

Fordham Law School

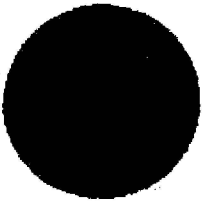
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District Attorney Recommendations

Parole File Documents

District Attorney Recommendation - FUSL000105 (2018-06-22)

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June 22, 2018

VIA REGULAR MAIL

Community Supervision Office
Washington Correctional Facility
72 Lock Eleven Lane, P.O. Box 180
Comstock, NY 12821-0180

ATTN: Joseph M. Carroll
Supervising Offender Rehabilitation Coordinator

Re: [REDACTED]
DIN #: [REDACTED]
NYSID #: [REDACTED]
INDICT #: [REDACTED]

Dear Sir/Madam:

I am writing in response to your letter received by our office, dated March 23, 2018, wherein you requested the District Attorney's input on the above mentioned defendant's possible parole in the month of September 2020, or earlier.

On February 14, 2018, Mr. [REDACTED] was found guilty after a jury trial of one count of Leaving the Scene of an Incident Which Results in Death Without Reporting, a Class D Felony, and one count of Tampering with Physical Evidence, a Class E Felony. On January 8, 2017 at approximately 4:40 a.m., the defendant was driving home from the Philly's Bar and Grill when he struck and killed [REDACTED]

[REDACTED] was a father, a brother, and a friend. He held the rank of Master Sergeant in the Army National Guard. Although he lived in Utica, that weekend, his duty brought him and other members of the [REDACTED] to the Capital Region for training. Following drills on January 7, Sgt. [REDACTED] and several of his fellow soldiers went out. They decided to go to [REDACTED] in [REDACTED], here in Albany County, the State of New York. That bar is located about 1 1/2 miles from where Sgt. [REDACTED] was killed. At approximately 4:18 a.m. he walked out of [REDACTED], made a left out of the

The defendant initially told both a family friend, and police, the damage was caused by a deer he had hit in Wynantskill. Yet, when the defendant took the stand at trial he claimed that the damage was caused from a deer that he struck, in the same location where [REDACTED] was killed. Eventually, Mr. [REDACTED] claimed that he did not see the person, and did not know it was a person. Twelve members of his trial juror unanimously found that [REDACTED] knew or should have know he struck a human being on that road, not an animal.

But that is exactly how the defendant treated Sgt. [REDACTED] on the morning of January 8. Rather than calling the police immediately. After killing Sgt. [REDACTED], defendant's first call was at 11 a.m. on January 8 to his family friend, looking to order car parts to conceal what he had done. That family friend used to run a mechanics garage. The defendant knew he could still use that business account to order replacement parts for his SUV. So the defendant did. He used that account to order a new front grill, hood, engine parts, and paint for any touch ups.

In the days following the crash, the defendant did everything in his power to avoid responsibility and conceal from the world any connection between him, his car, and killing Sgt. [REDACTED].

Although this incident represents the defendant's first contact with the Criminal Justice system, the egregiousness of the defendant's conduct warrants him serving the entirety of his sentence behind bars. Anything less would be an additional victimization of Mr. [REDACTED] and his family. Anything less will fail to provide the proper punishment for the defendant's crimes.

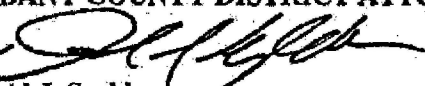
Since the inception of this case, [REDACTED] never once accepted responsibility, nor shown remorse for his actions. Rather, when he took the stand during the trial he joked about deer wearing hats while testifying in his trial for killing Master Sergeant [REDACTED] ([REDACTED] Trial Transcript, p. 190-91, attached hereto as Exhibit 2). That is the [REDACTED] who made the calculated decision to leave Sgt. [REDACTED]'s body on the road and to hide his crimes.

Based upon all of the above, the People respectfully request that this defendant be denied parole any diversionary program, and be required to serve out his entire sentence for his crimes.

Thank you for your consideration in this matter and if you have any questions, please feel free to contact me at the above referenced number.

VERY TRULY YOURS,

P. DAVID SOARES,
ALBANY COUNTY DISTRICT ATTORNEY

By: 
David J. Szalda
Assistant District Attorney