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September 2019

### Parole Interview Transcript - FUSL000001

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1 STATE OF NEW YORK : DIVISION OF PAROLE

2 -----x

3 In the Matter

4 of the

5 NEW YORK STATE PAROLE COMMISSIONERS'

6 PAROLE BOARD MEETING RE:

7 [REDACTED]

8 NYSID # [REDACTED]

9 DIN # [REDACTED]

10 INITIAL RELEASE APPEARANCE

11 -----x

12 INSTITUTION: Arthur Kill Correctional Facility

13

14 DATE: March 5, 2007

15 March 2007 Board

16

17 BEFORE: Commissioner W. William Smith Jr.

18 Commissioner James Ferguson

19 Commissioner Chris Ortloff

20

21 HEARING REPORTER: Eileen Arrigo

22

23 ALSO PRESENT: FPO II Joseph Sly

24 FPO I Thomas Boruch

25

DIVISION OF PAROLE  
RECEIVED  
APR 11 2007  
'APPEALS UNIT'

1 EXAMINATION BY COMMISSIONER FERGUSON:

2 Q. State your name, please.

3 A. [REDACTED]

4 Q. I'm Commissioner Ferguson. Seated next to  
5 me are Commissioners Smith and Ortloff.

6 COMMISSIONER SMITH: Hello.

7 COMMISSIONER ORTLOFF: Hello.

8 Q. This is an initial appearance for you  
9 before the board. You're incarcerated for the  
10 offense of murder in the second degree. You received  
11 a sentence of 15 to life by a plea of guilty, and  
12 you've served 15 years at this point; is that  
13 correct?

14 A. Yes.

15 Q. The instant offense relates to events in  
16 March of '92 in Bronx County in which you pointed a  
17 loaded pistol at the male victim, took some property  
18 from the victim and shot him causing his death. Is  
19 that correct?

20 A. Yes.

21 Q. Why did you do that?

22 A. It was a cowardly act. I have done it out  
23 of desperation. I know it was the wrong thing to  
24 do. All my life I made excuses for the conditions of  
25 my life, negative thinking that I've had, negative

1 feelings, and at that particular time I was homeless  
2 and had some problems, emotional problems, problems  
3 with my family, particularly my mother, and my life  
4 was out of control. There is no excuse that I can  
5 give for that crime except to say that I know it was  
6 wrong. I should have never done it.

7 Q. Why is it that you needed to shoot him?

8 A. I took the man's property. Actually, I  
9 asked him for food and some money. He didn't give it  
10 to me, and then I forcibly took it, and upon leaving  
11 another person seen what happened and started chasing  
12 me with a bat and I got scared. I didn't even look  
13 to see where I was shooting and I shot the man.

14 Q. Your criminal history goes back to 1979.  
15 You got arrested for robbery. You pled guilty to  
16 petit larceny. You had some more misdemeanors, petit  
17 larceny, trespass, grand larceny, attempted petit  
18 larceny. You have a robbery in '82. Who did you rob  
19 in '82? That was the one that came in with an  
20 attempted rape charge and a sexual abuse charge.

21 A. Yes. Me, along with some guys that I met  
22 that night, robbed a lady of her property in the  
23 Bronx, and I did some time for that.

24 Q. Who sexually abused this woman?

25 A. I certainly didn't, sir. All my life I

1 taken responsibility for the crime. The charge was  
2 that one of us in searching for money went inside the  
3 woman's brassiere and took some money out and hence  
4 the sexual abuse charge.

5 Q. In '85 you have a conviction for criminal  
6 position of a weapon. You did time for that also,  
7 right?

8 A. Yes.

9 Q. You have two prior prison terms, two prior  
10 felonies involving violent offenses. One them was a  
11 nonviolent E felony weapon possession. What kind of  
12 gun was it?

13 A. Small caliber. I think it was a .22 or  
14 .25. I'm not exactly sure.

15 Q. You've got a history that progresses to  
16 becoming more violent until something dies and now  
17 somebody is dead.

18 What's going to be different with you if  
19 we release you?

20 A. I used this time to really think about who  
21 I am, what life is about and my role in society.  
22 Prior to that I didn't do that. I had many issues,  
23 and I had a negative attitude, and I couldn't free  
24 myself from focusing on bad things that happened to  
25 me in the past.

[REDACTED]

1 I'm married. My wife has a new home that  
2 I can stay in enough to save some money and get on my  
3 feet and have some stability to do some good things.  
4 I know I don't deserve this opportunity. However, I  
5 realize that. I deserve the sentence, and I  
6 appreciate the sentence that I have.

7 Q. You've got some amended letters here too.  
8 I just want you to understand that because you were  
9 concerned apparently from what I see about your  
10 reasonable assurance letters, and your wife as well  
11 as [REDACTED], programs that you've applied to, and  
12 besides college, you have College Initiative Prisoner  
13 Reentry Institute, right?

14 A. Yes.

15 Q. Do you have any substance abuse problems,  
16 or do you have a long history of substance abuse  
17 problems?

18 A. Yes, I do, sir. In fact, that was my cop  
19 out, to use drugs instead of facing reality. I  
20 isolated myself by using drugs and staying alone and  
21 not getting help for my problem. Yes, I do have a  
22 substance abuse problem.

23 Q. But you've been able to program since  
24 you've been in, correct?

25 A. Yes. Being in some of those programs

1 really, you know, they helped me think about things,  
2 you know, about my anger, that I could choose not to  
3 get angry and deal with crises. About drugs, about  
4 it's not just the physical drugs, it's about the  
5 attitude of addiction to negative behavior.

6 Q. I see you've done a lot of programming in  
7 regards to dealing with your anger issues.

8 A. Yes, sir.

9 Q. What type of work is it that you actually  
10 plan on doing?

11 A. I want to do stuff in HIV AIDS education,  
12 working with young people who don't appreciate their  
13 parents or maybe don't have parents, out there  
14 involved in gangs or running the streets, the same  
15 thing I have done and not getting the help and  
16 attention. I didn't have a mental father, never met  
17 my father, and I battled with my mother for many  
18 years trying to find out his identity. So I want to  
19 use that experience that I went through in my life  
20 and finally give something back to the community. I  
21 made it my effort to do that here as well.

22 Q. Are you on any medication?

23 A. No, sir. I never thought I had a problem  
24 until being incarcerated, and I know I do have a  
25 problem. I have spoken to psychologists and

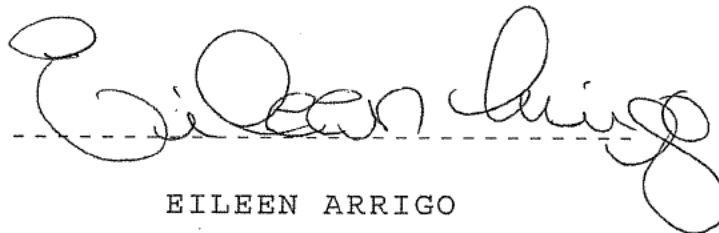
1 RE: [REDACTED]  
 2 AT: ARTHUR KILL CORRECTIONAL FACILITY  
 3 ON: MARCH 5, 2007

4  
5 CERTIFICATION

6  
7  
8 I, EILEEN ARRIGO,  
 9 a Notary Public in and for the State  
 10 of New York, do hereby certify:

11 THAT the foregoing is a true and  
 12 accurate transcript of my  
 13 stenographic notes.

14 IN WITNESS WHEREOF, I have  
 15 hereunto set my hand this 7th day of  
 16 March 2007.

17  
 18   
 19  
 20 EILEEN ARRIGO