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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

2 *****

3 Parole Board Interview

4 In the Matter

5 -of-

6 [REDACTED]

7 DIN# [REDACTED]

8 NYSID# [REDACTED]

9 *****

10 TYPE OF INTERVIEW: Initial

11 LOCATION: Woodbourne Correctional Facility
12 Video-conferenced to
13 Poughkeepsie Area Office
30 Manchester Road
14 Poughkeepsie, New York 12603

15 DATE: October 10, 2017
16 DECISION DATE: October 10, 2017

17 BEFORE: COMMISSIONER LUDLOW
18 COMMISSIONER THOMPSON
19 COMMISSIONER BERLINER

20 ALSO PRESENT: C. Denniston, SORC
21 E. Vanetten, ORC

22 AT FACILITY: E. Corley, ORC
23 N. Stedner, SORC

24 HEARING REPORTER: Roberta O'Rourke

25

1 INTERVIEW BY COMMISSIONER BERLINER:

2 Q Good afternoon, sir. Could you state your
3 name for the record please?

4 A [REDACTED]

5 Q [REDACTED] I'm Commissioner Berliner.
6 I'm joined on the panel today by Commissioner
7 Ludlow in the center, Commissioner Thompson on
8 the end.

9 COMMISSIONER LUDLOW: Good afternoon.

10 COMMISSIONER THOMPSON: Good afternoon.

11 A Good afternoon, Commissioner.

12 Q This is your initial Parole Board appearance,
13 right?

14 A Yes, yes, Commissioner.

15 Q All right. You are serving a sentence in
16 aggregate of 25 to life. There are several
17 counts here, I'm going to read them to you,
18 conspiracy in the first, murder second,
19 conspiracy second, attempted murder second, two
20 counts of criminal possession of a weapon second,
21 intimidating a victim or witness, another murder
22 two, a manslaughter one and an assault second,
23 right, all of that by plea in New York County,
24 correct?

25 A Yes, Commissioner.

1 Q All right, and so as I understand it you and
2 your brother were running a criminal enterprise,
3 right? You were running a crack, crack and
4 cocaine sales operation in the Bronx and then for
5 awhile in Brighton Beach, Brooklyn?

6 A Yes, Commissioner.

7 Q And in the process of doing that there were
8 all of these murders and attempts to commit
9 murder as well?

10 A Yes, Commissioner.

11 Q And those were about what, territory or
12 people who didn't pay?

13 A We got over territorial rights. We had a
14 false sense of entitlement that these blocks was
15 ours. And we fought for them and we had disputes
16 and that's it basically for which I was wrong and
17 I apologize.

18 Q Now, not all of these murders were about,
19 were about the protection of territory though,
20 right? There was a person who just sort of cut
21 you off in traffic, is that right?

22 A Yes, Commissioner. I was with someone coming
23 out of a discotheque and the person cut me off.
24 And I thought I had the idea like if I was tough
25 or something and I wanted to show him that you

1 don't cut nobody off without saying at least
2 excuse me or something. So I decided to shoot
3 this guy. And I was wrong and I felt really bad
4 for it because that wasn't the way I was brought
5 up.

6 Q It's a pretty serious overreaction, don't you
7 think to, you know --

8 A Yes, Commissioner, I do understand that.

9 Q Go ahead.

10 A I do but I wasn't in my right mind. I was
11 out of control and I thought I owned the world or
12 something, and I wish I was wrong but I did get
13 help for it during my incarceration.

14 Q And we are going to come back to that. I
15 have your packet and I want to go through all of
16 that.

17 A Yes, sir.

18 Q You and your brother, you employed a lot of
19 folks, right? It says here you had 30 people and
20 you were making millions of dollars, right?

21 A Yes, sir, we employed numerous people.

22 Q All right. Now, this is your first time in
23 prison, right?

24 A It is basically my first time upstate. I had
25 got arrested for a gun but it was all initially

1 from this case that escalated and I was foolish
2 enough to think that I was getting over so I
3 continued, I continued.

4 Q I was going to say I'm looking at your
5 criminal history, you had what, possession in the
6 seventh was probably some marijuana or something,
7 right, not a big deal, you got a conditional
8 discharge?

9 A Yes.

10 Q And then --

11 A Yes, sir.

12 Q -- you have the weapons possession in the
13 third back in '89, you were arrested in '89, you
14 pled guilty in '91. You did a year for that,
15 right, it was jail time?

16 A Yes, sir, yes, yes.

17 Q Then all of a sudden you jumped up to this,
18 you know, this gigantic conspiracy and multiple
19 murders and it says you were running this
20 operation for almost six years, is that right?

21 A Yes, Commissioner.

22 Q And in all of that time you never ran into
23 the cops as a part of this?

24 A Yes, I did but I foolishly thought, I didn't
25 consider the court giving me the break or getting

1 the braining. I thought that I can get over,
2 which I was wrong.

3 Q All right, so you were smarter than them and
4 you kept going and then some pretty terrible
5 things happened?

6 A No, I wasn't smarter than them. I was
7 thinking I can get over which I was wrong.

8 Q Okay, now?

9 A Since you've --

10 Q Now, since you've been incarcerated you've
11 actually behaved pretty well, right?

12 A Yes, sir.

13 Q I'm looking at your disciplinary history,
14 you've been in almost 25 years, right?

15 A Yes, sir.

16 Q One, two, three, four, five, Tier II tickets
17 in all of that time, the most recent of them was
18 back in '15 for a count violation, right?

19 A Yes, Commissioner.

20 Q So help me understand this, how does a guy
21 who did all the things which we just talked about
22 come to prison and all of a sudden he's a pretty
23 good guy, he's following the rules?

24 A I was a good guy before all of this. I liked
25 baseball. I liked the football. I lived in a

1 little dysfunctional house and I never really got
2 incarcerated but that was no excuse. I went to
3 the streets. My mother didn't speak English. My
4 stepfather, he was, he was, he had a substance
5 abuse. And I, you know, I thought the world of
6 him. So I got mad, I left to the streets. And
7 the role models I had were the people I saw in
8 the streets were drug dealers. So when they
9 offered me the opportunity to sell, to make
10 money, I was happy and excited. And I came and
11 they really did have the best interests in me and
12 being that I was reliable and trustworthy I was
13 on the fast track to selling drugs. And I was
14 encouraged because every time I sold more drugs I
15 had gotten couraged to get violent and
16 encouragement by feeding me more and more, give
17 me cars, give me rental cars and I was out of
18 control. And eventually the cops put me out of
19 business. But I really got, I really got, I
20 really had got out of control when I started
21 seeing my friends die, and therefore I thought it
22 was part of the game, and that's when I knew I
23 had to get my point across, I had to become
24 violent. But during my incarceration, during my
25 incarceration I applied myself and took the

1 necessary steps.

2 Q I'm looking at your programming here, you've
3 done a lot of programming, right? You're in the
4 pre-college program now?

5 A Yes, I completed Rising Hope.

6 Q Congratulations.

7 A I learned, I learned counseling. And it was
8 through counseling I learned the proper
9 discipline to live healthy values and make
10 healthy choices. I learned about the
11 gratification, dedication to the truth,
12 responsibility and value. And professionally I
13 took air conditioning and refrigeration. Air
14 conditioning and refrigeration.

15 Q We'll talk about that, I promise. Let's go
16 through some of the other things though, right?
17 We have your risk assessment. You're familiar
18 with your COMPAS?

19 A Yes, sir.

20 Q All right. Despite what is a pretty horrific
21 criminal history you've got a low COMPAS across
22 the board. The only area that stands out is
23 history of violence, and I think we can agree
24 that that's true.

25 A Yes.

1 Q But you're low in almost all the other
2 categories, so that's good. And your case plan,
3 you've got a lot of, you've got a lot of goals in
4 here and it looks like you've been trying to
5 follow through on them, right? You want to get a
6 barber's license. Good disciplinary record so
7 you can be closer to home. You want to plan for
8 your re-entry, right?

9 A Yes, sir.

10 Q So let's talk about your plan. I got your
11 packet here, I want to go through it with you.
12 Thank you for this, by the way.

13 A Right, I appreciate it. Thank you,
14 Commissioner.

15 Q Now, your personal statement is very well
16 written. Contrary to being perceived as
17 inconsiderate not a day passes where I do not
18 find myself grieving for the families I harmed
19 beyond measure, right?

20 A Yes, sir. I make a pledge to amend my wrong.
21 And I feel ashamed that I'm in front of you
22 because I was the architect of destroying so many
23 dreams and expectations for family, which I
24 regret.

25 Q I read through, I'm sorry, I read through
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1 your background section as well. I want to talk
2 about your plan. You've got a very detailed
3 plan, one of the better ones I've seen. You talk
4 month by month about what you're going to do when
5 you're released, right?

6 A Yes, sir.

7 Q And so obviously important things like where
8 you're going to live and reporting to your parole
9 officer --

10 A Yes.

11 Q -- and things like that. You want to get a
12 library card in the first month, I thought that
13 was interesting. And then you've got some long
14 term goals. So I think that that's, I think that
15 that's good. What are you going to do for
16 employment in the short term? I know you've got
17 some stuff here from the Brooklyn DA's office,
18 right? And you gave us your employability
19 report. What's your plan for employment? How
20 are you going to support yourself?

21 A I have, before coming to prison, you know,
22 while in prison I learned how to cut hair. I
23 became a barber and I've done that for the last
24 20 years. And I had, there should be I have
25 employability potential as an apprentice in a

1 barber shop. So I can work doing that. And I
2 would like to continue doing air conditioning and
3 refrigeration, that could lead to a successful
4 meaningful life. And the Brooklyn DA's office
5 has a re-entry program that I will be excited and
6 anxious to explore.

7 Q Okay, all right. You have a letter of
8 reasonable assurance from the Osbourne
9 Association, right, they are going to work with
10 you?

11 A Yes.

12 Q I want to ask you about this letter, do you
13 know what I'm going to ask you about?

14 A The district attorney, [REDACTED] (phonetic
15 spelling).

16 Q Yes.

17 A Yes, sir.

18 Q We don't see that very often. The district
19 attorney who prosecuted you, I read your
20 sentencing minutes, he was the ADA who prosecuted
21 you. You and he have stayed in touch?

22 A Yes. He was, it was the actually the first
23 time that I got somebody to encourage me and from
24 there I invested in change and that's when I got,
25 I took prison and took it as a learning

1 experience and I learned that there's no shortcut
2 to life. I learned only hard work and
3 persistence pays off. And that's why I still
4 dedicate my time to pre-college. I did air
5 conditioning and refrigeration where I learned
6 how to work in, I learned the proper etiquette of
7 working in the proper working environment. I
8 learned how to communicate professionally and I
9 learned the value of constructive criticism.

10 Q Are you still in touch with him?

11 A No, not at the moment, no. He graduated to a
12 U.S. attorney.

13 Q Good for him. He wrote you a pretty powerful
14 letter. I mean I've read it a couple of times
15 now because I'm thinking of writing some of this
16 stuff down to use myself.

17 A Yes, sir.

18 Q I'm glad to see that it had some impact on
19 you.

20 A Yes.

21 Q Also some letters in here about some
22 volunteer work, you did some post 9/11 work?

23 A Yes, sir.

24 Q HIV, AIDS, peer education, veteran's
25 services?

1 A Yes, sir.

2 Q Lots of certificates here. I'm not going to
3 read each of them individually, but I have read
4 through them, and we'll consider all of them of
5 course.

6 A I appreciate that.

7 Q And your progress reports, I looked through
8 those. Interestingly you seem to be getting
9 better as you go, right? You move from like
10 average to above average to excellent, that's
11 good.

12 A When I'm in the right environment with
13 encouragement and support system I am reliable
14 and I'm a good worker. It shows that I can
15 listen. I learn, I can change.

16 Q Well, you just said when you're in the right
17 environment, so that begs the real question here,
18 right, which is what happens when we send you
19 back to the wrong environment, right? Now,
20 there's all of these pictures here, you have a
21 beautiful family, and I know you have a lot of
22 support from them, right?

23 A Yes, sir.

24 Q And yes I found the letter of assurance for
25 the barbering job.

1 A Okay, thank you.

2 Q Along with some letters of support from your
3 family, right?

4 A Yes, Commissioner.

5 Q So you've got this family support out there.
6 You're going to live with your cousin?

7 A Yes, sir.

8 Q She lives in the Bronx?

9 A Yes, sir.

10 Q So you think you can go back to the Bronx and
11 live a normal law abiding life?

12 A Yes, through incarceration I had a chance to
13 grow up and I learned that I had good qualities
14 in me. I have patience, I have perseverance and,
15 you know, I focus. So through education and the
16 proper, and the proper programs where I was
17 committed to changing themselves and speaking
18 positive about the future, I know now better, I
19 equipped myself to those certificates. I can, I
20 can progress and I can do a very good job because
21 I demonstrated it through there.

22 Q All right. We reach out in every case to the
23 judge, the DA and the defense attorney to see if
24 they have anything they want us to consider. We
25 did not get any responses in your case, so we'll

1 move on without them. I have another question
2 for you, I want to talk to you about sentencing
3 but let me take this opportunity to ask my
4 colleagues if they have any questions for you.

5 COMMISSIONER LUDLOW: Nothing further.

6 COMMISSIONER THOMPSON: No further questions.

7 Q All right. I want to take you back to
8 sentencing, okay? You were sentenced by Judge
9 Crocker Snyder (phonetic spelling), right?

10 A Yes, Commissioner. Yes, Commissioner.

11 Q You were sentenced at the same time as your
12 brother, right?

13 A Yes, Commissioner.

14 Q And the family of the man who was driving, is
15 it [REDACTED] (phonetic spelling) was the man
16 who was driving the car?

17 A Yes, Commissioner.

18 Q And they spoke at sentencing, right, do you
19 remember that?

20 A Yes, Commissioner.

21 Q It's pretty sad stuff, right?

22 A Yes, I feel, I feel ashamed and I feel very
23 remorseful that I had to destroy her dreams and
24 expectations and the love for her son. I feel
25 very remorseful. That's when I pledged to amend

[REDACTED]

1 and do good and be the positive role model, so
2 that way someone else won't make the same bad
3 choices I made.

4 Q Now, you apologized to them at sentencing,
5 right?

6 A Yes, Commissioner.

7 Q It seems to me that this is something you
8 said, I think you asked your lawyer to say it for
9 you, right? But it says this is your lawyer
10 [REDACTED] that's your lawyer?

11 A Yes, Commissioner. Yes, Commissioner.

12 Q Said the crimes he committed are monestrous,
13 many of them truly terrible. The one situation
14 here, meaning [REDACTED] is monestrous beyond
15 all belief. And the other crimes are also of
16 such a magnitude they are overwhelming and
17 there's nothing one can say about them, right,
18 that's what you basically said about yourself at
19 your own sentencing, right?

20 A Yes, Commissioner.

21 Q And the judge when he sentenced you was --

22 A She.

23 Q I'm sorry, yes, she, she sentenced you and
24 sort of made note of the fact that though your
25 statement in court was very moving and heartfelt,

1 she also felt that you were much more violent and
2 out of control than your brother, right?

3 A Yes, yes, Commissioner.

4 Q How old were you when you were sentenced?

5 A I was 25 years old, Commissioner.

6 Q And how old are you today?

7 A I'm going to be 50 years old in December.

8 Q So you spent about half your life in prison,
9 right?

10 A Yes, sir, I had a chance to grow up.

11 Q So when you are looking back on it now what,
12 what do you think of the 25 year old version of
13 you?

14 A I would put him exactly away for 25 years
15 because I was no good. I was out of control.
16 And I had disregard for humanity and I had a lack
17 of coping skills. And I didn't, I had no
18 compassion or understanding for anyone at that
19 time. But through programs I worked hard every
20 day to turn myself into a better person.

21 Q Are you still in touch with your brother?

22 A No, no, I have other brothers.

23 Q I saw lots of family in the photos. But your
24 brother who was, your brother who was your
25 partner in this enterprise, you're not speaking?

[REDACTED]

1 A Not that we're not speaking. We have parole
2 put like no contact. So I have to honor and
3 respect that.

4 Q Okay.

5 A But we love each other, you know.

6 Q Where is he?

7 A He lives with my mother on [REDACTED] in
8 Manhattan.

9 Q [REDACTED] you get the last word, I asked
10 you a lot of questions, but what haven't we
11 talked about that you want us to know before we
12 make our decision?

13 A Yes, like I said I was young, I was out of
14 control. I lacked coping skills and I lacked
15 compassion and understanding but through my
16 incarceration I got great encouragement from the
17 district attorney and I invested in changing my
18 life and that's when I apply myself and took
19 advantage to all the programs and I learned and I
20 learned the value of life, the value of
21 compassion and those therapeutic programs that I
22 was in I will continue to use. I have support
23 where I will use and I know to stay away from
24 persons and places and things that deal with
25 crime and drugs, so I won't re-offend. As I

1 stated there before, and you can see my parole
2 packets you know I can behave. You know I can do
3 this and I know I can do this. I'm ready. And I
4 apologize and I feel ashamed for all the horror
5 and all I have done and for taking the hopes and
6 people's expectations. As a parent there's
7 nothing worse than to lose a child. And I
8 regretfully apologize and everything that I've
9 done, but I've worked hard to turn myself into a
10 better human being. Thank you, Commissioner, for
11 the opportunity and God bless you all.

12 Q All right, thank you very much for coming in.
13 It will take us a couple of days, we'll get you
14 our decision in writing, all right?

15 A Thank you, I appreciate the opportunity.

16 Q Good luck to you.

17 A Thank you, Commissioner. You too.

18 (After due deliberation by the Parole Board
19 panel, the following Decision was rendered:)

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D E C I S I O N

BY COMMISSIONER BERLINER:

Parole is denied 24 months, next appearance
October 2019.

The Board of Parole commends your personal growth, programmatic achievements and productive use of time. However, discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while incarcerated. A review of your records, a personal interview and deliberation lead the panel to conclude that release at this time is incompatible with the welfare of society. Accordingly, parole is denied. Your instant offenses which include two counts of murder two, conspiracy one, conspiracy two, manslaughter one, attempted murder two, two counts of criminal possession of a weapon two, assault two and intimidating a witness/victim first represents your first New York State incarceration. The instant offense involves you and your brother running a drug sale operation and committing multiple violent crimes to protect your territory and advance your business. In addition you shot and killed a motorist who was not involved in your business but who cut you off in traffic. Since

[REDACTED]

1 coming to prison you have made significant strides
2 toward rehabilitation that are evident in your
3 programmatic achievements, volunteer work and
4 generally good disciplinary record. The panel
5 encourages you to continue in this regard. Your
6 COMPAS risk assessment shows you to be low risk
7 overall and your case plan reflects positive goals
8 geared toward continued growth and preparation for
9 your return to the community. However, your
10 discretionary release at this time is not warranted
11 as it would so deprecate the seriousness of the
12 offenses as to undermine respect for the law. We
13 encourage you to continue your growth and continue
14 to prepare for return to the community.

15 (All commissioners concur.)

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CERTIFICATION

I, ROBERTA O'ROURKE, Court Reporter and Notary Public in and for the State of New York, do hereby certify that I attended the foregoing proceedings, took stenographic notes of the same, that the foregoing, consisting of 22 pages, is a true and correct copy of same and the whole thereof.

Dated: October 20, 2017

Roberta O'Rourke, Court Reporter