital.

The defendant claimed he acted in self defense while always admitting possession of the gun. One jury was unable to reach a verdict while the second convicted him of murder for the [REDACTED] killing and manslaughter for the killing of [REDACTED]. The latter verdict may be a reflection of the lack of eyewitnesses and the fact that the single shot was fired during a struggle. The court imposed a sentence that was just one year shy of the maximum under the law at the time and more than three the minimum (15 years to life) which could have been imposed.

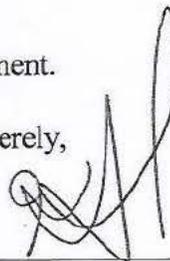
Re: [REDACTED]
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I know that [REDACTED] has been incarcerated for many years and that he was a young man with no criminal record at the time of his offense. But he chose to carry a deadly weapon and chose to use it to murder an individual with no justification and only slight provocation. He then used that weapon to kill a police officer in an attempt to avoid arrest. Surely, the granting of parole at the first possible opportunity would be an injustice given the gravity of his crimes. Is parole ever appropriate for the killing of two victims?

[REDACTED] It is my hope that you will deny parole now and continue to do so for the foreseeable future.

As always, I thank you for the opportunity to comment.

Sincerely,



Kenneth Taub
Chief, Homicide Bureau
(718) 250-2410

/mb