

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

October 2019

Parole Interview Transcript/Decision - FUSL000002 (2015-10-20)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

Recommended Citation

"Parole Interview Transcript/Decision - FUSL000002 (2015-10-20)" (2019). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/6>

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview

In the Matter

-of-

[REDACTED]
DIN # [REDACTED]
NYSID # [REDACTED]

HELD AT: Auburn C.F.
(Video-conferenced to Syracuse, NY)

HELD ON: October 20, 2015

BEFORE: Commissioner W. Smith
Commissioner Elovich
Commissioner Coppola

STAFF PRESENT
IN SYRACUSE: Patrick Kennedy, SORC
Diane Murphy, APA

IN FACILITY: Brian O'Hora, ORC

REAPPEARANCE

REPORTER: Anthony R. D'Ambrosio
Certified Shorthand Reporter

1 BY COMMISSIONER ELOVICH:

2 Q. Hi. Please state your name, for the record?

3 A. [REDACTED]

4 Q. Hello, [REDACTED]. I'm Commissioner Elovich, with
5 me today is Commissioner Smith and Commissioner Coppola.

6 COMMISSIONER W. SMITH: Hello.

7 COMMISSIONER COPPOLA: Hello, sir.

8 Q. How are you today?

9 A. Pretty good.

10 Q. Okay. Are you ready to proceed today with your
11 reappearance?

12 A. Yes.

13 Q. Okay. You are serving an aggregate term of 25 to
14 life for a number of crimes, which I'm going to read into
15 the record: Two counts of murder; 22 counts of
16 kidnapping first degree; manslaughter second degree;
17 assault first degree; robbery first degree; grand larceny
18 third; grand larceny second; reckless endangerment first;
19 criminal possession of a weapon first; robbery second;
20 and kidnapping first. Is that correct?

21 A. Yes.

22 Q. Okay. And according to records, on January 19, 1973,
23 at approximately 5:30 p.m., you and your co-defendants
24 entered a sports equipment store. You and your
25 co-defendants proceeded to rob and hold 12 hostages

1 against their will during an approximate 47 hour standoff
2 between yourselves and the police officers. You and your
3 co-defendants were involved in a shootout with police
4 resulting in one police officer being killed and several
5 others wounded before the standoff was terminated. Now,
6 before we move on to your efforts toward rehabilitation,
7 do you have anything to say about this instant offense
8 which terrorized an entire community, affected many
9 families, caused the death of a police officer, and
10 injured others?

11 A. Yes. I would like to say that I'm deeply remorseful
12 for what I did, and I regret the whole thing, and over
13 the years I have been trying to -- trying to better
14 myself in order to show that -- to express the remorse in
15 my heart.

16 Q. And I did see the statement that was prepared for you
17 in your parole packet, which I have, we have in front of
18 us. One of the sections is marked remorse slash
19 responsibility, and there are some statements that you
20 made in there that we reviewed and we'll consider. Also
21 in your packet is your institutional record, which
22 includes your educational and vocational programming,
23 certificates of completion from your years in prison,
24 also your institutional employment history, records of
25 that. You also have included your military service and

1 your release plan. I also read in the file some letters
2 of support from people on your behalf, including some of
3 the transitional programs, such as Fortune Society and
4 Osborne, so we'll consider all of those. There is also
5 significant community opposition to your release as well.
6 Is there anything in the parole packet that you prepared
7 for us today that you would like to point out, anything
8 that you would like to highlight for us in particular?

9 A. Yes. I have -- I just recently put something in the
10 courts dealing with the instant case here, so I just want
11 to know if that has any bearing on what we're doing?

12 Q. You're saying that you filed an appeal?

13 A. Yes.

14 Q. Okay. Is it with the court, an Article 78 or was it
15 inner office, do you know what the status of the appeal
16 is?

17 A. It's going to the second department in Brooklyn, so I
18 don't...

19 Q. Okay. Well, are you representing yourself or do you
20 have an attorney on this?

21 A. Well, I'm more or less representing myself and I just
22 recently filed it. They're probably processing it now at
23 this very moment.

24 Q. Okay. Well, I had asked you at the beginning of the
25 interview if you were ready to proceed today and you did

1 say yes. Also, normally when someone is requesting a
2 postponement, we ask that you make the request prior to
3 the interview day, and I do see that you have some
4 litigation in the works, and whatever happens with that
5 litigation, if that affects today's hearing, we don't
6 know, because we haven't made a decision yet. We don't
7 know what we're going to do until we finish the
8 interview. We deliberate, we review the entire file and
9 your interview. So, we can proceed today separately and
10 if something happens in the interim, you can let us know.
11 Like I said, I don't know what we are going to decide,
12 but we will proceed today with the rest of the interview.

13 A. Okay.

14 Q. So, we have your COMPAS re-entry risk assessment form
15 in the file, it scores you, according to COMPAS, as a low
16 overall risk of future felony violence, re-arrest, and
17 absconding. It also outlines your criminogenic needs,
18 which go toward conditions, and we will as always give
19 the COMPAS the weight we feel it deserves. We also have
20 the case plan in your file as well, which outlines your
21 plans, goals, tasks, and activities, things that you need
22 to work on. It talks about your educational strengths.
23 I see that you did obtain your degree while you've been
24 in here?

25 A. Yes.

Q. Did you get your associate's degree?

A. Yes.

Q. Okay. Congratulations on obtaining that. It talks about your educational goals, your employment, your financial goals as well. Is there anything that you would like to point out to us from your case plan?

A. Well, from the case plan or just in general?

Q. Well, both actually, we just discussed the case plan, so if there is anything that you want to say about that, you let us know, and in general, you can let us know anything that we haven't mentioned yet that you would like to talk about. We're also going to talk about your release plan, where you would live and how you would support yourself, if you were released. Why don't we start with that and then you can talk about whatever else you would like to say.

A. Well, my release plan is, I wanted to like have a school, not a school, but like classes of teaching art. I'm very good at art and paintings and stuff like that, sculptures.

Q. Okay. And I did read that in your packet as well, so that is something that you would intend to do if released, you would teach art to others?

A. Right.

Q. Okay. And where would you live?

1 A. Well, I don't know yet. I would like to live in
2 [REDACTED], some friends of mine said that, you know, they
3 would -- they could help me out along the way, you know,
4 help me get myself back into society, and they said it
5 would be very nice for me to come down and live in
6 Albany. They have a program for people who are leaving
7 prison.

8 Q. Okay. And I see you have some letters regarding
9 that, one is from the Peter Young Housing Industry and
10 Treatment Program, one is from the Fortune Society, and
11 one is from the Osbourne Society. I saw letters in your
12 file regarding that. So, you would intend to go into one
13 of those transitional programs?

14 A. Yes, I would like to.

15 Q. Okay. And is there anything else that you would like
16 to point out for us regarding any of your therapeutic
17 programming involvement, educational accomplishments, or
18 vocational training that you have done while you've been
19 in here?

20 A. Yes. I have more than 30 different certificates and
21 diplomas that I have accumulated while I've been here,
22 and not just that, other letters of recommendations, and
23 I just want to mention that, because you have them.

24 Q. I do, yes, we do have them in the file, we have your
25 certificates, we have them for vocational, educational,

1 and therapeutic programming, so we will consider that as
2 well. We tried to get the sentencing minutes and we were
3 unable to do so, despite the efforts of the staff. We
4 did receive an Affidavit from the Supreme Court of New
5 York saying that there was an unsuccessful attempt to get
6 them, they could not be found, so no transcript could be
7 provided. You were there at the time of sentencing, if
8 there is anything that you think we should know about,
9 you can bring that up during the interview as well, okay?

10 A. Okay.

11 Q. Commissioners, any questions?

12 COMMISSIONER W. SMITH: When you were
13 in the community, how far had you gotten in school?

14 INMATE: You mean out in society?

15 COMMISSIONER W. SMITH: Yes, before
16 the crime.

17 INMATE: Well, I dropped out of high
18 school.

19 COMMISSIONER W. SMITH: What grade?

20 INMATE: I completed the 11th grade.

21 COMMISSIONER W. SMITH: Why did you
22 drop out of high school?

23 INMATE: Well, I just had to work, you
24 know, to help out the family, so I had to get a job
25 and stuff like that.

1 COMMISSIONER W. SMITH: What job did
2 you get that you quit school?

3 INMATE: I can't really remember what
4 I did.

5 COMMISSIONER W. SMITH: And you were
6 in 11th grade. Who were you living with?

7 INMATE: Well, I was living with my
8 mother.

9 COMMISSIONER W. SMITH: Are you the
10 oldest sibling?

11 INMATE: No, I'm the youngest. My
12 brother was living there, too.

13 COMMISSIONER W. SMITH: And of course
14 since that time, you did get your GED inside and the
15 other education beyond that, but that was inside,
16 correct?

17 INMATE: Right.

18 COMMISSIONER W. SMITH: Okay. You
19 were in the service, too?

20 INMATE: Yes, I went to Vietnam.

21 COMMISSIONER W. SMITH: What was your
22 assignment, what was your specialty?

23 INMATE: I was in the supply
24 department, I forgot what they called it,
25 quartermaster, that's what they called it..

1 COMMISSIONER W. SMITH: Okay. I have
2 no other questions. Thank you, sir.

3 COMMISSIONER ELOVICH: Okay.
4 Commissioner Coppola?

5 COMMISSIONER COPPOLA: I have no
6 questions.

7
8 BY COMMISSIONER ELOVICH:

9 Q. Okay. What affect do you think your actions had on
10 the family of the police officer that was killed, the
11 other police officers that were shot, and the hostages
12 that were held by you and your co-defendants, what do you
13 think the affect was on their lives?

14 A. I think the whole thing was a horrific act on our
15 part, and as I contemplate, I really am trying to express
16 myself about doing positive things to show -- to show my
17 inner self, but in this culture, the way I was raised
18 anyway, is that to show remorse or regret or whatever,
19 you have to do something, not just say it. I can tell
20 you anything, but to show this, I have to do something to
21 show you that I'm trying to better myself or to try to
22 make amends for what was going on. So, this is why I
23 tried to take on all these responsibilities and courses
24 to try to complete them with good grades to show you,
25 it's not like I have to tell you, but I have to show you.

1 Q. Okay. Well, we'll take all of that into
2 consideration in making our decision and we will get back
3 to you in a couple of days.

4 A. Okay. Can I say this, too?

5 Q. Yes.

6 A. I'm not -- I'm not trying to -- I don't have any
7 intention at all of absconding or leaving the country or
8 escaping my duties or whatever I'm supposed to do once
9 released from prison. I'm trying to show that I'm ready
10 to accept what's going on, because [REDACTED]

11 [REDACTED]
12 [REDACTED] I'm very very very sorry that all this stuff
13 happened. That was not intentional. When I left my
14 house, I didn't have no intentions on doing what
15 happened, all this stuff that happened was a complete
16 surprise to us and we just got caught up in it. So, I
17 never had any problems, if you see my papers, you will
18 find that I never had any prior incidents before this,
19 never had gotten arrested, I mean, I never served time,
20 let me put it that way, I never served time as far as me
21 being -- having a history, a criminal history. I don't
22 have a criminal history at all.

23 Q. All right.

24 A. And I'm going to stay -- if I'm released, I'm not
25 going to try to do anything to try to come back into this

prison.

Q. Okay. We'll take that into consideration. We have a lot to review here and we will get back to you shortly.

Thank you.

A. Okay.

(After due deliberation by the Parole Board Panel, the following decision has been rendered:)

DECISION

Denied 24 months. Next appearance 9/2017. After a review of the record and interview, the panel has determined that if released at this time your release would be incompatible with the welfare of society and would so deprecate the serious nature of the crime as to undermine respect for the law. The Board has considered your institutional adjustment including discipline and program participation. Required statutory factors have been considered, including your risk to society, rehabilitation efforts, and your needs for successful re-entry into the community. Your release plans have also been considered. More compelling, however, is the extreme and prolonged violence in the instant offense where you and your co-defendants kidnapped 12 hostages during the course of a robbery of a sporting goods store. Records indicate that your heinous actions lasted more than a day, during which time police officers were shot and injured, including one officer who was shot in the head and killed. Not only did your actions impact the victims and their families, it affected the entire community. The board notes your educational and vocational accomplishments. The board also notes your

therapeutic programs, release plan, and personal statements, as well as your parole packet. The board also notes your letters of support. However, discretionary release shall not be granted merely as a reward for good conduct or efficient performance of duties while confined. Your release at this time would trivialize the tragic loss of life that you caused and the terror that you inflicted on the community.

(All Commissioners concur.)

C E R T I F I C A T I O N

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.

Anthony D'Ambrosio

Anthony D'Ambrosio, CSR