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November 2019

### Parole Interview Transcript/Decision - FUSL000004 (2017-01-10)

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NYS DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
BOARD OF PAROLE

\*\*\*\*\*

Parole Board Interview

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]  
NYSID [REDACTED]

\*\*\*\*\*

TYPE OF INTERVIEW: OE/Reappear

HELD AT: Bare Hill C.F.  
Video-conferenced to  
97 Central Avenue,  
Albany, New York, 12206

DATE: January 10, 2017  
DECISION DATE: January 10, 2017

BEFORE: COMMISSIONER LUDLOW  
COMMISSIONER THOMPSON  
COMMISSIONER COPPOLA

ALSO PRESENT: T. PALMER, ORC  
S. WELCH, ORC  
T. BRUYERE, ORC

AT FACILITY: T. BOYEA, ORC  
C. FIORE, ORC

VERBATIM REPORTER: Christina M. Wolcott

1 BY COMMISSIONER COPPOLA:

2 Q. Good morning, sir.

3 A. Good morning to you, sir.

4 Q. Your name, please?

5 A. The name is [REDACTED].

6 Q. Mr. [REDACTED], I'm Commissioner Coppola, with me today is  
7 Commissioner Ludlow and Commissioner Thompson.

8 COMMISSIONER LUDLOW: Good morning.

9 COMMISSIONER THOMPSON: Good morning.

10 Q. Sir, just from some notes in your file, I want to --  
11 before we begin, I want to make sure that you're ready  
12 to go today. I know you were postponed last month. You  
13 -- something about an attorney letter that you were  
14 waiting for and has to do with the description of the  
15 offense. Are you --

16 A. Right.

17 Q. Are you prepared to go forward or do you need more  
18 time?

19 A. Yes, I need -- I'm requesting another adjournment but,  
20 for the record, I'd like to know what do you have in my  
21 file relevant to my attorney?

22 Q. There's a letter in here that pretty much says --  
23 let's see. Your attorney is Pamela D. Hayes, correct?

24 A. That's correct, sir.

25 Q. She says to us about -- she's focusing on a missing

1 ballistic report. I think she's basically saying that  
2 she's working on your case. She's letting us know about  
3 a 440.01 motion, which is currently pending before the  
4 court in Kings County, that letter was dated July 21st,  
5 2015, so pretty much that's it. I mean we don't have  
6 anything, you know, with -- I'm not sure what it is  
7 you're looking for, but we have a letter stating that  
8 she's working on it and what she's working toward.

9 A. So let me ask you this question, so you don't have  
10 any other letters but that one letter?

11 Q. No, I have other letters, but it doesn't include  
12 anything. The description of your instant offense is  
13 what's in there and that's what we have to go on, unless  
14 you are successful in a court challenge, and then you --  
15 it gets changed in some way. What we have is what we  
16 have, that's what we have to go with. All this is  
17 communication about your case and we even have a, you  
18 know, recognition letter from the D.A. that -- that  
19 they're in receipt of her letter and so on and so forth,  
20 but there's no -- so do you need more time to find out  
21 what the status of this is?

22 A. Yes. I'd like to know -- the reason why I'm asking  
23 these questions, sir -- you don't have a ballistic  
24 report or nothing like that before you in my file?

25 Q. In your file? Sir, you have a very thick file. No,

1 I don't see anything about a ballistic report, and we  
2 are not authorized to re-try your case, so there's  
3 nothing we can do about that. Even if you had a  
4 ballistic report, if it doesn't come from the court in  
5 some finality, there's nothing we can do about that.  
6 That's why I said, if you're waiting for something or  
7 you think there's something that's very important with  
8 regard to your case, well, then that's fine, but all we  
9 have is some back and forth communication from your  
10 attorney and something from the D.A. but nothing of  
11 finality, you know what I mean?

12 A. All right. All right. Well, just for the record, I  
13 gave my CO counselor here some information for my file  
14 relevant to a ballistic report, all right, which  
15 contradicts the instant offense, and I don't know why  
16 that information is not in my file. I know you're not  
17 -- I know you can't --

18 Q. I'm sorry. Wait a second. Hang on. Hang on. This  
19 is like an old -- I see a ballistic report in here, yes.  
20 I mean it looks mostly blank, but I see a ballistic  
21 report in here. Yes, it's here.

22 A. And a letter from -- it should be a letter from the  
23 City of New York Police Department as well --

24 Q. Yes.

25 A. -- inside that file.

1 Q. Yes. Well, saying here's the two documents, the two  
2 pages.

3 A. And some crime scene photographs I believe too,  
4 right?

5 Q. If that's what these pictures are in the hallway  
6 here, yes.

7 A. Okay. Well, sir, I have some more information that  
8 I'm waiting for, and --

9 Q. Okay.

10 A. -- I will be requesting another adjournment.

11 Hopefully, if you can give me another adjournment --

12 Q. Why don't we do this, because giving you a month, it  
13 doesn't work well, so what we're going to do is we'll do  
14 three months or earlier so if you have it all by next  
15 month, you can come back. This way they don't have to  
16 keep putting you on the calendar every month to ask for  
17 an adjournment.

18 A. All right.

19 Q. You asked a lot of questions about this paperwork and  
20 that's okay, but prior to coming to the Board, you have  
21 a right to ask staff to review parts of your folder to  
22 make sure what's in there for your interview, that it's  
23 there, so try to do that before the next interview,  
24 okay?

25 A. Yes, sir, and I did it. I had an interview with my

1 ORC and first for some inaccurate information, all  
2 right, that was relevant to -- you all used to call it  
3 the parole summary report, but it's not called that now,  
4 so I had adjourned it, all right, originally so that can  
5 be rectified, all right?

6 Q. I think the three months or earlier will give you  
7 more than enough time to get what you want and also be  
8 comfortable with what you think in the file should be  
9 there upon the interview, okay?

10 A. All right. No problem, sir. So what are we looking  
11 at?

12 Q. Three months or earlier.

13 A. All right. Okay. Thank you. Have a good day.

14 Q. You're welcome. You too.

15

16 (The inmate was excused.)

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D E C I S I O N

Postpone three months O.E. Next  
appearance 4-2017/O.E.

Postpone three months or earlier at  
inmate's request. Needs more time to gather  
additional documents and review folder.

(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.

Christina M. Wolcott