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September 2019

District Attorney Recommendation - FUSL000043 (2019-08-12)

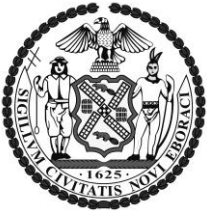
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Eric Gonzalez
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C - O - N - F - I - D - E - N - T - I - A - L

August 12, 2019

NYS Department of Corrections & Community Supervision
Ulster Correctional Facility
750 Berne Road
Napanoch, New York 12458
Attention: ORC Briane Zoro
Via email: Briane.Zoro@DOCCS.NY.Gov

Re: [REDACTED]
DIN: [REDACTED]
NYSID: [REDACTED]
Indictment: [REDACTED]

To Whom It May Concern:

I am writing with regard to the impending parole release consideration hearing for [REDACTED] [REDACTED] scheduled to appear before the Parole Board on **August 14, 2019**. After a careful review of Mr. [REDACTED] parole application materials, and an in-person meeting between Mr. [REDACTED] and an Assistant District Attorney from the Kings County District Attorney's Office, I am writing to inform you that my Office supports Mr. [REDACTED] release to parole supervision.

Mr. [REDACTED] was convicted of Murder in the Second Degree, Attempted Robbery in the First Degree, and Criminal Possession of a Weapon in the Second Degree under indictment [REDACTED] 8 and sentenced to a term of imprisonment of twenty-five years to life. Mr. [REDACTED] had just turned 23 years old at the time he committed the instant offense.

Thirty-one years ago, Mr. [REDACTED] committed a senseless crime of violence, taking the life of an innocent man using a sawed-off shotgun, a weapon devoid of lawful purpose and designed only to inflict violence. At the time of sentencing, this Office requested the maximum sentence of twenty-five years to life, a term calculated to serve many of the important functions of our criminal justice system: protecting society from future violent conduct by Mr. [REDACTED] sending a message of deterrence to others, punishing Mr. [REDACTED] for his choices and actions, and allowing for the family of his victim, [REDACTED], to feel a sense of retribution and justice.

But a criminal sentence serves other functions as well, and one of those is to rehabilitate individuals like Mr. [REDACTED] so that they may one day rejoin society. In a case where an individual has spent decades reflecting on the crime he committed, the hurt he caused others, and the lives he destroyed, and where that individual has expressed remorse and done everything in his power to become a changed person, justice is not served by keeping in prison a person who no longer represents a threat to the community. At fifty-three years old, Mr. [REDACTED] has spent thirty-one years, nearly

two thirds of his life, satisfying the punitive, retributive, and rehabilitative aims of justice, and I believe that, under all the circumstances, a longer period of incarceration for Mr. [REDACTED] would be excessive.

My position is that justice includes mercy and the possibility of redemption, and that our parole system should be a meaningful one that focuses on not only the circumstances of the crime itself, forever unchangeable, but on the individual seeking parole today and the efforts he or she has undertaken since the crime to reflect, grow, contribute, and atone. I believe that a thorough inquiry is especially important for individuals like Mr. [REDACTED] whose youth at the time of his offense and lengthy subsequent period of incarceration provide an especial opportunity for maturation and transformation into an appropriate candidate for release.

Members of my Office carefully reviewed a parole packet prepared by Mr. [REDACTED] including a narrative of Mr. [REDACTED] life before, during and after the commission of his crimes; the minutes and decisions of his prior parole hearings; inmate progress reports and a Commendable Behavior Report from C.O. J. [REDACTED] and Mr. [REDACTED] RAP sheet.

In addition, an Assistant District Attorney from my Office met with Mr. [REDACTED] in person at Ulster Correctional Facility, where she was able to review Mr. [REDACTED] most recent COMPAS report. Mr. [REDACTED] was honest and forthcoming throughout that meeting and was sincere and thoughtful in his unequivocal expressions of remorse and acceptance of responsibility for the death of [REDACTED] Mr. [REDACTED] presented a complete and credible narrative of his journey from a hopeless young inmate full of denial and self-loathing into a changed, compassionate man committed to positive thinking and acts of service.

Finally, I understand that Mr. [REDACTED] has the support of caring family members and a standing offer of employment in [REDACTED]. My Office's Re-Entry Bureau also stands ready to assist Mr. [REDACTED] in his transition back into the community.

Based upon our careful review of all the above considerations, my Office supports Mr. [REDACTED] release to parole supervision. To the extent that prior Parole Boards have denied release on the grounds that to do so would depreciate the serious nature of Mr. [REDACTED] offense and undermine respect for the law, this Office, entrusted with keeping [REDACTED] safe and enforcing the rule of law, believes that under these circumstances the public interest no longer requires Mr. [REDACTED] incarceration.

Sincerely,

Eric Gonzalez
Kings County District Attorney