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1 NYS DEPARTMENT OF CORRECTIONS and COMMUNITY SUPERVISION -
2 BOARD OF PAROLE
3

4 *****

5 Parole Board Hearing

6 In the Matter

7 -of-

8 [REDACTED]
9 DIN # [REDACTED]
10 NYSID # [REDACTED]

11 *****

12 TYPE OF INTERVIEW: REAPPEARANCE

13 HELD AT: GREAT MEADOW C.F.
14 VIDEO-CONFERENCE TO
15 97 Central Avenue
16 Albany, New York
17
18
19

20 HELD ON: January 22, 2014
21

22 BEFORE: COMMISSIONER FERGUSON
23 COMMISSIONER ELOVICH
24 COMMISSIONER HALLERDIN

25 VERBATIM REPORTER: SUSAN FISCHLER

1 BY COMMISSIONER FERGUSON:

2 Q. Good morning, sir. Could you state your name,
3 please?

4 A. [REDACTED]

5 Q. [REDACTED] I'm Commissioner Ferguson and also with us
6 today are commissioners Elovich and Hallerdin.

7 COMMISSIONER ELOVICH: Hello.

8 COMMISSIONER HALLERDIN: Hello.

9 Q. You are here for a reappearance before the Board.
10 You have been before the Board a few times, correct?

11 A. That's correct.

12 Q. Are you in now, sir, 34 years, going on 34 years, is
13 that right?

14 A. That's correct.

15 Q. I note that you were sentenced to 20-to-life on a
16 Murder 2nd by plea of guilty. We also have made efforts
17 to get the sentencing minutes and the indication is they
18 are not available, in a letter from the court back in
19 2008. You don't have your sentencing minutes, correct?

20 A. No, I don't.

21 Q. Anything that you can recall being said at sentencing
22 that you care to share?

23 A. Mr. Ferguson, it's been 34 years.

24 Q. I know.

25 A. I don't recollect, you know, I don't recollect, you

1 know.

2 Q. I didn't expect you to have anything in memory but I
3 offer people the opportunity because if there was
4 something favorable said, I want you at least to have
5 the chance to tell us that. So I understand that you
6 don't remember.

7 The instant offense relates to events in May of
8 1980. The State Police received a phone call from you
9 indicating you had killed your wife. When they arrived
10 they discovered your wife's body - who had been stabbed
11 multiple times - deceased, as well as your five-year-old
12 son who appeared to have been stabbed once and died. Is
13 that correct?

14 A. Yes, sir.

15 Q. I have gone through the record, I think we met
16 several years ago and I think you also met Commissioner
17 Elovich. I know you haven't met Commissioner Hallerdin.

18 In going through the record, there was a couple
19 things. You apparently had been having difficulties
20 with your wife for a period of time. You indicated she
21 had come from basically a trashy family, was always very
22 negative, it was always very difficult circumstances for
23 you, that you had contemplated causing her harm for some
24 time, and on this particular day you just carried
25 through with it? Is that accurate?

1 A. As you have read it, I am on record for having stated
2 that, I guess. It's been so long ago.

3 Q. The other indication was, too, you were tired of
4 family life and basically wanted to -- resented your
5 familial obligations, and even though you wanted to try
6 to better your life, she continued to frustrate your
7 efforts to attempt to do so and your attempts to try to
8 further your education to try to get a better job. Why,
9 though, did you harm your son?

10 A. Um, Commissioner, I was suffering from extreme manic
11 depression as well. It's on record, I tried to take my
12 life not once, but twice. Remember, it's on record, I
13 tried to by commit suicide by taking pills. And it's on
14 record I tried to commit suicide by jumping out the
15 window, drinking gas. Remember that?

16 Q. Correct. You were supposedly caught with the nozzle
17 of the gas dispenser in your mouth, ingesting gasoline.

18 A. That's correct. So, I was suffering from extreme
19 manic depression as well as the other things that you
20 mentioned: I was in a marriage I didn't like, I was
21 very depressed, suffering from extreme manic depression,
22 tried to take my own life twice. Just manic depression
23 and frustration.

24 Q. Were you diagnosed as such back then, sir?

25 A. Sir, I didn't understand your question.

Q. Were you diagnosed back then as having manic depression, or had you been receiving mental health treatment prior to these events?

A. No, sir, I wasn't. I wasn't even aware at the time I was suffering from manic depression, you know. Of course I am older now.

Q. I was going to say - because I have gone through the record and I don't recall seeing an indication in any of the documents.

A. No, there's no record of me having mental issues or psychiatric treatment prior to this.

Q. Were you in the military prior to this?

A. Yes, in the navy from 1970 to 1974.

Q. And thank you for your service, sir.

A. Thank you.

Q. During of course your military enrollment, you do have to go through a medical/psychological evaluation, right?

A. Yes.

Q. And were never diagnosed at that time, right?

A. No.

Q. And you, also, in fact, were honorably discharged, correct?

A. That's correct.

Q. What are your thoughts today as you look back on

these events?

A. Commissioner Ferguson, it goes without saying 34 years I have had regret for what I have done. I had plane reservations to go to West Palm Beach Florida to leave my wife and son, and I had brought that to her attention, that I was leaving. And she broke down and cried, begged me to stay. We made reconciliation to try to patch it up but it didn't work. I have regretted my actions, of course, it goes without saying. I understand now in ways I never did before that life is extremely precious, and taking the life of a child is truly unimaginable. When I watch the evening news and if I see a case where a parent or someone has murdered a child, it enrages me. And I understand that now. It's incomprehensible what I did. I am sorry for what I did. It goes without saying if I could undo what I did, I would.

Q. Well, you have made some positive efforts towards your rehabilitation since you've been inside. You have done your programming including phases 1 and 2. You have taken ART, and have done other programming as well. It appears you have not had a ticket in awhile; is that correct, sir?

A. To my recollection I have one disciplinary in the years I have been in the system.

Q. Yeah, I see one ticket back in 2001.

A. Yup. I went to program, left my pot on and it caught fire.

Q. Well, it's a minor tier-II as written here. That's the only ticket you have had in 34 years, is that correct?

A. That's correct.

Q. If released, you have a sister in [REDACTED] and your father is in [REDACTED] is that right?

A. That's correct.

Q. In terms of employment, what are you planning on doing?

A. In terms of employment, at this stage I would take any part-time work because my goal is to go to school to take up culinary arts to become a chef and work part-time while I go to school and have family support.

Q. Despite the serious nature of this offense, I don't have any registered community opposition to your release. We make note of that. We have letters of support here including one from your brother, right?

A. Yes, in [REDACTED]

Q. Yes. [REDACTED] is your sister?

A. That's correct.

Q. We have several letters from her. What else do you think we should know, sir, to help us make a decision

1 today?

2 A. In the time I have been incarcerated I have given
3 much thought and pondered what I have done. I was in my
4 mid-20s when I come to prison. I'll be 62 this year.
5 There's is a big difference between someone in their
6 mid-20s and in their early sixties as far as maturity,
7 understanding responsibility and pondering mistakes they
8 have made in life. I feel if I can be in a penitentiary
9 for 30-plus years with an excellent disciplinary record,
10 I can truly function in society without being a menacing
11 threat to public safety and society, as I have
12 maintained fine conduct in a penitentiary. I was a
13 responsible person before I came to prison, I had
14 worked, had a nine to five and I understand that. I've
15 never messed with drugs, I've never been an alcoholic.
16 I understand working, so I understand if I am released
17 that that's what I have to do to support myself and be
18 an upright, law-abiding citizen in society.

19 COMMISSIONER FERGUSON: Commissioners,
20 anything additional?

21 COMMISSIONER ELOVICH: Nothing
22 further.

23 COMMISSIONER HALLERDIN: I have one.
24 Sir, my main concern is when you were going through
25 that depression before, you were not able to reach

1 out to someone because that was a time perhaps you
2 didn't recognize you had this issue?

3 A. That's correct.

4 COMMISSIONER HALLERDIN: Okay. When
5 you are released on parole, things tend to mount up,
6 stresses mount up, you have adults now telling you
7 as an adult person that you got to come in at 8:00
8 or 9:00 -- well, it's true, you know?

9 A. Yes, ma'am.

10 COMMISSIONER HALLERDIN: And becomes
11 an added stress. My concern is at some point in
12 time, sir, you are going to want to have a family.
13 With that comes additional responses. With all
14 those other responses, I guess I am asking you, what
15 are you going to do to make sure that you don't have
16 an issue where, quite frankly, you lose it again?

17 A. That's a good question, Commissioner. In response to
18 that there are issues here in penitentiary where I am
19 under stress daily: Confrontations with inmates,
20 misunderstandings and so forth. And I have managed to
21 dance around confrontational issues with my fellow
22 inmates for 34 years. I haven't had one act of
23 aggression on a individual in no way, shape or fashion.
24 I'm older now, I understand how to deal with issues, how
25 to talk issues out and how to deal with them rather than

1 let them bottle up in me as I did prior to coming to
2 prison.

3 COMMISSIONER HALLERDIN: Let me get a
4 little more blunt, sir. Do you have an aversion to
5 seeking mental health if you feel something is off?
6 Some people can't do it because we come from a
7 generation, because that's not something we do, we
8 don't feel comfortable with it.

9 A. If people in authority were to suggest or recommend I
10 seek such mental help therapy or sessions, I would have
11 no problem following through on the recommendations.

12 COMMISSIONER HALLERDIN: I am looking
13 for more than that, sir. If you felt you needed
14 help, could you go to your Parole Officer and say:
15 I think I need a little help, could you put me in
16 touch with help?

17 A. Yes, ma'am. If I felt that, and I was confronted
18 with that, I would go to my Parole Officer and say I
19 have issues and need to talk, seek psychiatric help.
20 But to my knowledge I have never crossed that bridge.
21 But yes, being you brought it up, I would have no
22 problem with that.

23 COMMISSIONER HALLERDIN: I brought it
24 up because you did cross that bridge when you killed
25 your son and you killed your wife.

1 A. Oh, but at that time I wasn't aware I was suffering
2 from manic depression. I understand now how things can
3 build up, where as at that time I didn't, whereas now I
4 do.

5 COMMISSIONER HALLERDIN: I guess we
6 are on the same page. I guess I am asking you to
7 reach out and don't let it get bottled up. And you
8 are telling me now, unlike before, you are capable
9 of doing that?

10 A. Yes, yes.

11 COMMISSIONER HALLERDIN: Thank you. I
12 appreciate that. Thank you.

13 BY COMMISSIONER FERGUSON:

14 Q. All right, sir, I will note for the record we have
15 your COMPAS Risk Assessment. The results for you are
16 favorable. They indicate risk of violence, rearrest and
17 absconding you are a number 1, which is the lowest
18 possible score on here. That's a favorable result we
19 will consider.

20 I want to thank you for coming in, we will make
21 our decision, consider everything we are required to and
22 let you know what our decision is. Have a good day.

23 A. Thank you. You too.

24 (Inmate was excused.)

25 (After due deliberation by the Parole Board

panel, the following decision has been rendered:)

DECISION:

Denied. Hold 24 months. Next appearance January 2016.

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 I.O. is Murder 2nd Degree, two counts, in which you repeatedly stabbed your wife to death and stabbed your five-year-old son causing his death. You also tried to escape from the State Police. Note is made of your sentencing minutes, COMPAS Risk Assessment, rehabilitative efforts, risks, needs, letters of support, clean disciplinary record, lack of remorse, lack of insight, military service, parole plan, positive presentation, and all other factors required by law. You had considered for several months committing the instant offense prior to doing so. Parole is denied.

(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.

Susan Fischler