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District Attorney Recommendation - FUSL000148 (2018-05-08)

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COUNTY OF SUFFOLK
DISTRICT ATTORNEY'S OFFICE

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MAY 14 2018

FUSL000148
Gowanda Corr. Fac.
Inmate Records Dept.



TIMOTHY D. SINI
DISTRICT ATTORNEY

Laura P. Newcombe
Assistant District Attorney

Address Reply To:
Homicide Bureau

May 8, 2018

Gowanda Correctional Facility
P.O. Box 350
Gowanda, NY 14070

RE: *People v.* [REDACTED]

DIN: [REDACTED]

Court Case #: [REDACTED]

NYSID: [REDACTED]

Dear Sir or Madam:

This letter is written to express this Office's continuing opposition to the above-referenced inmate's release to parole at this or any other time. It is our understanding that the inmate has a parole hearing scheduled for May 20, 2018.

As the Board is aware, this inmate pled guilty to Murder in the Second Degree and Burglary in the First Degree. The inmate was thereafter sentenced to an indeterminate period of incarceration of twenty-five years to life, and that sentence was to run concurrent with five to fifteen years' incarceration on the burglary count. The Court so sentenced the inmate over this Office's recommendation that the sentences run consecutive to one another.

The inmate was convicted for his cold-blooded murder of a young, twenty-three year old married woman by the name of [REDACTED]. The evidence in the case revealed that in March of 1994, the inmate was living and working at a house located next door to the victim's father's house. In his written confession he admitted he watched the victim going in and out of her father's house on a few occasions, causing him to decide that he wanted to rape her. As part of his premeditated plan, the inmate cut off the power in the victim's father's house before confronting the victim in the foyer. In the ensuing struggle that spilled into the kitchen, the inmate stripped the victim of some of her clothing and then strangled her to the point of unconsciousness by putting both of his hands around her neck. Indeed the inmate tortured this young lady who knew she was going to die that day when she said to the inmate, "You're going to kill me, aren't you."

After rendering her unconscious, the inmate dragged the victim into the house he was staying in. He described to the police that the victim was bleeding and moaning so he used masking tape to shut her eyes and mouth; he then taped her wrists together. The inmate further admitted that once the victim was bound, he rubbed her breasts and pushed his fingers into her vagina before choking her hard and for a long time, saying in his oral confession to the police, "This time I knew she was really dead."

Once the victim was dead, the inmate dragged her into the back of his truck then went back to her father's house so he could wipe down any fingerprints he had left behind. The inmate ultimately dumped the victim's body under a snow fence on a beach and covered her with brush and poison ivy. As regarded dumping the victim's body, the inmate referred to it as how he "got rid of her."

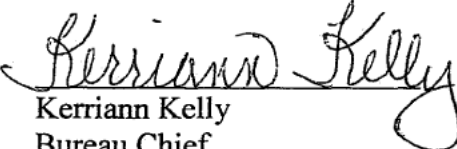
[REDACTED] was in the fight of her life on the day she died and tragically, she lost. She lost her life literally at the hands of this inmate whose uncontrollable lust ended in a violent confrontation. The inmate's actions were deliberate and he was clear of thought; they further demonstrate how very dangerous and violent he is and what a threat he is to the rest of civilized society when he does not get what he wants. He deserves the same consideration he gave to [REDACTED] when he killed her that day: none.

[REDACTED]

The inmate's actions were those of a cruel individual who should never have the opportunity to terrorize and/or harm another human being again. [REDACTED]

[REDACTED] Accordingly, in honor of the life of [REDACTED], it is this Office's position that the inmate's request for release to parole should not be granted.

Sincerely,


Kerriann Kelly
Bureau Chief
Homicide Bureau