

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Board Reports

Parole File Documents

Parole Board Report - FUSL000147 (2021-03-18)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/br>

STATE OF NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
PAROLE BOARD REPORT

FUSL000147

WOODBOURNE CORRECTIONAL FACILITY

PAROLE BOARD TYPE/ DATE: REAPPEARANCE APRIL 2021

| | | |
|---------------------|---------------------------|---|
| NAME: [REDACTED] | RECEIVED DATE: 10/13/1994 | CMC: A <input type="checkbox"/> B <input checked="" type="checkbox"/> |
| DOB: [REDACTED] | DIN: [REDACTED] | NYSID: [REDACTED] FBI: 747403TA2 |
| PE DATE: 08/27/2019 | CR DATE: None | ME DATE: Life |

PRS: N/A years PV NT: Yes ☐ No ☒ TIME ON PAROLE: N/A TIME SERVED: 26-07-14

AT THE TIME THE INSTANT OFFENSE(S) WAS COMMITTED, WAS INMATE UNDER 18 YEARS OF AGE?
Yes ☐ No ☒ - If yes, enter age

CRIMES OF COMMITMENT, FELONY CLASSES, SENTENCE, PLEA OR VERDICT, COMMIT COUNTY

Murder 2nd A-1 25-00-00/Life 09/22/1994 Verdict Kings
Aggregate Term: 25-00-00/Life

EEC: ISSUED ☐ DENIED ☐ NON-CERTIFIABLE ☐ INELIGIBLE / N/A ☒

OFFICIAL STATEMENTS: JUDGE - Yes ☐ No ☒ DA - Yes ☐ No ☒ DEF ATTY - Yes ☐ No ☒

SENTENCING MINUTES: Yes ☐ No ☒ IF NO, DATE(S) REQUESTED: 2nd Request: 2/28/19

O-DEFENDANT: NAME/NYSID STATUS
None

DETAILED PRESENT OFFENSE: Indictment [REDACTED] - In the Instant Offense, on 8/22/1993, at approximately 4:00 am, [REDACTED], an off duty a member of the NYPD, and the victim, [REDACTED] left the [REDACTED] together, and went to the apartment of [REDACTED]'s parents located at [REDACTED] Brooklyn, NY. The subject's parents were reportedly not home at the time. Sometime after arriving, [REDACTED] fired 6 shots from his service revolver into the victim, one striking her in the face, one in the hand, and four in the back. The police recovered [REDACTED]'s .38 caliber service revolver from the scene. Also recovered at the scene was a tin foil packet and straw both containing cocaine. The victim's autopsy report indicated cause of death as gunshot wounds to the head and body with penetration of the aorta, liver, and intestines.

OFFENDER STATEMENT: The subject was interviewed at Woodbourne CF on 11/12/2020. He reports no current appeals pending or plans to appeal. [REDACTED] stated "I would like to tell the commissioners that I am terribly sorry and horrified by my actions. At the time of my crime, I wasn't behaving as the person that I should have been. I more than know what was expected of me, and what I expected of myself. For reasons that I didn't understand at the time, and I discovered through years of self-reflection I came to realize that I was extremely self-serving. As a result of my incarceration, I have learned to do the next right thing at all times, and live life on life's terms, not mine."

CRIMINAL HISTORY: Warrant: Yes ☐ No ☒ ICE: Yes ☐ No ☒
IF YES, EXPLAIN:

RECEIVED
NY'S OFFICE OF THE ATTORNEY GENERAL

NEW YORK STATE - SEE ATTACHED PBCHR

DEC 27 2021

JUVENILE: Yes ☐ No ☒ OUT OF STATE: Yes ☐ No ☒ FEDERAL: Yes ☐ No ☒
IF YES, EXPLAIN:

CLAIMS & LITIGATION
POUGHKEEPSIE OFFICE

COURT ORDERED RESTITUTION: Yes ☒ No ☐

IF YES,

| DATE | REASON | COUNTY/ORI | TOTAL | COLLECTED |
|-----------|------------------------|------------|----------|-----------|
| 9/22/1994 | Mandatory Surcharge | Kings | \$150.00 | \$150.00 |
| 9/22/1994 | Crime Victim Asst. Fee | Kings | \$ 5.00 | |

CERTIFICATE OF RELIEF: Eligible ☒ Ineligible ☐ Youthful Offender ☐

INTERPRETER NEEDED: Yes ☐ No ☒ IF YES, LANGUAGE:

PROPOSED RESIDENCES:

PRIMARY: [REDACTED] ALTERNATE: [REDACTED]

PROPOSED EMPLOYMENT: The subject has a letter of support from [REDACTED] This company's headquarters is in Elizabeth NJ, but he would be working in NYC.

A. Smith, ORC

Date:

E. Murtha, SORC

Date:

Revised 4/2017

ORC RECOMMENDED SPECIAL CONDITIONS

INMATE NAME: [REDACTED]

DIN: [REDACTED]

NYSID: [REDACTED]

SUMMARY OF SCs: 1-6, 8, 10, 15, 18, 20, 27

- ☒ SC1 – I will seek, obtain, and maintain employment and/or an academic/vocational program.
- ☒ SC2 – I will submit to Substance Abuse Testing, as directed by the PAROLE OFFICER.
- ☒ SC3 – I will participate in a Substance Abuse Treatment program, as directed by the PAROLE OFFICER.
- ☒ SC4 – I will participate in an Alcohol Abuse Treatment program, as directed by the PAROLE OFFICER.
- ☒ SC5 – I will NOT consume alcoholic beverages.
- ☐ SC6 – I will NOT frequent any establishment where alcohol is sold or served as its main business without the permission of the PAROLE OFFICER.
- ☒ SC7 – I will NOT operate any motor vehicle, apply for, renew, or possess any drivers' license, without the written permission of the PAROLE OFFICER.
- ☒ SC8 – I will abide by a curfew established by the PAROLE OFFICER.
- ☐ SC9 – I will support my dependent children.
- ☒ SC10 – I will participate in anti-aggression/anti-violence counseling, as directed by the PAROLE OFFICER.
- ☐ SC11 – I will cooperate with a mental health evaluation referral and follow up treatment as directed by the PAROLE OFFICER.
- ☐ SC12 – I will participate in Sex Offender Counseling/Treatment, as directed by the PAROLE OFFICER.
- ☐ SC13 – I will have NO contact with any person under the age of eighteen, without written permission of the PAROLE OFFICER.
- ☐ SC14 – I will comply with all case specific sex offender conditions to be imposed by the PAROLE OFFICER.
- ☒ SC15 – I will NOT associate in any way or communicate by any means with victim(s) The Family of [REDACTED] without the permission of the PAROLE OFFICER.
- ☐ SC16 – I will NOT associate in any way or communicate by any means with associate(s) _____ without the permission of the PAROLE OFFICER.
- ☐ SC17 – I will NOT associate in any way or communicate by any means with other(s) _____ without the permission of the PAROLE OFFICER.
- ☒ SC18 – I will cooperate with all medical referrals and treatment recommendations.
- ☐ SC19 – I will participate in Domestic Violence counseling, as directed by the PAROLE OFFICER.
- ☒ SC20 – I will comply with all court orders including those ordering fines, surcharges, and/or restitution.
- ☐ SC21 – I will NOT be a member of any gang or associate with any known gang member or attend any gang activity or function. I will not wear, display, possess, distribute, or use any gang insignia or material.
- ☐ SC22 – I will NOT act in any fiduciary capacity without the permission of the PAROLE OFFICER.
- ☐ SC23 – I will NOT have a checking, savings, debit, or credit card account, without the permission of the PAROLE OFFICER.
- ☐ SC24 – I will NOT be involved in any gambling or gambling related activity without the permission of the PAROLE OFFICER.
- ☐ SC25 – I will participate in a D.W.I. Victim Impact Panel as directed by the PAROLE OFFICER.
- ☐ SC26 – I will comply with all Orders of Protections.
- ☒ SC27 – OTHER: Geographic Restrictions per PO
- ☐ SC28 – I will abide by the mandatory condition imposed by the Sexual Assault Reform Act.
- ☐ SC29 – I will propose a residence to be approved by the NYS Department of Corrections and Community Supervision and will assist the Department in any efforts it may make on my behalf to develop an approved residence.
- ☐ SC30 – I will reside only in the residence approved by the NYS Department of Corrections and Community Supervision.
- ☐ SC31A – I will proceed directly to the I.C.E. Warrant and if released prior to the maximum expiration date of my sentence or if released prior to the post-release supervision maximum expiration (P.R.S.M.E.) date, I will within 24 hours of my release, report to the area office as noted on my Certificate of Release. If deported, I understand that I cannot re-enter the United States unless my re-entry is authorized under 8 U.S.C. 1326. If I am convicted of illegally re-entering the United States, 8 U.S.C. 1326 authorizes the United States District Court to impose a fine, period of imprisonment up to ten (10) years, or both.
- ☐ SC31B – I further understand that I cannot re-enter the United States prior to the maximum expiration of my sentence, unless I receive prior written permission from the NYS Board of Parole. Also, I fully understand that re-entry to the United States, prior to the maximum expiration of my sentence, may be the basis for a revocation of my release.
- ☐ SC32 – I will NOT use or possess any medication or supplements designed or intended for the purpose of enhancing sexual performance or treating erectile dysfunction without the written permission of the PAROLE OFFICER and the approval of his or her area supervisor.
- ☐ SC33 – I will participate in the Department of Corrections and Community Supervision's Polygraph Program, as directed by the PAROLE OFFICER. I understand that this will include periodic polygraph sessions consisting of a pre-examination interview, polygraph examination and post-test interview with the polygraph examiner or the PAROLE OFFICER.
- ☐ SC34 – Prior to release, I shall provide a sample, appropriate for D.N.A. testing, to be included in the NYS D.N.A. Index, pursuant to 9 N.Y.C.R.R. 6192.1 (W).
- ☐ SC35 – I will NOT use the internet to access pornographic material, access a commercial social networking website, communicate with other individuals or groups for the purpose of promoting sexual relations with persons under the age of eighteen, and communicate with a person under the age of eighteen unless I receive written permission from the NYS Board of Parole to use the internet to communicate with a minor child under eighteen years of age, who I am the parent of and who I am not otherwise prohibited from communicating with.
- ☐ SC36 – I shall NOT be released until such time as any residence that has been or may be approved on my behalf can be evaluated by the NYS Department of Corrections and Community Supervision to determine its appropriateness in light of any determinations made by a court of competent jurisdiction pursuant to Article 10 of the Mental Hygiene Law.

ORC RECOMMENDED SPECIAL CONDITIONS

| | | |
|--------------------------|-----------------|-------------------|
| INMATE NAME : [REDACTED] | DIN: [REDACTED] | NYSID: [REDACTED] |
|--------------------------|-----------------|-------------------|

- ☐ SC37 – Pursuant to the authority conferred upon the NYS Board of Parole, under Section 70.45(3) of the NYS Penal Law, to impose conditions of release upon an individual serving a determinate sentence who is to be released to the jurisdiction of the NYS Department of Corrections and Community Supervision, to serve a period of post-release supervision, it is hereby determined that as a condition of my post-release supervision, I shall be transferred to and participate in the programs of a residential treatment facility, as the term is defined by NY Correction Law, Section 2(6), for a period of time deemed appropriate by the NYS Board of Parole, but in no event shall such period exceed six months from the date of my entrance into said residential treatment facility.
- ☐ SC38 – I shall NOT be released until the NYS Board of Parole and NYS Department of Corrections and Community Supervision are informed of the Sex Offender Risk Level that has been or will be established by a court of competent jurisdiction pursuant to Correction Law 168 – N.
- ☐ SC39A – I will have no contact, directly or indirectly, through third party, electronically, or by initiation or response, with _____. I will only have contact with any minor children in common with _____ with approval and supervision of a Family Court Order of the permission of the PAROLE OFFICER.
I will enter, complete, and comply with a Domestic Violence Offenders program, as directed by the PAROLE OFFICER.
I will enter, complete, and comply with a Parenting Course, as directed by the PAROLE OFFICER.
- ☐ SC39B – I will NOT reside with any partner without prior written permission of the PAROLE OFFICER.
I will immediately provide the PAROLE OFFICER of the contact information for any and all relationships I become involved in.
I will provide a copy of any active Order of Protection issued against me or for my protection to the PAROLE OFFICER within 48 hours of being served with the order.
I will comply with any and all "active" Orders of Protection.
- ☐ SC40A – I will NOT own, use, possess, purchase or have control of any computer, computer related material, electronic storage devices, communication devices, and/or the internet, unless I obtain prior written permission from the PAROLE OFFICER.
Furthermore, if approved: If I am permitted by the PAROLE OFFICER to possess a computer at my residence, permission will be granted for only one computer.
I will provide all personal, business, phone, internet service provider, and/or cable records, to the PAROLE OFFICER upon request.
- ☐ SC40B – I will provide copies of financial documents to the PAROLE OFFICER upon request. These documents may include, but are not limited to, all credit cards bills, bank statements, and income tax returns.
I will provide all user id's and passwords required to access the computer, my C.M.O.S. and BIOS, internet service provider, any/all email accounts, instant messaging accounts, any removable electronic media, including, but not limited to, media such as smart cards, cell phones, thumb drives and web virtual storage.
- ☐ SC40C – I will provide the PAROLE OFFICER with my password and user I.D. for any approved device. I acknowledge that individuals who have access to my computer system and/or other communication or electronic storage devices will also be subject to monitoring and/or search and seizure.
I agree to be fully responsible for all material, data, images and information found on my computer and/or other communication or electronic storage devices at all times.
- ☐ SC40D – I will NOT create or assist directly, or indirectly, in the creation of any electronic bulletin board system, services that provide access to the internet, or any public or private computer network without prior written approval from the PAROLE OFFICER.
I will NOT use any form of encryption, cryptography, steganography, compression and/or other method that might limit access to, or change the appearance of, data and/or images without prior written approval from the PAROLE OFFICER.
- ☐ SC40E – I will NOT attempt to circumvent, alter, inhibit, or prevent the functioning of any monitoring or limiting equipment, device or software that has been installed by or at the behest of, or is being utilized by, the Department of Corrections and Community Supervision for the purposes of recording, monitoring or limiting my computer or internet use and access, nor will I tamper with such equipment, device or software in any way.
- ☐ SC40F – I will cooperate with unannounced examinations directed by the PAROLE OFFICER of any and all computer(s) and/or other electronic device(s) to which I have access. This includes access to all data and/or images stored on hard disk drives, floppy diskettes, cd roms, optical disks, magnetic tape, cell phones, and/or any other storage media whether installed within a device or removable.
I will install or allow to be installed, at my own expense, equipment and/or software to monitor or limit computer use.
- ☐ SC41A – I shall install and maintain, in accordance with the provisions of Section 1198 of the NYS Vehicle and Traffic Law, an Ignition Interlock Device in any motor vehicle owned or operated by me during the period of my community supervision. This condition does not authorize me to operate a motor vehicle in the event my license or privilege to operate a motor vehicle has been revoked or suspended.
- ☐ SC41B – Pursuant to the provisions of the Vehicle and Traffic Law or the Laws of any other State, I may obtain a license to operate a motor vehicle only with the prior written permission of the PAROLE OFFICER. If I possess a license to operate a motor vehicle, I may operate a motor vehicle with the prior written permission of the PAROLE OFFICER, and in accordance with this condition of release.
- ☐ SC42 – I will submit to photo imaging every 90 days or whenever directed by the PAROLE OFFICER or other representative of the NYS Department of Corrections and Community Supervision.

ORC RECOMMENDED SPECIAL CONDITIONS

| | | |
|--------------------------|-----------------|-------------------|
| INMATE NAME : [REDACTED] | DIN: [REDACTED] | NYSID: [REDACTED] |
|--------------------------|-----------------|-------------------|

- ☐ **SC45** – I understand that I shall not download, access, or otherwise engage in any Internet enabled gaming activities to include Pokémon Go. I further understand that I shall not be in the company of any person who is engaged in any Internet enabled gaming activities nor will I have any gaming software on any Internet enabled device that I am permitted to access or otherwise possess.
- ☐ **SC46** – I will not use the internet to access pornographic material, communicate with other individuals or groups for the purpose of promoting sexual relations with persons under the age of eighteen, and communicate with a person under the age of eighteen unless I receive written permission from the Board of Parole to use the internet to communicate with a minor child under eighteen years of age who I am the parent of and who I am not otherwise prohibited from communicating with.
- ☐ **FC01 A, B, C, D** – Sex Offender Housing Condition (SOH220) - I will propose a residence to be investigated by the Department of Corrections and Community Supervision and will assist the Department in any efforts it may make on my behalf to develop a residence.

If I am deemed a Level 3 risk pursuant to Article 6-c of the Correction Law - or - I am serving one or more sentences for committing or attempting to commit one or more offense(s) under Articles 130, 135 or 263 of the Penal Law or sections 255.25, 255.26 or 255.27 of the Penal Law and the victim of such offense(s) was under 18 years of age at the time of the offense(s), and as such I must comply with section 259-c(14) of the Executive Law, I will not be released until a residence is developed and it is verified that such address is located outside the penal law definition of school grounds and is approved by the Department. In pertinent part, Executive Law §259-c(14) provides: *"the board shall require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00, or the penal law, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while on or more of such persons under the age of eighteen are present,..."* Penal Law §220.(14).

"School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

- ☐ **FC02 A, B** – Sex Offender Residential Treatment Facility program conditions (RTF220) - Pursuant to the authority conferred upon the New York State Board of Parole under section 70.45(3) of the penal law to impose conditions of release upon an individual serving a determinate sentence who is to be released to serve a period of post-release supervision, as a condition of your post-release supervision you shall be transferred to and participate in the programs of a residential treatment facility, as that term is defined by Correction Law section 2(6) until such time as a residence has been approved and such address has been verified to be located outside of the penal law definition of school grounds.