STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

In the Matter
-of-

Woodbourne C F
Woodbourne, New York

January 4, 2000

BEFORE COMMISSIONER KENNETH E. GRABER
COMMISSIONER LAWRENCE IBSEN

PRESENT RAFAEL JUARBE, Facility Parole Officer II
PATRICIA JOHNSON, Facility Parole Officer I
RENEE SOMERS, Agency Program Aide

REPORTED BY RENEE D. LEGUIRE, CSR, RPR

LEGUIRE SHORTHAND REPORTERS
PROCEDINGS

BY COMMISSIONER GRABER

Q You are [redacted]

A Yes

Q [redacted] I'm Commissioner Graber and present also with us today is Commissioner Ibsen

(Commissioner Ibsen nods head)

Q Now, you are before us today as a reappearance case. You're continuing to serve a term of 15 years to life for the crime of murder in the second degree. Is that correct?

A Yes, it is

Q You've met the Board, I believe, on two other occasions in January of 96 and January of 98. Both times you were held 24 months. So you've now been held about 19 years. Is that correct?

A Yes, yes

Q As I understand it, this conviction was a plea of guilty based upon an arrest charging you with robbery and two counts of murder and I think there was also an assault in there also.

The scenario, as I understand it, you had worked for one of the victims at a junkyard in the Bronx. He fired you because you had been using drugs. You came back there with a codefendant,
a couple days later, armed with guns. You made the owner and a younger employee lay down on the ground. They were shot once each in the head, causing their death and then there was an older employee, a man in his sixties. He was harmed but he was able -- he survived. He's the one that called the police. Is this correct?

A Yes sir.

Q And in the course of the physical assaults, the people's property was stolen too. Is that right?

A Yes.

Q Pretty drastic reaction to being fired, -- excuse me. What do you want to say about this?

A It's -- there's no way possible I could sit down here and rationalize that intelligently. You know? It's just impossible. You know I have thought about it. I have lived with it.

Q Well I don't think we're -- we'd ask you to rationalize it because -- or justify. We're not asking you to justify it but I think we can ask you to explain it. How did it come about? That's not rationalizing it.

A I could probably say what was going on in my life what was happening.
Q Well let's back up here. Now you had two prior convictions for attempted criminal possession of a weapon third. They were ran together, but you had those two convictions right?

A Yes

Q And this man hired you to work at his junkyard. Did he know about your prior record?

A No, I don't -- I don't believe so

Q What was your job?

A I think breaking down the cars

Q All right. That's not an easy line of work. That's a lot of labor. Isn't it?

A Yes

Q How long were you working there?

A I don't know a year

Q All right. So what came -- what happened that he fired you?

A Well, it was because of I guess, my tardiness and the --

Q Oh c'mon now! You don't guess. You know. All right? He told you. What was it?

A And the drugs

Q You were tardy because you were using drugs?

A Yes

Q And he probably said, What's going on? and you
said, I m having problems Did he give you some chances?

Q Just one day you re late and he fired you?

A Oh he gave me chances of being late Oh if that s what you re saying

Q That s what I m saying

A Yes yes numerous numerous chances

Q Yeah

A Numerous

Q All right He finally said Enough is enough, no question about it

Q You came back supposedly to clean out your locker He and the other guy were escorting you to your locker This must have been planned out because you had this codefendant who had the gun Did you also have a gun?

A I had a gun

Q So you both had guns?

A (Inmate nods head)

Q So this was planned out What did you think you were going to get there? It was a junkyard It wasn t like a jewelry store
A Well I went there to get money you know for the drugs
Q How much did you think the guy would have around a place like that?
A I don't know
Q I would have to imagine most of his accounts were paid on paper -- by paper you know credit things like that. It's very low cash
A I mean --
Q Were you high at the time?
A When you're on drugs your mind is --
Q All right. That's the bottom line
A Yes
Q Were you on a binge?
A Yes
Q And then one of you guys had this bright idea, Well, let's go back and get even. Is that it?
A I don't know if it was too much of getting even you know, as opposed to getting --
Q Well, shooting them in the head sounds to me like you wanted to get even
A Well, shooting in the head wasn't a planned thing. That wasn't planned. It wasn't --
Q If you go there with guns, what were you going to do with them?
A Well you go there with guns to scare a person, not to really actually harm a person I mean it wasn't planned
Q You know that's an interesting philosophy of crime because most of the criminals I've ever talked to and police officials indicate there's only one purpose to having a gun, and that's to use it Maybe you don't want to use it Maybe you hope you don't have to use it but everybody who possesses it knows that they may very well have to use it, and they come to grips with that fact before they go out in the world possessing a gun
So if you went out that day just thinking, Oh, I'm just going to scare somebody I'll never have to use it, it sounds like you're deceiving yourself
A I don't think a person actually sits down -- I mean if it's not premeditated -- if it's premeditated, it's different but I don't think a person actually sit down and have a gun in their hand and think this, that they going to use it No, I don't think --
Q Well, this was premeditated How long do you think you have to plan it? Five minutes before it happens is good enough
A: I'm talking about premeditated murder.

Q: This was premeditated murder. You had the men lay down on the ground and you shot them in the head. This wasn't an accident. All right? Nobody got drunk and sideswiped another car. This, my friend, was cold-blooded, premeditated murder.

Have you taken any programs to address violence?

A: Yes.

Q: What have you taken?

A: Well, I'm currently the coordinator of the [censored] program.

Q: Okay. That's good. Anything else?

A: Well, I've taken ART.

Q: What about substance abuse programming, have you taken ASAT or anything?

A: ASAT yes.

Q: What about vocational? Do you have any job skills?

A: Vocational shop. I've taken was sheet metal.

Q: Okay. You learned a trade working with sheet metal?

A: Yes.

Q: What could you do with that?

A: I guess put up ducts, air condition ducts.
Q: That's a good job
How's your physical health any problems?
A: Besides high blood pressure, no
Q: How far have you gone with your education?
A: Just came back from Sing Sing from the theology program
Q: So you got your master's?
A: Yes
Q: Well, that's good. That's an accomplishment. Do you have any children?
A: No
Q: All right. Is there anything else you'd like to discuss with us?
A: (There was no response.)
Q: What are your plans for the future?
A: My plans are to work with children to either work with the -- or I should say the less fortunate group of children meaning the deaf, hard of hearing the mentally retarded or mentally disabled.
Q: That's commendable.
COMMISSIONER GRABER: Commissioner Ibsen, any questions?
COMMISSIONER IBSEN: I don't have any questions.
Q: Anything else you'd like to discuss

A: There is really nothing I could really -- more I could say that I haven't said already you know regarding the seriousness of the crime nor the sorrow the pain and the suffering that the victims families are going through or have endured over the last 19 years

I know the crime is serious, and it's probably one of the ultimate crimes

My remorse is heavy 10, 20, 30 years from now it will be just as great as it is today. It's sort of like part of my permanent record. You know, just like the crime is part of the permanent record. --

Q: What is it?

A: The remorse. The remorse will always be with me.

Q: Oh'

A: Just like the crime is part of the --

Q: What are you remorseful for, the loss of 19 years of your life --

A: No, no, no, no

Q: -- or the man's death?

A: No, I am not even thinking about myself.
Q Oh'
A This is no remorse on that part at all
Q Okay
A The crime itself, you know is something that,
regrettably I cannot go back and change
Q All right we are going to discuss
your case between ourselves, and you will get a
written decision in a couple of days Okay?
A Okay
Q Bye-bye
( The inmate left the room )
DECISION

COMMISSIONER GRABER Parole denied

Hold 24 months 1/02

Parole is denied You are presently serving a life term for murder second degree In this crime you acted in concert to shoot two men execution style harm a third man and steal their property The victims were your former employer who had fired you shortly before for drug use, and other employees

You had previously been convicted of two counts attempted C P W third degree

The homicide herein was a cruel heinous and depraved action

Your propensity for weapons together with homicide demonstrates that you present a serious threat to community safety and welfare and belies discretionary release Release would also deprecate the seriousness of your offense

The guidelines are unspecified

(The commissioners concurred)

(Whereupon, the proceedings were concluded)
CERTIFICATION

I, RENEE D LEGUIRE, a Certified Shorthand Reporter, Registered Professional Reporter and Notary Public in and for the State of New York do hereby certify that the foregoing record taken by me at the time and place as noted in the heading hereof is a true and accurate transcript of same to the best of my ability and belief.

Renee D Leguire
CSR, RPR

Date January 13, 2000

LEGUIRE SHORTHAND REPORTERS