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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Hearing

In the Matter

-of-

[REDACTED]

DIN [REDACTED]
NYSID [REDACTED]

TYPE OF INTERVIEW: Initial or earlier

HELD AT: Fishkill Correctional Facility
Fishkill, NY

HELD ON: July 23, 2013

BEFORE: COMMISSIONER FERGUSON
COMMISSIONER HERNANDEZ
COMMISSIONER JOHNSON

VERBATIM REPORTER: Diana Freund

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1 BY COMMISSIONER JOHNSON:

2 Q. Good morning.

3 A. Good morning.

4 Q. Please state your name and your DIN for the record,
5 please.

6 A. [REDACTED]

7 Q. Your name before that?

8 A. [REDACTED]

9 Q. [REDACTED]

10 My name is Commissioner Johnson and with me is
11 Commissioner Ferguson and Commissioner Hernandez.

12 COMMISSIONER FERGUSON: Good morning, sir.

13 COMMISSIONER HERNANDEZ: Good morning.

14 THE INMATE: Good morning.

15 Q. Tell me why you're incarcerated.

16 A. I'm incarcerated because I took the life of a man by
17 the name of [REDACTED] (phonetic).

18 Q. In what year?

19 A. 1993.

20 Q. How many years have you served since then?

21 A. 20, sir.

22 Q. 20?

23 A. Right.

24 Q. Thank you for dressing especially nice this morning
25 for the interview.

1 I want to acknowledge your package here, very nicely
2 done.

3 A. Thank you.

4 Q. Let's get through some stuff here before we get
5 started. You've been in since approximately September
6 1995, correct?

7 A. Yes, sir.

8 Q. Your programs have been what?

9 A. ASAT, ART, Osborne, Pace, Overcoming Criminal
10 Thinking.

11 Q. Please speak up.

12 A. Okay. Pace, Osborne, Overcoming Criminal Thinking,
13 ART, AVP, ASAT. I took a couple real estate classes. I
14 took a couple of stress classes. I currently work in
15 the mess hall, food handling certificate.

16 Q. Tell me about your discipline.

17 A. I have one Tier III and six Tier IIs.

18 Q. One Tier III and what was the last thing you said?

19 A. And six Tier IIs.

20 Q. And six Tier IIs. The Tier III, tell me about that.

21 A. The Tier III was --

22 Q. That was in 1997, right?

23 A. Yes, sir. The Tier III was a weapon charge. I was
24 on my way to the yard and I had a razor on me.

25 Q. Where did you get that from?

1 A. A friend -- a so-called friend gave it to me.

2 Correct that. A so-called friend.

3 Q. What was your intention for having that?

4 A. I just wanted to have it on me. At that time I
5 thought that was the way you had to move in prison and I
6 already had a small man complex at that time. I didn't
7 really get set into programming yet so I thought that
8 was the way to move through prison was to carry a
9 weapon.

10 Q. Had you experienced any violence up to that point?

11 A. No, not physically, no, but my insecurities -- any
12 situation I got in was always amplified so I might have
13 thought in my head that I'm going to get into a fight.

14 Q. Your last ticket?

15 A. I believe it was 2005 if I'm not mistaken.

16 Q. What was that about? Unauthorized exchange?

17 A. Unauthorized exchange.

18 Q. Explain that to me.

19 A. The guy lent me a radio. It was a radio and some
20 clothes and I asked the guy can I hold his radio because
21 I didn't have a radio at that time and he let me hold
22 the radio and the officer said you're not supposed to do
23 that and I pleaded guilty to it and they gave me 25
24 days.

25 Q. Pronounce your name for me?

1 A. [REDACTED]

2 Q. [REDACTED] All right.

3 [REDACTED] I read through your packet. Very
4 interesting. So this person [REDACTED] you shot him
5 five times?

6 A. Yes, sir.

7 Q. What was that it?

8 A. We had a minor argument and it could have been
9 avoided but, you know, Commissioner Johnson, you know, I
10 was very, very insecure. So it was a situation where I
11 amplified the situation. I take full responsibility. I
12 amplified the situation and I reacted and I regret it.

13 Q. What was the situation? Don't talk in code to me.
14 Tell me what was going on. Was it a drug issue or what?

15 A. We were arguing over drugs, sir. We was arguing over
16 drugs. He owed me some money and he stated he'll pay me
17 when he pays me but at that time, you know, I thought,
18 you know, that's not the way to go. Where I come from,
19 you pay me right now, you know. Again, that reflects
20 back on me.

21 Q. Where were you living?

22 A. In Brooklyn.

23 Q. Where?

24 A. Seflow Houses.

25 Q. This was a friend of yours?

1 A. Yes, sir.

2 Q. Your families knew each other?

3 A. Yes, sir.

4 Q. How did that make you feel?

5 A. I still feel bad over the situation.

6 Q. When did you start feeling bad?

7 A. Maybe like 12, 13 years ago because it really started
8 to set in. I'm not going to lie to you, I was in denial
9 for a while, you know. I was in denial for a while but
10 then it started to set in.

11 Q. You mentioned you had some issues. You were angry
12 about your foster situation?

13 A. Yeah.

14 Q. Do you want to tell me about that?

15 A. Yeah. I did grow up in a broken home and I'm not
16 going to use that as no excuse. There were people
17 trying to guide me on the right path, you know. I had
18 anger issues, insecure issues, small man complex.

19 Q. What's interesting in your case is the mother of the
20 victim wrote you a letter and forgave you.

21 A. Yes, sir.

22 Q. She said she couldn't forget it but she forgave you
23 and spoke about how your families had not talked for a
24 while, right?

25 A. Yes, sir.

1 Q. And now she found the strength to communicate with
2 you and I read your letter apologizing also.

3 A. Yes, sir.

4 Q. You have numerous certificates of achievement.
5 You've got some letters of support from DOCCS
6 personnel?

7 A. Yes, sir.

8 Q. You seem to be doing a real good job on any job that
9 you get here.

10 A. Yes, Commissioner.

11 I just want to state although I accomplished all
12 that, the little bit I didn't accomplish it still
13 (inaudible) my friend [REDACTED] excuse me.

14 (Pause.)

15 Q. That's a terrible thing, taking a life in general,
16 but to take the life of somebody that you actually know
17 is also pretty bad and I'm glad to see it does touch
18 you, the fact that the mother of that man who is not
19 with us anymore has forgiven you.

20 How do you think you'll deal with issues out in the
21 street now? Conflict? Disappointment?

22 A. I found myself where I realize that's not the way to
23 go. It's not the way to go and whenever I'm released,
24 I'm still going to involve myself in programs and keep
25 me focused.

1 crime I committed and if you ever give me the chance, I
2 will go home and do good and if [REDACTED] was
3 here, I would tell him that, you know, I'm really -- I'm
4 terribly sorry, the pain to him and his family, my
5 family, the community. I'm really sorry.

6 Q. Just for the record, be advised that your sentencing
7 minutes were requested twice and have not been received.

8 Well, [REDACTED] like I said, terrible situation. 20
9 years in but most importantly you took the life of an
10 individual and you took the life of an individual that
11 you knew, [REDACTED] You got probably a great
12 gift that most persons that are incarcerated don't
13 receive which is a letter of forgiveness from the mother
14 of the victim.

15 Having said that, I'm going to end this interview.

16 Unless you have something else, I'm going to ask if
17 the Commissioners have something to say.

18 COMMISSIONER JOHNSON: Commissioner Ferguson?

19 BY COMMISSIONER FERGUSON:

20 Q. Why did you go to trial?

21 A. I went to trial -- at the time I went to trial,
22 Commissioner Ferguson, because I was still denying my
23 responsibility for the crime.

24 COMMISSIONER FERGUSON: Nothing else. Thank you.

25 BY COMMISSIONER HERNANDEZ:

1 Q. Did they offer you a plea?

2 A. No. Not that I remember, no.

3 Q. You're here today because you feel you're a good
4 candidate for parole why?

5 A. I feel that over the years I took the time to take
6 stock in myself and my own actions and the grave
7 consequences that I caused [REDACTED] and his
8 family and I've really come to terms with that, that
9 that's not me. That's not me. I have to work on my
10 anger issues and the only way to do that is through the
11 necessary programs that I have needed to take.

12 Q. You're willing to take more programming on the
13 outside?

14 A. Absolutely.

15 Q. Where are you going to live?

16 A. With my nephew.

17 Q. What does he do for a living?

18 A. He's a manager at Donhae (phonetic), Incorporated,
19 dealing with fabrics.

20 Q. What kind of work are you going to do?

21 A. I'm working with him. He gave me a reasonable
22 assurance letter.

23 Q. What does a life sentence mean to you, sir?

24 A. A life sentence means to me that it's a possibility
25 that you can never come home again.

1 Q. If you're given a second chance to go back in the
2 community and you violate the terms of your parole, what
3 does that mean?

4 A. That means I will never come home again.

5 Q. You could be put right back in and be held. You have
6 a life sentence.

7 A. A life sentence, yes.

8 Q. Do you have any children?

9 A. No.

10 Q. Any family besides your nephew out there for you?

11 A. My nephew, my sisters, my godmother.

12 Q. Do you have contact with them?

13 A. Yes. One sister is in Maryland and I'm in contact
14 with her.

15 Q. When was the last time you used drugs or were
16 involved with drugs?

17 A. 1993.

18 Q. Are you done with that?

19 A. Yeah. I'm done, yes.

20 COMMISSIONER HERNANDEZ: Thank you, Commissioner.

21 BY COMMISSIONER FERGUSON:

22 Q. Were you dealing at the time?

23 A. Yes.

24 Q. I know you went through this to some extent but the
25 nature of the dispute was what?

1 A. It was over drugs.

2 Q. Thank you, sir.

3 A. Thank you.

4 COMMISSIONER JOHNSON: We're done. We'll let you
5 know in a couple of days.

6 THE INMATE: Thank you.

7 COMMISSIONER JOHNSON: Good luck. Keep up the good
8 work.

9 THE INMATE: Take care.

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

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D E C I S I O N

Denied 24 months. Next appearance date, June 2015.

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.

The panel has considered your institutional adjustment including discipline and program participation.

Required statutory factors have been considered, including your risk to society, rehabilitation efforts, and your needs for successful reentry into the community.

Your release plans have also been considered, as well as your COMPAS Risk and Needs Assessment.

All letters were considered. It is recommended that letters of support from outside supporters be notarized.

Your sentencing minutes have been requested twice and have not been received.

(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.

Diana Freund

Diana Freund