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 ORIGINAL

STATE OF NEW YORK
DIVISION OF PAROLE

In the Matter

- of -


NYSID NO.: 
DIN NO: 

HELD AT: Great Meadow Correctional Facility
Comstock, New York
Tuesday, March 18, 2008

BEFORE:
COMMISSIONER VANESSA CLARKE
COMMISSIONER DEBRA LOOMIS
COMMISSIONER CHRISTOPHER ORTLOFF

ALSO PRESENT:
RICHARD KRATZENBERG, FPO II
MATTHEW KALENCKI, FPO I
KATHY EVERTS, APA

1 BY COMMISSIONER CLARKE:

2 Q. Good morning. [REDACTED]

3 A. Yes.

4 Q. I'm Commissioner Clarke; with me today is
5 Commissioner Loomis and also Commissioner Ortloff.
6 You are here for a reappearance before the Parole
7 Board serving 20 to life for murder in the second
8 degree. This is your fifth appearance before the
9 Parole Board?

10 A. Yes.

11 Q. We are going to consider your case again
12 today for parole. We'll consider some things that
13 are not going to change, such as the crime itself,
14 and some things that have changed, such as plans for
15 the future. Now, you are convicted of murder in the
16 second degree based upon a plea. You pled guilty to
17 the crime?

18 A. Yes.

19 Q. You took the plea in March '81?

20 A. No, that's not right.

21 Q. Okay. The crime occurred in May of 1980,
22 May of 1980?

23 A. Yes, ma'am.

24 Q. You called the police and reported that
25 you just killed your wife?

1 A. Yes.

2 Q. And they went to the home and found her in
3 the bedroom?

4 A. Yes.

5 Q. She had been repeatedly stabbed?

6 A. Yes.

7 Q. And also found your child of five years
8 who has stabbed once through the chest?

9 A. Yes.

10 Q. The record says there was approximately
11 seven stab wounds to the mother and the little child
12 was stabbed one time, one penetrating chest wound
13 through the heart. That's what the injury was to
14 the young child. What would you like to tell the
15 panel today about these terrible acts?

16 A. I'm speechless. I'm speechless. I'm at a
17 loss for words. There is nothing I can say for what
18 I've done. It was a horrible crime. I'm speechless
19 and ashamed for what I've done. For the last 28
20 years I've regretted what I've done. I wish I could
21 undo it. I regret what I've done.

22 Q. Is this correct, you stated that you had
23 been unhappy with your wife for sometime and had
24 fallen out of love with her and had been thinking
25 about killing her for three or four months prior to

1 actually doing the crime?

2 A. Yes.

3 Q. So, you just woke up one morning and
4 started to stab her?

5 A. I had plans to leave and packed my clothes
6 to leave. I was leaving.

7 Q. Okay.

8 A. We talked about it.

9 Q. I imagine she struggled and fought for her
10 life. Did that happen?

11 A. Yes.

12 Q. Was it that noise that woke your son that
13 had been sleeping?

14 A. Yes.

15 Q. Did it wake him up?

16 A. Yes.

17 Q. Well, the record says that your son awoke
18 and started to cry -- this is what you said?

19 A. Yes. He was asleep and the commotion woke
20 him up.

21 Q. All right. Prior to this you had no
22 criminal record. This is your only crime of
23 conviction. What else was going on in your life at
24 that time, anything you want to tell the panel about
25 anything else that might have been happening at that

1 time?

2 A. Just an unhappy marriage.

3 Q. Okay. All right. Because of the nature
4 of your conviction you are required to participate
5 in a mental status evaluation. At this point you
6 are not on medication and you are not receiving
7 treatment. There is no indication that the -- that
8 the mental health staff thinks that you need to be
9 treated. Okay. All right. What have you been
10 doing in recent years? It says that you've
11 satisfied Transitional Services Phase III. Tell us
12 about your programming.

13 A. I took that. I took that in '04, '05,
14 completed that, recently completed ART. Right now
15 I'm currently evening school clerk for the school.

16 Q. It says you worked a as school clerk.

17 A. I am evening school clerk.

18 Q. What do you do?

19 A. File work, paperwork, records, that's all.

20 Q. How many weeks or months has that been
21 ongoing?

22 A. Four years.

23 Q. Your behavior has been satisfactory.
24 You've stated that you want to go back to school?

25 A. Yes.

1 Q. You are interested in studying culinary
2 arts or nursing, is that right?

3 A. Culinary arts or nursing. I have been
4 incarcerated 28 years. It's mandatory that I go to
5 school. Everything has changed out there. I'm
6 looking at culinary arts or nursing.

7 Q. What was the last job you held out in the
8 community?

9 A. I was a cashier for a supermarket.

10 Q. Okay. All right. You have your father
11 out there in [REDACTED]

12 A. Yes.

13 Q. Who else?

14 A. I have three prospective places to go. I
15 have a wife, which I know you have reservations
16 about me going to live with a wife. I can go live
17 with my father upstate or my two brothers in [REDACTED]
18 [REDACTED] My current marriage is fine. I know you are
19 concerned about that. That's why I'm saying I have
20 two alternative places to go if you are concerned.
21 Our marriage is fine and she is willing to have me
22 stay there.

23 COMMISSIONER CLARKE: Okay. Any
24 further questions from the panel?

25 COMMISSIONER LOOMIS: Nothing

1 further.

2 COMMISSIONER ORTLOFF: I have no
3 further questions. Thank you.

4 BY COMMISSIONER CLARKE:

5 Q. Do you have anything you would like to
6 say?

7 A. If I may speak for a moment. I
8 understand the totality, the heinousness and
9 seriousness of my crime. I'm not trying to diminish
10 it. I have no explanation for what happened. It
11 is -- I just lost it, I guess. In regards to your
12 concern about me being released and committing crime
13 again, I would like to say in the past 28 years
14 that, you know, living in a prison environment is
15 extremely stressful. For the past 28 years I've
16 managed to stay away from the fights, the drugs, the
17 violence in prison, the stress from my fellow
18 inmates, the stress from the officers and I've
19 maintained -- I have one disciplinary in 28 years.
20 So, if I did maintain discipline and conduct in
21 prison for 28 years I think I can maintain fine
22 conduct without going back to criminal life in
23 society. I understand work ethic, having a job,
24 paying bills and responsibilities. I've had jobs
25 before coming to prison. I have goals to go to

1 school. I feel that in no way, shape or form or
2 fashion I will come back to prison or violate
3 parole. As a matter of fact, I know I won't violate
4 parole.

5 Q. All right. We'll consider your
6 statements. We'll weigh your case carefully and
7 give you a decision in a few days. Thank you for
8 coming in.

9 A. Thank you.

10 (The inmate was excused.)

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1 D E C I S I O N

2 COMMISSIONER CLARKE: Denied. Hold
3 24 months, March 2010.

4 Parole denied. You continue to serve
5 a 20-year to life term upon conviction for the crime
6 of murder in the second degree. You stabbed your
7 wife and five-year-old son to death in a horrendous
8 act of violence. At interview you demonstrated a
9 clear lack of insight into your crime.

10 Therefore, while the panel notes your
11 adjustment as an inmate, the panel concludes if
12 released at this time there exists a reasonable
13 probability you would not live and remain at liberty
14 without further violation of law. Your release
15 would be incompatible with the welfare and safety of
16 the community and would so deprecate the seriousness
17 of the offense as to undermine respect for the law.

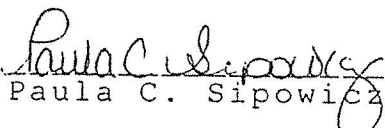
18 (The Commissioners concur.)

19 (Whereupon, the hearing was
20 concluded.)

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CERTIFICATION

I, PAULA C. SIPOWICZ, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing transcript in the above-entitled matter is a true and accurate transcript, to the best of my knowledge and belief.


Paula C. Sipowicz