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### Parole Interview Transcript/Decision - FUSL000008 (2006-03-21)

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STATE OF NEW YORK EXECUTIVE DEPARTMENT  
DIVISION OF PAROLE

MINUTES OF PAROLE BOARD HEARING  
REAPPEARANCE



INSTITUTION: GREAT MEADOW C.F.  
DATE: MARCH 21, 2006 BOARD  
BEFORE: COMMISSIONER BOUEY  
COMMISSIONER LAZZARI  
COMMISSIONER FERGUSON

HEARING REPORTER: CHRISTINA DUTCHER

[REDACTED]

BY COMMISSIONER FERGUSON:

Q State your name for the record, please.

A [REDACTED]

Q [REDACTED] my name is Commissioner Ferguson. With me are  
Commissioners Bouey and Lazzari.

COMMISSIONER BOUEY: How are  
you, sir?

INMATE: Just fine, Miss Bouey.

BY COMMISSIONER FERGUSON:

Q This is a Reappearance for you. You have appeared in front of the  
Board on several prior occasions, correct?

A Yes, that's correct.

Q You're currently incarcerated for Murder 2<sup>nd</sup> Degree, two counts.

A Yes.

Q You received a 20 to Life sentence by plea of guilty. You have  
served approximately 26 years at this point, correct?

A Yes.

Q The instant offense involves you in July 1980, stabbing to death  
your wife.

A Excuse me? It wasn't July. You said July.

Q I said July 20<sup>th</sup>, 1980, you called the police and said you had just  
killed your wife.

A I -- no, it was in May.

COMMISSIONER BOUEY: This says  
July 20<sup>th</sup>, 1980, but you say it was May?

COMMISSIONER LAZZARI: It could be an error.

INMATE: It's an error. It was in May.

COMMISSIONER FERGUSON: Actually, the probation report says May 20<sup>th</sup>.

COMMISSIONER BOUEY: It's a typo then.

INMATE: Yeah.

BY COMMISSIONER FERGUSON:

Q May 20<sup>th</sup>, 1980, you stabbed your wife to death, then when your five-year-old son awoke, you stabbed him once in the heart and killed him. You had indicated you had been thinking about this for several months, correct?

A Yes.

Q Well, what made -- I understand you had stated you thought you had fallen out of love with your wife and you actually grew to dislike her, so why didn't you just leave?

A Commissioner, 26 years I've asked myself that same question. How did that expression go? You can't see the trees because of the forest. I asked myself that question for 26 years, I really have.

Q This is such an extreme act to take. This is your only criminal history.

A Yes.

Q You don't have a history of violence or anything else before this. In 1980, you were what, 28?

A I was 27 at the time. I turned 28 a few months later.

Q So, I mean, you're old enough to know the difference between right and wrong. You're old enough to know something this drastic -- were you involved with alcohol or drugs at this time?

A No.

Q I mean it doesn't help a lot. This means this was a rational thought, not made under the influence of drugs or alcohol. I mean your son, as well the probation report said -- indicates that you -- he saw you, what you were doing and started screaming and crying, you stabbed him. What is it that pushed you to this point?

A Commissioner, I honestly don't know.

Q Was this an abusive relationship, physically or verbally?

A Verbally.

Q Verbally both ways?

A Verbally.

Q I mean verbally, you know, that she verbally abused you or you both verbally abused each other?

A I don't wish to make to make this sound like my ex-wife -- paint a bad picture of her. I'll sit here and say I felt like I was a hen-pecked husband. If felt I was a hen-pecked husband. Now, it's easier to file for divorce and leave. Again, I don't want to paint her as the villain. I murdered her. I don't want to put the weight on

[REDACTED]

her. I felt I was a hen-pecked husband. I know that may sound weak, but that's --

Q Why was it? Because you said you thought about this for a few months, three or four months, before you started thinking about this.

A Yeah.

Q Thoughts of counseling or separating or staying with a friend for a few weeks?

A It should be in the report. I also thought about leaving. I had airline tickets to go to Orlando, Florida. I packed my clothes. Two days before, I packed up my clothes and was ready to leave. I had a letter. I wrote on there I was leaving. I was going to Orlando, Florida, good bye. She cried, she didn't want me to leave. She loved me. We could work it out. Yes, I had plans to leave. I had tickets to Orlando, Florida.

Q How long were the two of you married?

A Seven years.

COMMISSIONER BOUEY: Why hurt your son?

INMATE: Miss Bouey, I'm not being evasive. Everything happened so lightening fast, he wasn't planned, everything just happened so fast.

COMMISSIONER BOUEY: But were you upset with him?

INMATE: No. No, of course not. I

wasn't upset with my little son, not at all.

BY COMMISSIONER FERGUSON:

Q I mean it did say you had thought about this to that extent. It's planned, if you had been thinking about something for three or four months and, contemplating doing it, it doesn't mean you're planning on this date to do it.

A Right.

Q Your contemplating the action, to some extent you're planning it out in your mind. I mentioned that you had thoughts of killing her and your son, is that not correct, or --

A It's been -- 26 years ago, Mr. Ferguson. Perhaps I said that then. I know I don't want to say -- use the word "plan." I thought about killing her, yes, you know. Yes.

Q Okay. All right.

A But, again, I thought about leaving too. I thought about leaving. I had my clothes packed. I called the airlines to go to Orlando, Florida, and I had sold the car and I left her the money, you know, so that she wouldn't have to struggle. Yes, I had plans to leave too, you know. I was going to leave, and I told -- matter of fact, when she came home from work, I had my stuff packed. She said, "Where are you going?" I said, "I'm leaving you." She bawled out and cried, this and that. I told her I wasn't happy. She just cried and cried and cried, and I gave in, so it's not like I didn't think about leaving. I did think about leaving, you know.

Q Well, you have been doing some positive things since you've been inside. You have been doing some programming, you've got a lot of vocational titles. There is a title as a stripper. I assume it means floor stripping.

A No, that was the print shop.

Q Not talking about dancing in some bar or something?

A No. I never played the bar scene when I was on the street, no.

Q Offset plate maker.

A Press --

Q Process Camera Operator.

A Yes.

Q Phase III, Porter, SOAP Shop, Lawns and Grounds and Administrative Clerk. It says you refused ART again.

A They put down I refused ART. Before it -- there was an ART Program, there was a program called Life Without Violence. I successfully completed that. I haven't had any relapse in any shape, form, or fashion. They don't give me any credit for taking Life Without Violence. I successfully completed that program.

Q Do you think it would be beneficial to take any additional programming? It's not costing you anything.

A That is true. That is true, but the way the program is set up, when you take Alternatives to Violence Program, you get credit for it, then they want you to take it again if you relapse or have a fight. I haven't relapsed or had a fight with anyone in any shape, form or fashion.





(Whereupon the reporter requested

the inmate slow down.)

Q We'll obviously take it into consideration, but the thought is you can't get much more violent than this act.

A That's correct.

Q So we think it's always beneficial, even if you take similar programs. For example, someone who is a drug addict, you might take a drug program, NA or AA. Any additional programming that you can get, will help you. Let's face it, for 26 years, you haven't been going anywhere. It's not like you're walking out the door, you're here, the programs don't cost you anything financially, just cost you time. It's beneficial to see you basically go over beyond what might be required, as opposed to say, I've done that in that particular area, move on, particularly with your offense, so you get credit for the program that you have completed, that's not going to be taken away from you, but, again, when you offered some type of violence program and with your offense, it's usually more productive for you to be involved with some type of program like that, unless you feel for some reason it's actually a hindrance.

A I wasn't feeling like it's a hindrance. To me, no way, shape, form or fashion. I just completed a course, and I look at it like I completed it. Also, in the 26 years, I haven't raised my finger to do an act of aggression in any shape, form, or fashion. I have one infraction in 26 years for a hotpot. I went out for program and inadvertently left the pot on.

[REDACTED]

Q Not the worst disciplinary record. We have people come in here with less time than you, as we discussed it before, and have dozens of violations. We understand there are a great deal of little rules and details that they have. We understand the efforts involved in that and appreciate that. In terms of your release, it says you want to live with your wife. You have been remarried since being incarcerated?

A Yes.

Q And I have addresses -- I have a brother in [REDACTED] I can go live with him and my father is -- I can go live with him in [REDACTED] [REDACTED] as well, so I have multiple possibilities with addresses to live.

Q What type of work was it you were doing before you were incarcerated?

A I was a clerk at a supermarket, a cashier, clerk and produce stocker. What kind of work would you like to do if you're released?

A I been out of society for twenty-some-odd years. My goal, my objective is to go to school. I want to go to school to take up culinary arts, maybe chef or -- I'm looking at nursing -- between nursing and cooking. I want to be a chef. I'd like to do that. In the meantime, if I go live with my wife, I can go to school part -- I can get a little part-time job while I go to school. We've talked about that, or --

Q Um hum. Now, you're not currently receiving any mental health services?

[REDACTED]

A No, I never had -- the only mental health history, if you want to call it that, is immediately around the time of the homicide.

Q You tried to kill yourself with some sleeping pills and beer?

A Yes.

Q And you turned yourself into the police, you fled and went to a gas station and ingested some gasoline.

A Yes. I was very suicidal at the time. Not anymore.

Q That's the extent of the mental history, when you were young?

A Yes.

Q Is there anything else you want to bring to our attention we haven't discussed today?

A Yes, if I may. In my last two Hearings, when I got the paper, you felt I was a menace and threat to society. I have two points: the first point, during the proceedings, if they were feeling I'm a threat and menace to society, it wasn't brought to my attention. It wasn't discussed, and the second point, I was wondering what basis do you come to that conclusion? True, I have a very serious crime. I'm not diminishing that. In 26 years, I haven't done one act of aggression or harm to anyone whatsoever. I have one ticket in 26 years. I was wondering what the basis is that you felt I was a menace and threat to society?

Q First of all, I was not on the last Board, I can't speak to what the last Board had discussed during their deliberations, after you left the room. Obviously your instant offense is terrible.

A Yes, I understand that.

Q You know, your wife was stabbed several times and killed.

A Three or four times, three -- about four times.

Q Your son was stabbed once.

A Um hum.

Q So if your own wife and your own five-year-old son, as an individual, you can kill, certainly nobody else in society will be safe. Someone with that type of emotional bond to you is someone that can fall victim to your violence at that time, certainly someone who doesn't have any emotional ties to you could fall victim. There's a lot of decision making going on. We -- people have to try to understand your offense, whether you have causes for your offense, the likelihood you might recidivate if you get out, in terms of them saying you are a menace to society. I wasn't on the last Board. I don't know if either of these Commissioners were on the last Board. Your offenses are a difficult one to get by. There's two people that said that. You are doing -- although you are doing well institutionally, like you said, 26 years and a hotpot, can hardly be considered a difficult disciplinary record, before maybe one or two things -- maybe having availed yourself of one or two programs, since you've been -- you have obviously taken programs, you have obviously been dealing with job skills to make yourself more marketable. There's a whole bunch of other things you have to take into consideration, some is the performance since you're in, some of it is the offense, nature of the offense and what would happen if you are released, the view of the public, if you would

[REDACTED]

harm anyone, the public's opinion of the Criminal Justice System was not served and why in your case. There are different factors that have to be considered in your --

A May I express --

Q Yes.

A I'm not trying to diminish the nature of my crime, it's a very serious crime, but at the same token, during 26 years, I have grown, I have matured, I have come to grips of understanding other things. As I stated earlier, it goes without saying, I had packed my clothes and left. In regards to society dealing with the nature of my crime, I have discussed with my current wife -- she lives in a very small community, such as the area here, [REDACTED] [REDACTED] and I have discussed with her I think it would be better if I requested to go to [REDACTED] to go live with my brother, because of the nature of my crime, than to live with her within a small community, being on a website as a child murderer and wife murderer. For the sake of the community, as you have mentioned, how would the community feel, I have thought, yes, and I had discussed with her maybe it would be best if I went to [REDACTED] to live with a single brother in a big city, like [REDACTED] [REDACTED] I have a brother two years younger than me. He's retired Navy. He holds a position in [REDACTED] [REDACTED] He is single, no children to live with him. For the sake of the community, as you mentioned, you know, working in [REDACTED] [REDACTED] perhaps he can get me a job, maintenance,

floor covering, janitor or something while I go to school. Yes, I have considered these things about the community and my wife, she understands that, or she's going to, you know, but we have no problems in our marriage. She hasn't been up to visit for a while because my wife is fourteen, fifteen years older than me. Driving is difficult for her now, which is understandable, but we have no problems in our marriage.

COMMISSIONER FERGUSON:

Okay. Commissioners, any questions?

COMMISSIONER BOUEY: No, I have nothing further.

COMMISSIONER LAZZARI: Nothing further.

BY COMMISSIONER FERGUSON:


Q All right, [REDACTED] we'll consider everything you have told us today, as well as what's in the record, we'll make a decision and we'll notify you in writing.

A Okay.

Q Have a good day.

A You too. Thank you.

(After due deliberation by the Parole Board Panel, the following decision has been rendered:)



DECISION

Parole is denied. Hold 24 months. Next appearance 3/2008.

After a review of the record and interview, the Panel has determined that if released at this time, there is a reasonable probability that you would not live and remain at liberty without again violating the law and your release would be incompatible with the welfare of society and would so deprecate the serious nature of the crime as to undermine respect for the law. This decision is based on the following factors: your instant offenses of Murder in the 2<sup>nd</sup> Degree, two counts, in which you repeatedly stabbed your wife to death, then stabbed your five-year-old son to death, you also tried to escape from the police. Note is made of your programming, positive adjustment and disciplinary record.

The heinous nature of your instant offense, which you had considered for several months, clearly indicates the danger you pose to society. You are a poor candidate for release at this time. Parole is denied. Unspecified guidelines.

All Commissioners concur.

kmp