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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview
In the Matter
-of-

DIN # [redacted]
NYSID # [redacted]

TYPE OF INTERVIEW: Reappearance

HELD AT: Fishkill CF

HELD ON: January 22, 2013

BEFORE: COMMISSIONER FERGUSON
         COMMISSIONER LUDLOW
         COMMISSIONER THOMPSON

VERBATIM REPORTER: Christina M. Wolcott
BY COMMISSIONER LUDLOW:
Q. Good afternoon. You're [redacted]?
A. Yes, sir.
Q. You are [redacted], sir?
A. Yes, sir.
Q. Good afternoon.
A. Good afternoon.
Q. [redacted], I am Commissioner Ludlow, with me is Commissioner Ferguson and Commissioner Thompson.
COMMISSIONER FERGUSON: Good afternoon.
COMMISSIONER THOMPSON: Good afternoon, sir.
Q. [redacted], this is your fourth appearance before the Board of Parole, sir. You're now 50 years old, is that correct?
A. That's correct.
Q. You pled to Murder 2nd, an A-1 felony, sentenced 15 to life. You've been in about 21 years to date, is that correct?
A. That's correct.
Q. You have a total of four felonies, including the instant offense. This is your third state bid, is that all correct?
A. Yes, sir.
Q. Okay, sir. We have the sentencing minutes on file from State Supreme Court, Bronx County, May 5th, 1994, before Judge Cerbone. You at the time were represented by Mr. Ventura, correct, sir?

A. That's correct, sir.

Q. The minutes are on file and are part of the record. We also have the COMPAS instrument on file. Have you had the benefit of reviewing your COMPAS risk assessment instrument?

A. Yes, sir.

Q. We draw upon the information contained in the COMPAS to assist us in complying with Executive Law 259C(4), which requires the Board of Parole to conduct a risk and needs assessment as a measure of your rehabilitation for re-entry into the community. In your case, the COMPAS assessment has you at a low risk for felony violence arrest or absconding from parole. Do you agree with the computer in that regard, that you would be a low risk if on parole?

A. Yes, sir.

Q. Okay. Underlying offense relates back to March 25th, 1992; that was a bad day --

A. Sure was.

Q. -- in the Bronx, and you shot a male victim, causing his death. Was that during the course of a robbery?
A. Yes, sir.
Q. Did you know the victim?
A. No, I didn't.
Q. Just a random hit; random choice?
A. Yes, sir.
Q. Your first felony was 1980, out of the Bronx, Attempted Grand Larceny 3rd, an E felony; first state bid 1982, out of the Bronx, Robbery 2nd; second state bid 1985, out of Brooklyn, Attempted Criminal Possession of a Weapon 3rd. The instant offense is your third state bid, is that all correct, sir?
A. Yes, it is correct, sir.
Q. Okay. Now, over 21 years, would it be fair to say that you've completed all recommended programs, ART, ASAT and you have a GED?
A. Yes, sir.
Q. You've also achieved paralegal assistant status, is that right?
A. Yes, sir.
Q. And you've worked as an administrative clerk. Where have you worked as an administrative clerk?
A. I worked as an administrative clerk a couple of times. My most recent is I work as an administrative clerk here at Fishkill. I work under the supervision of Senior Offender Rehabilitative Coordinator D. Howard.
Q. Okay. You've also been a coordinator in the network re-entry program?
A. Yes. I'm actively in that capacity, as we speak, and I've been there since August of 2011. I came in as a regular participant, then I became a facilitator of a class and then I was promoted to resident coordinator.

Q. Okay. No tickets since your last appearance, correct?
A. No, sir, that's correct.

Q. You've been in a long time, sir, 21 years. Despite that, what do you think you can do work wise out there, and where can you live? What is your thinking?
A. My thinking is that I'm capable and responsible of getting a job in the human services department, that's where I would like to work helping people with the similar life background as myself.

Q. Human services for whom?
A. Human services for people with HIV/AIDS or at risk of those contracting those diseases, at-risk youth, perhaps even formerly incarcerated persons.

Q. We do have letters of support on file. We always appreciate third parties sharing their thoughts with us by correspondence. We have a letter of support from [REDACTED]?
A. Yes.
Q. Croton Falls, New York. Who is [redacted] or [redacted] to you?

A. He's a friend I -- throughout the years I have done community outreach work. Through my paralegal studies, I help people write proposals for grants for non-profits, I help write business plans, and I've came across a great deal of people who recognize my skills and willing to offer me some opportunity upon my release.

Q. Who was the victim you shot back then; who was that person, do you know?

A. This was a person, he was an honest man. After my attempt to rob [redacted], I was -- actually, I was running from the scene of the crime, and the gentleman came to the person's aid and, as I drew the weapon that I had, he got back in his vehicle and I ran down the street and he pursued me. He was trying to apprehend me.

Q. Okay.

A. And --

Q. Did he identify himself as law enforcement?

A. No, sir.

Q. No? Was he in any kind of uniform?

A. No, sir.

Q. But it turned out that he was an off-duty auxiliary
police officer, city of New York?
A. I was told that, sir.
Q. Okay. Did he have -- did he display a weapon to you?
A. No. He was -- it was some kind of bat or a stick he was trying to hit me with.
Q. Okay.
A. And, out of panic, I shot.
Q. How many times did you fire?
A. I'm not even sure, sir. Maybe two or three times.
Q. We also have a letter of support from network support services in Manhattan. You have a letter from ____, is that your bride?
A. Yes.
Q. You were married on the inside?
A. Yes. After ten years of knowing her, I married her at Green Haven, and she's been supporting me for the most of 20 years.
Q. ____, Fresh Meadows, New York, letter of support. How do you know ____________?
A. Me and ____________ participated in many programs. He was incarcerated, we participated in college, which we both graduated. We also worked in the DMV vocational training program, where we worked as customer service agents, we also worked in the prison law library. He went home and completed parole and has supported my
transition and my rehabilitation and has offered to help me and has helped me throughout my incarceration.

Q. We have a letter of assurance of employment from Edward Renovations, South Ozone Park, indicating you will have employment with them.

A. Yes, sir.

Q. Okay.

COMMISSIONER LUDLOW: Commissioner Ferguson?

COMMISSIONER FERGUSON: I will also note there's opposition to your release, which you're probably aware of, having been before the Board before. You're saying, when he was trying to apprehend you -- I mean he's not armed, he doesn't have a gun and he wasn't even saying to you that he was an officer, because that would be the only thing that might prevent you from shooting him.

THE INMATE: Yeah. He didn't identify himself. He was screaming and hollering, telling me to stop, some other stuff I didn't hear and, at first, I didn't even know that he was behind me because he got back in his car and I ran. Next thing I know, he was behind me, swinging a stick and, quite frankly, sir, I just panicked. I thought he was going to hit me with the stick, and I just
shot aimlessly in his direction, and I'm very sorry about that, sir. When I committed this crime, I knew I was doing something wrong, taking somebody's property. I figure I would scare the person, ask for his money. He didn't give it to me, and I ran. I didn't want to hurt that person, and I ran. I left. I left the person where he was at and, as I was running, tried to stop me and I waived my gun at him and I continued running.

Q. You were about 29 at the time?
A. Yes, sir.

COMMISSIONER LUDLOW: Commissioner Thompson?

COMMISSIONER THOMPSON: No further questions. Thank you.

Q. anything additional, sir, for us today that's important to you?
A. Yes, sir. I know that this is a difficult decision to make when somebody takes a person's life. I say to you, gentlemen, and the lady, Miss Thompson, that I have done everything in my power to change my thinking and my behavior, and I have committed the last 21 years of my life towards that effort and what I've done really bothers me, and I have transformed what I -- the growing that I have done into a sincere effort to change my
life. I have just ask that you take that into consideration.

Q. Okay.

A. I have people that believe in me today. More importantly I believe that I am capable of being a responsible husband, parent, mentor and citizen in our community, and I have some evidence to show you today that I have developed a work ethic and marketable skills that will make me a law-abiding person. I don't make no excuses for the crime that I have committed, except that there were extenuating factors, but I know that just as easily I could have purchased drugs or a weapon, I could have went and purchased a job at a temporary unemployment agency, or I could have went to a church or a human services organization and gotten help for the conditions of my life.

Q. Okay.

A. And I'm ready to use all available resources --

Q. That's very well stated.

A. -- upon release.

Q. We appreciate that. We have attempted to give you a full, fair and accurate interview today. In your opinion, sir, have you received that?

A. I think so, sir.

Q. You're still a young man at 50. We certainly want
you to get your life turned around in a positive, constructive way. We wish you good luck in that regard, We will advise you in writing. Good luck to you, sir.

A. Thank you very much.

COMMISSIONER FERGUSON: Have a good day.

(The inmate was excused:)

(After due deliberation by the Parole Board panel, the following decision was rendered:)

...
DECISION

Parole is denied. Hold 24 months.

Next appearance January 2015.

Following careful review and deliberation of your record and interview, this Panel concludes that discretionary release is not presently warranted due to concern for the public safety and welfare.

The following factors were properly weighed and considered: Your instant offense in the Bronx, in March 1992, involved your fatal shooting of a male victim during the course of an apparent robbery.

Your criminal history includes weapon, robbery and larcenous related offenses.

Your institutional programming indicates progress and achievement, which is noted to your credit. Your disciplinary record appears clean since your last Board appearance.

You have approximately four felonies. This is your third state bid. All required factors in the file have been considered. Required statutory factors have been considered, including your risk to the community, rehabilitation efforts and your needs for successful community re-entry.
Your discretionary release at this time would thus not be compatible with the welfare of society at large and would tend to deprecate the seriousness of the instant offense and undermine respect for the law.

(All commissioners concur.)

CERTIFICATION

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.

Christina M. Wolcott