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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION?

2 *****

3 PAROLE BOARD INTERVIEW

4 In the Matter of

5 [REDACTED]
6 DIN NO. [REDACTED]

7 NYSID NO. [REDACTED]

8 *****

9 TYPE OF INTERVIEW: Special Consideration

10 LOCATION: Attica Correctional Facility

11 Video-conferenced to
12 Buffalo Area Office
13 460 Main Street
Buffalo, New York 14202

14 DATE: Tuesday, June 21st, 2016

15 DECISION DATE: Tuesday, June 21st, 2016

16
17 BEFORE: COMMISSIONER ELLEN ALEXANDER
18 COMMISSIONER MARC COPPOLA
COMMISSIONER EDWARD SHARKEY

19
20 ALSO PRESENT: S. Spink, Acting SORC
A. Clark, OA2

21 AT FACILITY: S. Zimmerman, ORC
22 P. Babin, ORC Aide

23
24 HEARING REPORTER: Carrie A. Fisher

25

TrustPoint Reporting

(855) 938-7466

1 EXAMINATION BY COMMISSIONER SHARKEY:

2 Q Good morning.

3 A Good morning.

4 Q Could you state your name, sir?

5 A [REDACTED].

6 Q Mr. [REDACTED], my name is Commissioner Alexander. I am
7 joined this morning by Commissioner Coppola and
8 Commissioner Sharkey.

9 COMMISSIONER SHARKEY: Hello.

10 COMMISSIONER COPPOLA: Hello, sir.

11 Q And we are here for a de novo appearance for you; is
12 that correct?

13 A Yes, ma'am.

14 Q We're going to look at everything as of today because
15 it's important for us to make a decision even though
16 this is a de novo and it goes backwards till October of
17 '15 it's important for us to consider all new material,
18 both positive and negative.

19 I do see that I have some recent letters of support
20 and we will consider that. My understanding is you were
21 granted a de novo because the last panel did not
22 consider a case plan; is that correct?

23 A Yes, ma'am.

24 Q So why don't we start there. What's the most important
25 part of the case plan for you that you want us to

1 consider?

2 A Really everything.

3 Q Okay. So it says that one of your goals was to obtain

4 your high school diploma. How have you done on that?

5 A Well, I am still stuck on it. I am working on it, but I

6 am still stuck.

7 Q Okay. Is it math or reading which you find more

8 difficult?

9 A Math.

10 Q Okay. Well, I hope you continue to work on it. One of

11 your other goals was to complete ART and I believe you

12 have completed that, correct?

13 A Yes, I have. Correct, ma'am.

14 Q Why was that a goal?

15 A Because the last one, the last board they told me that I

16 had to bring them all my programs.

17 Q Okay. And what about ASAT?

18 A I have been done with ASAT since 2013.

19 Q Okay.

20 A '13 or '14, one of the two.

21 Q Okay. Now the crimes which brought you to prison, did

22 any of them involve drugs or alcohol?

23 A No.

24 Q No, okay.

25 A No.

1 Q What do you think is the most important program you have
2 completed in prison to help you towards your
3 rehabilitation?

4 A ASAT.

5 Q Okay. Why?

6 A Because I was smoking a lot of pot.

7 Q While you committed the crime or in the community or in
8 prison?

9 A No, in prison.

10 Q Okay. And why were you doing that?

11 A I guess to try to make the time easier.

12 Q Okay. Now, the crimes which brought you to prison, to
13 me they look like a series of mostly gunpoint robberies.
14 Most of those were decided by plea. There is some
15 weapons charges, a burglary charge, multiple robbery
16 charges, and carrying a firearm charges and then there
17 is also a murder charge which was decided by verdict.
18 Is that verdict under appeal?

19 A No, no, ma'am.

20 Q All right. Were you ever offered a plea offer in that
21 case?

22 A The same time they gave me, that's what they offered me.

23 Q 22 to life?

24 A 20 to life.

25 Q 20 to life, okay. Your aggregate term because of the

1 other crimes is 22 to life. I guess when the counselor
2 asked you to comment on all of these series of crimes,
3 you said that the board should look at your statements
4 from previous boards. Is there anything you want to
5 say -- and I have read some of that material. Is there
6 anything you want to say about these crimes?

7 A I was young. I think I was -- I would say I was silly
8 and young. I regret a lot of things I did. I could
9 have chosen a better life, but I can't change what I
10 have done in the past.

11 Q Okay.

12 A I can only try to do something better in the future.

13 Q Okay. Why were you carrying guns at that point?

14 A That's a question to this day I still ask myself.

15 Q Okay. Now, why did you shoot the person who died?

16 A No, ma'am, I am not the shooter. I am an accessory to
17 murder.

18 Q Okay. Who shot them?

19 A The person never got caught.

20 Q But do you admit that you were there? Do you take
21 responsibility for being there?

22 A Yes, I do.

23 Q Okay. Now, as I say, we have multiple letters of
24 support which have come on your behalf since the last
25 board. One is from an 8-year-old, is that your son or

1 daughter?

2 A Those are my step-kids.

3 Q Your step-kids. How long have you been married?

4 A I would say around not too long, maybe eight, nine

5 months. We have been together for awhile.

6 Q Okay. How often do they come to visit you?

7 A Every other week.

8 Q Okay. That's quite a commitment. How far away do they

9 live?

10 A We live in Brooklyn, New York City.

11 Q That is a long trip for them.

12 A Yeah, it is. It sure is, yes, ma'am.

13 Q What do you think about the fact that they have traveled

14 so long and far to see you every other weekend?

15 A Well, like I always promised them, I don't have to -- I

16 have to prove it to myself that I can go out there and

17 be a better person especially with the kids.

18 Q Okay. Now, what would be your plans if you were

19 released? Where would you live, what would you do for

20 work?

21 A My plan is to live with [REDACTED] [phonetic] and for work

22 we have this new chaplain in Brooklyn who is helping us

23 coming home from prison and putting us to work with the

24 youth and in construction.

25 Q Okay.

1 A Volunteer with the youth, volunteering with the youth
2 and working in construction.

3 Q What is his name?

4 A I know he is right behind the parole building. I have
5 the address and everything. They gave it to me, behind
6 the Brooklyn parole building, behind -- whatever church
7 it is, that father is helping us guys like us coming
8 home. He is giving us a hand.

9 Q Okay. Have you contacted him? Do you know if the
10 program is still in effect?

11 A I had a check -- I had my common law wife check. They
12 said it was still there, but his thing is that when we
13 come home, go see him, which she said he had wrote
14 plenty of letters for other inmates and he feels like
15 they're not really helping.

16 Q Okay. So you're saying that [REDACTED] has contacted
17 him?

18 A Yeah, yeah. She had spoke to him for me.

19 Q Okay.

20 A But he say --

21 Q Now, originally I think I read that you wanted to go to
22 Puerto Rico to live with your grandmother because you
23 wanted to be away from negative influences. Have you
24 changed your mind on that?

25 A Not really. But I was talking to parole, they said it

1 was better to come here to New York first and do all of
2 the paperwork there and then switch answer.

3 Q Okay. Now, besides your case plan, I also have your
4 COMPAS risk assessment. We do use the COMPAS as a tool
5 to see what your needs might be out in the community if
6 you were released. It does show that your risk levels
7 are low and probably points to one issue which concerns
8 me. It says that your prison misconduct is a ten out of
9 ten which is the highest level it can be at. I did look
10 at your disciplinary record, and your record shows a lot
11 of discipline over your career; is that a fair
12 statement?

13 A Yes, you can say that.

14 Q Why all of the discipline in prison?

15 A When you lock a bunch of, at that time, young guys who
16 get in one place, fights are going to break out.

17 Q Okay.

18 A As you see, it's never been against staff. All my
19 tickets are miscellaneous fights in the yard and stuff
20 like that, but I always stood away from staff.

21 Q Okay. Now, you know, we do see -- you talked about
22 your drug use. I do see some drug use early on. A lot
23 of times the light goes off for people that they have
24 tickets early on, they're fighting with other people,
25 but at some point their disciplinary record improves. I

1 see for you you had a weapon in 2014, violent conduct in
2 2015, another Tier II which isn't as serious in 2015.
3 Do you know why I would be asking you about your
4 discipline?

5 A No. Why?

6 Q Well, because there is a theory that history repeats
7 itself. And also that if you can't behave in prison,
8 we're concerned whether you can behave in the community,
9 whether you can follow the rules that your parole
10 officer would give you. What do you think about that?

11 A Ma'am, I will never break a rule to come back to this
12 place. This place -- I have been saying this since I
13 walked in. You said the weapon one happened in Bare
14 Hill which if I sit here and tell you it was placed
15 inside my locker. I think there is some paperwork in
16 there about that. The fight in Clinton, yeah, I got
17 into that fight. That happened. The ticket here, like
18 I said, it was interfering. It was in the classroom for
19 interfering direct order.

20 Q Okay. We will take that into consideration. I am going
21 to ask my colleagues whether they have any questions.

22 COMMISSIONER COPPOLA: I have no questions.

23 COMMISSIONER SHARKEY: No questions.

24 Q You get the last word today, sir. Is there anything
25 else we should know about you that we have not talked

1 about that could help us with our decision here today?

2 A Everything about me is in front of you in those files

3 you got there.

4 Q Okay, all right.

5 A May I ask you one question?

6 Q Yes.

7 A In all my decisions I am always hearing that y'all feel

8 I am not going to live at liberty without breaking the

9 law. How are we going to know that if I have never got

10 a chance yet? I am going to be 50 years old in two more

11 months. I have been here since I was 16 years old. I

12 don't really know --

13 Q You have been here a long time, sir.

14 A Yeah, I will be 50 years old in September.

15 Q Okay.

16 A Two more months, and I will be here since I was 16 years

17 old. I don't even have kids of my own.

18 Q Okay. Well, we're going to look at everything, the

19 statute requires us to look at everything. Your

20 progress in prison, your insight into the crime, your

21 behaviors since you have been in prison. We're going to

22 look at all of it, and I will detail any decision which

23 we have not made yet in writing, okay?

24 A Okay.

25 Q Thank you for coming in.

1 A You're welcome. Have a nice day.

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INTERVIEW CONCLUDED

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(After due deliberation by the Parole Board Panel, the following Decision was rendered:)

D E C I S I O N

Parole is denied 24 months. Next appearance 10-2017.

After carefully reviewing your record and conducting a personal interview, this panel concludes that discretionary release is denied.

You stand convicted of multiple offenses involving murder, robbery, burglary, and weapons for a series of gunpoint robberies in New York and Brooklyn. During one of these robberies, a victim was shot and died.

The panel makes note of your efforts towards rehabilitation including your completion of ASAT and ART, risk and needs assessment, case plan, and your overall disciplinary record which has been poor including multiple Tier III tickets including a violent conduct ticket in 2015. Also your release plans, multiple letters of support, limited insight as to why these crimes were committed and available sentencing minutes have been reviewed and considered.

Your continuing disciplinary behavior remains a concern for this panel. Work on staying discipline free and work on a stronger and documented release plan so you have the tools to be law abiding in the community.

1 After deliberating, reviewing your overall record
2 and statutory factors, discretionary release is not presently
3 warranted as there is a reasonable probability you would not
4 live at liberty without again violating the law and
5 furthermore, your release would be incompatible with the
6 welfare of society and would so deprecate the serious nature
7 of your crime as to undermine respect for the law.

8 (All Commissioners concur.)
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CERTIFICATION

I, Carrie A. Fisher, Court Reporter and Notary Public, in and for the State of New York, do hereby certify that I attended the foregoing proceedings, took stenographic notes of the same, that the foregoing, consisting of 13 pages, is a true and correct copy of same and the whole thereof.

Dated: Wednesday, July 6th, 2016

Carrie Fisher

Carrie A. Fisher, Court Reporter

 INMATE COPY NYS Dept. of Corrections and Community Supervision Date: 06/22/16
 FORM 9026 Parole Board Release Decision Notice

Name: [REDACTED]
 DIN: [REDACTED]
 Nysid: [REDACTED]
 Facility: ATTICA
 Interview Date: 06/21/2016
 Interview Type: SP CONSDR

ME Date: LIFE
 CR Date: NONE
 Prev Hold: 24

CONTROLLING CONVICTION(s)	FLCL	MIN SENT (YY-MM)	MAX SENT (YY-MM)
ROBBERY-1 >78*	B	02-00	06-00
CRM USE F/ARM1*	B	02-00	06-00
ROBBERY-1 >78*	B	02-00	06-00
BURGLARY-1>78*	B	02-00	06-00
CRM USE F/ARM1*	B	02-00	06-00
ROBBERY-2 >78*	C	02-00	06-00
CPW-2 >78*	C	02-00	06-00
ROBBERY-1 >78*	B	02-00	06-00
ROBBERY-1 >78*	B	02-00	06-00
CRM USE F/ARM1*	B	02-00	06-00
ROBBERY-2 >78*	C	02-00	06-00
MURDER-2*	A	20-00	LIFE

Sentencing Counties: KINGS

Jail Time in Days: 0335
 Prison Time in Months: 377

I N M A T E C O P Y

Name: [REDACTED]
DIN: [REDACTED]
Nysid: [REDACTED]

Facility: ATTICA
Interview Date: 06/21/2016
Interview Type: SP CONSDR

Earned Eligibility Certificate : INELIGIBLE
Supervision Fee: ELIGIBLE
Certificate of Relief from Disability: INELIGIBLE

Parole Decision:

DENIED - HOLD FOR 24 MONTHS, NEXT APPEARANCE DATE: 10/2017

Conditions of Release/Staff Instructions/Reasons for Denial:

AFTER CAREFULLY REVIEWING YOUR RECORD AND CONDUCTING A PERSONAL INTERVIEW, THIS PANEL CONCLUDES THAT DISCRETIONARY RELEASE IS DENIED. YOU STAND CONVICTED OF MULTIPLE OFFENSES INVOLVING MURDER, ROBBERY, BURGLARY AND WEAPONS FOR A SERIES OF GUN POINT ROBBERIES IN NEW YORK AND BROOKLYN. DURING ONE OF THESE ROBBERIES A VICTIM WAS SHOT AND DIED. THE PANEL MAKES NOTE OF YOUR EFFORTS TOWARDS REHABILITATION INCLUDING YOUR COMPLETION OF ASAT AND ART, RISK AND NEEDS ASSESSMENT, CASE PLAN AND YOUR OVERALL DISCIPLINARY RECORD, WHICH HAS BEEN POOR, INCLUDING MULTIPLE TIER III TICKETS INCLUDING A VIOLENT CONDUCT TICKET IN 2015. ALSO, YOUR RELEASE PLANS, MULTIPLE LETTERS OF SUPPORT, LIMITED INSIGHT AS TO WHY THESE CRIMES WERE COMMITTED AND AVAILABLE SENTENCING MINUTES HAVE BEEN REVIEWED AND CONSIDERED. YOUR CONTINUING DISCIPLINARY BEHAVIOR REMAINS A CONCERN FOR THIS PANEL. WORK ON STAYING DISCIPLINE FREE AND WORK ON A STRONGER AND DOCUMENTED RELEASE PLAN SO YOU HAVE THE TOOLS TO BE LAW ABIDING IN THE COMMUNITY. AFTER DELIBERATING, REVIEWING YOUR OVERALL RECORD AND STATUTORY FACTORS, DISCRETIONARY RELEASE IS NOT PRESENTLY WARRANTED AS THERE IS A REASONABLE PROBABILITY YOU WOULD NOT LIVE AT LIBERTY WITHOUT AGAIN VIOLATING THE LAW AND FURTHERMORE, YOUR RELEASE WOULD BE INCOMPATIBLE WITH

(continued)

* * * * *

I N M A T E C O P Y

* * * * *

Name: [REDACTED]
DIN: [REDACTED]
Nysid: [REDACTED]

Facility: ATTICA
Interview Date: 06/21/2016
Interview Type: SP CONSDR

THE WELFARE OF SOCIETY AND WOULD SO DEPRECATE THE SERIOUS NATURE
OF YOUR CRIMES AS TO UNDERMINE RESPECT FOR THE LAW.

Comments:

FOLLOWING DELIBERATION, THIS DECISION IS BASED ON REVIEW OF THE CASE RECORD AS
WELL AS THE INTERVIEW WITH PAROLE BOARD MEMBERS.

ACTING SORC : SARA SPINK

* * * * *

I N M A T E C O P Y

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