Administrative Appeal Brief - FUSL000116 (2022-01-28)

ADMINISTRATIVE APPEAL OF

NEW YORK STATE PAROLE DECISION FOR

[redacted]

DIN# [redacted]

Parole Hearing Date and Denial Date: July 1, 2021
Appellant's Parole Hearing Location: Walsh Regional Medical Unit
Parole Commissioners' Location: 333 East Washington Street, Syracuse, New York
Notice of Administrative Appeal Filed: August 20, 2021

Submitted by:

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Via overnight mail to

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SUMMARY OF ARGUMENT

[redacted] submits this administrative appeal, of the Parole Board's July13, 2021 denial of parole, to DOCC's Parole Appeal Unit. The decision denying parole should be vacated and a new hearing should be held for the following reasons:

I. Parole was denied solely based on the underlying offenses of which Mr. [redacted] was convicted, despite the Commissioners' boiler-plate statements in the denial that they considered "all required factors."

2. Under the reasoning articulated by the Commissioners, Mr. [redacted] will never be granted parole due to the underlying offenses, which constitutes illegal substitution by the Parole Board of a sentence of life without parole contrary to the legislative definition of permissible punishments for the offense of which Mr. [redacted] stands convicted.

3. The parole hearing was a sham as demonstrated by the fact that the decision was rendered immediately after the completion of the hearing without consideration of any information elicited at the hearing.

4. The file allegedly reviewed by the Commissioners in preparation for the hearing apparently contains documents that were not supplied to Mr. [redacted] when his parole packet was prepared and which have not been supplied to him in preparing this administrative appeal despite requests from his attorney for same.

5. [redacted] full parole because he meets the statutory requirements for release on medical parole.

STATEMENT OF FACTS

[redacted] has been incarcerated for 37 years following conviction for second degree murder, although he did not kill the victim, has expressed his remorse over her death, from the moment it occurred, and has an exemplary record while

[redacted]

attempt in which Mr. [redacted] was a participant, and was the instigator and leader in a botched escape attempt from the court in which [redacted] and Mr. [redacted] were on trial in which a court officer was wounded, was released on parole in 2020, and deported. Mr. [redacted], who was sentenced to a term of 25 years to life for the murder [redacted] committed, and to an additional term of 7 ½ - 15 years for the attempted murder, has been denied parole six times.

In light of Mr. [redacted] s educational achievement while incarcerated, his lack of any disciplinary offenses since 2013, and his scores on his COMPAS evaluations, he is unequivocally entitled to parole. See the Appendix submitted herewith, which documents the foregoing. Mr. [redacted] meets every requirement for release, to no avail. His remorse over the part he played in the death of the victim and the grief the crimes caused both her family and the court officer he wounded was convincingly elicited by the Commissioners themselves at Mr. [redacted] s parole hearing. As the pro forma denial of his sixth parole application, which is the subject of this appeal, demonstrates, there is nothing more Mr. [redacted] can do to earn his freedom because the Parole Board takes the view that the crimes for which he was sentenced require that he die in prison. As the Commissioners wrote in the denial here under review, Mr. [redacted] release would "so deprecate the seriousness of [the] crime as to

undermine respect for law." If that is what keeps Mr. [redacted] in prison, the Board has in effect resentenced him to life in prison, which is neither the sentence the legislature established for his crimes nor what the prosecutor and court decided when they agreed to a sentence for the court officer wounding with a substantially reduced term.

As we demonstrate below, that single-minded effective resentencing of Mr. [redacted] to life without parole is illegal. And Mr. [redacted], unlike virtually any other applicant for parole serving a sentence for second degree murder, is entitled to parole, now, because his medical condition makes the Parole Board's statement that "your release would be incompatible with the welfare and safety of society" so irrational as to be an impropriety, requiring him to have a new hearing and at such hearing to be released.

Critical to this appeal is the undisputed fact that in 2018 [redacted] suffered a debilitating stroke, leaving him completely paralyzed on his left side, making it very difficult from him to speak articulately, and preventing him from being able to carry out such normal and essential functions as holding a telephone receiver for more than a few minutes without its weight requiring him to drop it. He is essentially confined to a wheelchair, unable to walk without assistance more than the few feet to his toilet. His medical problem is so severe that he was certified by the Commissioner of Correction in 2018 for consideration for medical parole. Since his stroke, he has lived in the Walsh Medical Center. Since his stroke, he has been unable to participate in rehabilitative programs in which he showed uniform success, or to plan for any remunerative work once he is finally released. And in what can only be viewed as irrational cruelty, Mr. [redacted] request for physical therapy to help him ambulate has been

languishing in an administrative no man's land for more than a year, while his muscles deteriorate and he becomes progressively more debilitated. As argued below, based on his medical condition, in connection with all the other factors which under the law the Parole Board must consider when deciding on his parole application, failure to parole Mr. [redacted] is arbitrary and capricious. Because Mr. [redacted] clearly cannot be a danger to society, continuing to deny his release amounts to a resentencing to a sentence of life without parole. This is a sentence the legislature did not provide for a person convicted of his crimes and thus was not imposed by the sentencing court. Mr. [redacted], who was not sentenced even to the statutory maximum for the crime of attempted second degree murder, and was sentenced for that crime to a reduced minimum term in a plea bargain made with his prosecutor and approved by his sentencing judge, has more than served his full minimum sentence, and sits in a prison hospital, unable to work, to study, or to participate in whatever communal activities are available to the imprisoned population. To make him live, and then to die, thusly is not merely irrational and arbitrarily, it is insupportably cruel.

ARGUMENT

POINT I

Parole was denied solely based on the underlying [redacted] of Executive Law sec. 259-i[2][c]

Mr. [redacted] has been denied parole for the time solely because of the "serious instant offenses" and his history of criminal conduct that preceded his sentencing. The Board so states explicitly in its denial of parole: It says that it has considered his institutional adjustment, his risk and needs assessment, his "positive programming", his "improved disciplinary record", his age and medical condition, and

accepts that all these factors support his release. For the convenience of reviewers on this appeal, we attach in the Appendix analyses from the records of the Board and of DOCCS of Mr. [redacted] exemplary work and educational history while in custody, until his stroke incapacitated him; of his disciplinary record – or rather his lack of any disciplinary record for the past eight years – and his COMPAS scores. But according to the Commissioners in their denial of parole, "none of which outweighs the gravity of your actions and serious and senseless loss of life and severe injuries you caused to your many victims, their families and community at large."

To deny parole solely based on the seriousness of the offense is illegal. *Matter of Rossakis v. New York State Bd. of Parole*, 146 AD3d 22 (1st Dept 2016), *Matter of Ramirez v. Evans*, 118 AD3d 707 (2nd Dept.. 2014), *Matter of Menard v. New York State Bd. of Parole*, 2019 WL 1115731 (Sup. Ct. N.Y. Co. Mar. 11, 2019). As the *Rossakis* court wrote, the Board is required to give "fair consideration" to a parole applicant's "institutional achievements and remorse"; "The Board may not deny parole based solely on the seriousness of the offense." *Rossakis, supra,* at 27. Merely summarily listing the applicant's accomplishments while being incarcerated, and noting the applicant's lack of COMPAS issues other than the offense itself, is not the weighing that the Executive Law and the relevant regulations require. Phrased somewhat differently, where the Board "Summarily list[s] petitioner's institutional achievements and then denie[s] parole with no further analysis of them, the Board violates the statutory requirement that the reasons for denial not be conclusory." *Rossakis*, *supra* at 28; see generally *Robinson v. Stanford,* Supreme Court Duchess County index no. 2392/2018,

Mar. 13, 2019 (where the denial of release contradicts low COMPAS risk factors, the Board must provide "an individualized reason for such departure.")

In the instant case, the Commissioners failed to give fair consideration not only to the institutional achievements and demonstrated remorse that were so significant to the grant of relief in *Rossakis* and the other cases cited above, they failed completely to recognize the significance of Mr. [redacted] stroke. That medical event bears on both the total absence of any future threat to the community posed by his release, and the denial of any opportunity since the stroke for Mr. [redacted] to continue to demonstrate institutional achievements. In sum, his continued imprisonment epitomizes the parole applicant who remains incarcerated solely because of the backward look at his offense, and not the forward look required by the law.

POINT II

Denial of parole on the grounds articulated in the Decision on appeal amounts to resentencing by the Board, contrary to the Legislative definition of the appropriate sentence for Mr. [redacted]' crime and contrary to the actual sentence imposed by the Court

Mr. [redacted] was indicted for murder in the second degree of a young woman, and was then also indicted for attempted murder of a court officer. Upon conviction for second degree murder, he was sentenced to an indeterminate sentence of 25 years to life. Upon conviction of attempted murder, to which he pled guilty, he was sentenced to an indeterminate sentence of 7 ½ - 15 years, to be served consecutively.

Murder in the second degree is a Class A-1 felony. Penal Law section 125.25. Upon conviction of that crime, the minimum indeterminate sentence is 15 years to life, and the maximum is 25 years to life. Penal Law section 70.00(3)(a)(1). Mr. [redacted] was given the maximum. But he was given an indeterminate sentence, as

the Legislature requires. Penal Law section 70.00(1). The Legislature knows full well how to sentence a person convicted of second degree murder to life without parole, because it has done so in Penal Law section 70.00(5). A defendant convicted of intentionally causing the death of a person under the age of 14 during the committing of rape or sexual assault of the victim, or committing incest with the victim, is denied an indeterminate sentence; such a defendant is sentenced to life without parole.

Attempted murder in the second degree is a Class B felony. Penal Law section 125.25. Upon conviction of that crime, the maximum term of an indeterminate sentence is 25 years. Penal Law section 70.00(2)(b). [redacted] was given a substantially lesser sentence; he was sentenced to 7 ½ - 15 years.[1] Thus, to deny him parole based on precisely the events which were known to the sentencing court and to the prosecuting attorney when the plea bargain was agreed, and which necessarily were considered by them when a sentence was imposed for the B felony substantially less than the statutory maximum, is to usurp the roles of the court and the prosecutor. Had they been of the view that Mr. [redacted] should never be paroled, regardless of his achievements in prison and his medical inability to pose any danger to society, the prosecutor and the court could have required that Mr. [redacted] serve nearly a decade more time before becoming parole eligible. They did not.

[1] Penal Law section 70.00(2)(b) presently sets the longest minimum indeterminate sentence for a felony other than a felony in the A range at one-third of the maximum indeterminate sentence actually imposed. Counsel has been unable to ascertain whether the minimum indeterminate sentence which could legally [redacted] -third rule; if so he would have become parole eligible in 2015, after service the 25 year minimum indeterminate sentence for second degree murder, and the 5 year minimum indeterminate sentence to which he was sentenced for attempted second degree murder. As his first parole hearing was held in 2015, he was accorded the reduced minimum and therefore was not denied consideration due to the initial sentence.

[redacted]

fifth time solely because of the "serious instant offenses" and his history of criminal conduct that preceded his sentencing. All that prior history of criminal behavior, all the facts of the crimes for which Mr. [redacted] remains incarcerated, were known to the sentencing court at the time of sentencing, as is demonstrated from the Criminal History contained in the parole packet. Under the reasoning expressed by the Board, nothing Mr. [redacted] has done since his crimes, nothing he can do in the future, can "outweigh" his crimes. The Board has substituted a sentence of life without parole for the statutory sentences actually imposed, and the prosecutorial and judicial reduction of the sentence as specifically authorized by statute.

The courts have long recognized that where the Board substitutes a determinate sentence of life without parole for the indeterminate sentence required by the Legislature and implemented by the sentencing court, the applicant for parole has been denied his right to be considered for release. As the First Department wrote nearly three decades ago, "The role of the Parole Board is not to resentence petitioner according to the personal opinions of its members as to the appropriate penalty for murder, but to determine whether, as of this moment, given all the relevant statutory factors, he should be released. *King v. N.Y. State Div. of Parole*, 190 A.D.2d 423 (1st Dept. 1994). For a recent example of the same doctrine, see *Ely v. Board of Parole*, Supreme Court New York County, Jan. 20, 2017, index no. 100407/2016 (the Board's recitation of all the positive factors "indicate that respondent's denial of release was more in the nature of a re-sentencing, and that no amount of evidence of rehabilitation would have outweighed its interest in retribution.")

POINT III

The Parole hearing was a sham

The hearing transcript takes up 19 pages of typing. Three significant points are established during the Commissioners' questioning of Mr. [redacted]:

- In an extensive colloquy, Mr. [redacted] makes it clear to the Commissioners that his co-defendant and not he, killed the victim. While one Commissioner accuses Mr. [redacted] of having "tied the cord around her neck", Mr. [redacted] immediately corrects him: "No. They said I tied her hands up and then went and put the stolen property in the car.[2] When I came back he was – had the cord around her neck. I said, 'what are you doing?' And I went after him and he stepped back and pulled the gun. And then I stopped, I said, 'Look, I'm out. That's it. I'm Out.'"

- Mr. [redacted] makes it clear that even at the time of the robbery, he regretted that his co-defendant insisted on killing the victim, and that he would have stopped him had he been able to: Mr. [redacted] elucidates to the Commissioners his role: he was holding her, his co-defendant was "ransacking" the apartment and packed the loot in a bag which Mr. [redacted] put in the car. When he came back from the car, he saw the co-defendant with the cord around her throat, and the co-defendant said "I have to kill her." She said "Please, don't kill me", but the co-defendant had [redacted] her; "if he wouldn't have pulled a gun, I would have knocked him out or something and me and him would have fought and she would have stayed alive…"

  He continues to document his remorse: "…and I wish that they will forgive me in their heart because at the time I was young and I was foolish and I wanted to go home and, you know, I made a mistake." ….and deeply apologize to them, and I would like to tell them I apologize.". "And I think about [redacted] and I

[2] The transcript reads "and then he went and put the stolen property in the car. The transcript is apparently in error, since the very next phrase is "when **I came back …"**

> said – and I just pray. I said, "God forgive me what I did because I was wrong."".
>
> - Mr. [redacted] confirms that it was his co-defendant who pulled out an ammonia bottle and squirted it in the face of a court officer, precipitating the incident in which both the court officer and Mr. [redacted] were shot.;

Then, summing up the hearing, Commissioner Davis states that while Mr. [redacted] had a stroke and had borderline intelligence and brain damage, "Also considered, sir, is to your total disregard of life here in both of these victims, a young lady strangled and also these officials inside of a courthouse."

From this brief synopsis, it becomes apparent that the Commissioners knew, by the end of the hearing, that Mr. [redacted] didn't strangle the victim, that he would have tried to prevent the killing had he not been in fear for his own life, that he was and remains remorseful, and that he was not the instigator of the courthouse incident. But they just didn't care. A hearing that purports to inquire into facts but then ignores the facts elicited is not a hearing, it is a sham. For here, the Commissioners elicited a substantial amount of information that both confirmed that there are no contra-indications to release other than the seriousness of the crimes for which Mr. [redacted] is jailed, and established that Mr. [redacted] was not the strangler, and according to his recollection he would have tried to prevent the strangulation but for his co-defendant's display of a weapon. Thus, one need not speculate whether the Commissioners considered all 8 statutory factors; it is evident they had information before them that eliminated denial on any ground other than the underlying crimes. As stated in the decision, the denial of parole was based completely on "your serious instant offenses" which "represent a continuation of violent conduct against others as well as larcenist

behavior." ; By the completion of the hearing, the Commissioners had actual knowledge that Mr. [redacted] is in all respects eligible for immediate release, but because of the seriousness of his indicted offense such eligibility is, to this panel, irrelevant. It is just not correct that the Commissioners considered "all required factors in the file." The panel simply didn't consider any "required factors" that it itself had elicited. Given all that is in the file, and all that the Commissioners elicited at the hearing, discretionary release "at this time" is either required by law or Mr. [redacted] will die in prison. Nothing that he can say or do, nothing that can be learned, no more intensive inquiry or consideration will make any difference. What Mr. [redacted] did, his role in the crimes, is fully known, and will not change.

That the hearing was a sham is established not just by the language of the decision, but by its timing. This hearing took place on July 13, 2021. The hearing ends with the words, "Sir, you take care. We will let you know in a few days." But then, uniquely as far as counsel can determine from reported decisions, while the panel is still sitting together, without consideration of any draft decision or any reflection on what Mr. [redacted] had said, one Commissioner – we do not know who – dictated to the court reporter the decision. While the reporter opines that the panel engaged in "due deliberation", she did not record any such occurrence. And the decision, as demonstrated throughout this brief, simply mouths the statutory factors and finds "more compelling" his instant offenses and history of criminal conduct "that dates back to your juvenile career." Whichever Commissioner dictated the decision was cognizant of factual items from the parole file, such as Mr. [redacted] "improved disciplinary record since 2013", but not a word of what had been said at the hearing itself. This decision was a

"foregone conclusion", and just as to this panel nothing Mr. [redacted] has done or can do can earn him release, nothing that Mr. [redacted] said to this panel made or could have made any difference. Because the denial was pre-determined, Mr. [redacted] is entitled to a new full hearing before a panel that will actually listen and weigh. See *Johnson v. Board of* Parole, 65 AD3d 838 (4th Dept. 2009), and *Morris v. N.Y. State Dept. of Corrections & Comm. Supervision,* 65 Misc. 3d 226 (Sup. Ct. Columbia Co. 2013)

POINT IV

The Board has failed to provide Mr. [redacted] and his counsel with the full parole packet prepared and considered by the Board

Counsel to Mr. [redacted] has requested: decisions from the first three of Mr. [redacted] parole denials'; transcripts of all prior Parole Board interviews; all prior parole board reports and any Commissioners' worksheets; any letters from defense counsel, from the sentencing court judge, and/or from the district attorney; any letters and statement from victims or victims' representatives; any letters constituting alleged "community opposition"; and sentencing minutes. In addition as previously provided records provided included in a number of places redactions, which it was stated was based on the FOIL statute or the Personal Privacy Protection Law and counsel requested unredacted pages. None of these documents have been provided, and the Board has not even responded to counsel's letter.

Access to these documents is a right provided by 9 NYCRR 8008.5 and DOCCS Directive #2014, issue date June 2019. The Board cannot simply fail to provide these documents through whimsy or neglect. Whatever has been considered by the Board, unless a particular document falls within the exceptions listed in 9 NYCRR(c)(2)(a)(b), must be provided to the applicant.

POINT V

At the new hearing, Mr. [redacted] should be reconsidered for full parole because he meets the statutory requirements for release on medical parole

Mr. [redacted] also must be granted parole by the Board because he meets all the requirements for parole under Executive Law sec. 259-s.

Mr. [redacted] applied for medical parole in 2018, after he had suffered a debilitating stroke which left him paralyzed on his left side. Under the medical parole statute, an incarcerated person is only eligible for consideration for medical parole if the Commissioner of the Department of Corrections and Community Supervision (the "Commissioner"), after an "investigation" by an appropriately licensed physician, certified to the Parole Board that the applicant "is suffering from [a debilitating] condition, disease or syndrome and that the inmate is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society." Executive Law sec. 259-s[2][b].

The Commissioner must have so certified Mr. [redacted] after his stroke, because the Board held an interview for medical parole on October 9, 2018.[3] He was denied medical parole November 19, 2018 for only two reasons: "given your course of conduct in the community wherein you created multiple victims, release at this time would so deprecate your offence as to undermine respect for the law." and "In addition,

[3] Although the Board has failed to provide counsel with a transcript of the interview, or any documents which may have been considered by the Board at that interview, despite counsel having requested all such transcripts and documents by letter of October 26, 2021, Mr. [redacted] right to a new hearing because of his eligibility for medical parole, for the reasons set forth in the text, does not depend on his receipt of the transcript and documents now; it will suffice for the transcript and documents to be provided prior to a new hearing.

this panel believes that discretionary release at this time would not be compatible with the welfare of the community."[4]

The Board did not then, and does not now, purport to second guess the [redacted] any "danger to society". Rather, the Board denied medical parole in 2018, and discretionary parole in 2021, by paraphrasing the words of the relevant statutes, that release is incompatible with the welfare of society and will deprecate the seriousness of the crime.

The words of the Board in 2018 establish that what kept Mr. [redacted] in Prison in 2018, and what keeps him in prison now, is solely the Board's opinion that his crime disables him from parole, period. We have already demonstrated that based upon the eight statutory factors for release under the discretionary parole statute, Executive law sec. 259-i, Mr. [redacted] is entitled to a new hearing. The analogous provision of the medical parole statute, which contains a somewhat different list of eight factors, requires the Board to take into account the incarcerated persons age, the nature of his medical condition, and the extent of medical treatment or care he will require as a result of that condition. The "primary factor" for parole release is "an overarching consideration of the petitioner's medical condition." *Levea v. Stanford*, Sup.Ct. Duchess Co. August 12, 2020, Index No. 51558/20.

As Commissioner Coppola noted, because of his medical condition Mr. [redacted] presents no risk of absconding; "I don't think you're going to be able to run away anywhere." In sum, Mr. [redacted] medical condition makes him, even more than

[4] A copy of the denial of November 19, 2018, is attached as Exhibit A.

others who committed serious crimes but made excellent institutional adjustment, entitled to immediate parole.

CONCLUSION

[redacted] committed serious crimes 37 years ago. He has served well more than the minimum sentences he received for those crimes. Having done so, he can only be denied parole under the law if there is something about his actions or inactions over the past 37 years since his sentencing to justify denying him release. There is nothing. He has been resentenced by the Board to life in prison. And this despite his suffering a debilitating stroke rendering him incapable of further work, and removing all fear of danger to society from his release. He is entitled to another hearing and at that hearing to be granted parole.

Dated: New York, New York January 28, 2022	Rayner Rowe LLP /s/ Daniel Rayner Attn: Daniel Rayner, Esq. 40 Fulton Street, 14th Floor New York, New York 10038

[redacted]

This appendix addresses the following areas:

1. Mr. [redacted] s significant improvement and excellent disciplinary record;

2. Mr. [redacted] s chronological and excellent work history since incarceration; and

3. Mr. [redacted] s educational achievements since his incarceration.

It is important to note that since Mr. [redacted] s stroke in 2018, that paralyzed the left side of his body confining him to a wheelchair, he has been in the prison's medical unit and unable to participate in any educational or work-related projects.

1. Excellent and Improved Disciplinary Record.

As can be seen from the list of Mr. [redacted] s disciplinary record outlined below, he has not been written up for any disciplinary action since 2013 and none of his disciplinary record since incarceration related to any violent conduct whatsoever.

09-09-1986 Tier II: Disruption during work program
02-15-1994 Tier II: Solicit/wrote letter to CO
06-24-1994 Tier II: Refusing direct order during work program
06-06-1996 Tier II: Refusing direct order during work program
11-05-1996 Tier II: Contraband items (books, outdated medicine)
02-04-1997 Tier II: Refusing direct order during work program
12-09-1998 Tier II: Refusing direct order (standing outside yellow line in rec area)
04-21-1999 Tier II: Fight with another inmate
07-19-2000 Tier II: Found contraband, excessive state property, altered items (gloves, soap, magazines, electric cord, headphone jacks, plastic bags, screws, light, eyeglasses, cassette tapes, headphones, books, pillow, bags, radio, mirror
07-18-2002 Tier II: Lewd act (exposing himself to an officer)
08-18-2004 Tier II: Contraband (hot pot and headphones)
09-19-2004 Tier III: Lewd act (masturbating)
03-22-2007 Tier II: Refusing direct order (did not follow order to lock in)
06-22-2007 Tier II: Refusing direct order (refused to move a fan while working as a porter)
07-22-2007 Tier II: Refusing direct order (went to showers when instructed to return to housing)
07-19-2008 Tier II: Found altered item in cell (state pen)
07-25-2008 Tier II: Found altered item in cell (headphone jack)
04-15-2009 Tier II: Found excessive state property in cell (towels, pillowcases, sheets)
04-20-2009 Tier II: Contraband (hot pot)
06-01-2009 Tier II: Exchange of Personal Identification Number
09-30-2009 Tier III: Lewd conduct in the recreation area (touching oneself)
12-01-2009 Tier III: Did not comply with instructions from CO to provide a urine sample
07-25-2011 Tier II: Confiscated contraband (radio)

03-15-2012 Tier II: Disorderly conduct with another inmate
11-02-2013 Tier III: Lewd conduct (exposed himself in front of a CO and then made an inappropriate comment)

2. Work History.

Since his incarceration in 1985, Mr. [redacted] has had a long and successful work history outlined below:

[redacted] (2002):
Assisted in teaching and supporting students

[redacted] (2003 - 2006):
Worked in kitchen

[redacted] (2006)
Helped with painting housing

[redacted] (2010-2015):
Offset Plate Maker, Dark room helper, Cutting machine operator at Print Shop (2010 - 2015): Worked with camera operation, dark room, plate maker, desktop publisher

[redacted] (2015 - 2018):
Furniture Sander: worked in the sanding pit to sand and paint spray furniture, sealed wood, and performed other shop tasks.

3. Educational Achievements.

Mr. [redacted] s educational achievements since incarceration are set out below.

Stormville School Pre-GED (January 1987)
High School Equivalency Diploma (October 1987)
Green Haven's Writers Workshop (November 1987)
Industrial Safety Training Course (June 1992)
AIDS/HIV Prevention Education (September 1992)
Sullivan Correctional Facility Sign Language Course 50 hours (August 1994)
IPA Training (January 1997)

During his time in prison, [redacted] engaged in rehabilitative programs to gain tools to learn how to express himself and communicate, despite his learning disabilities and speech impediment which previously made talking very challenging. [redacted] credits Alternative to Violence for first helping him begin to open up, changing from a person who used to "hold everything in." Through continued participation in programs like Aggression Replacement Training, Thinking for Change, and Alcoholics Anonymous, he has learned cognitive strategies for managing difficult experiences instead of turning to substance use or violence.