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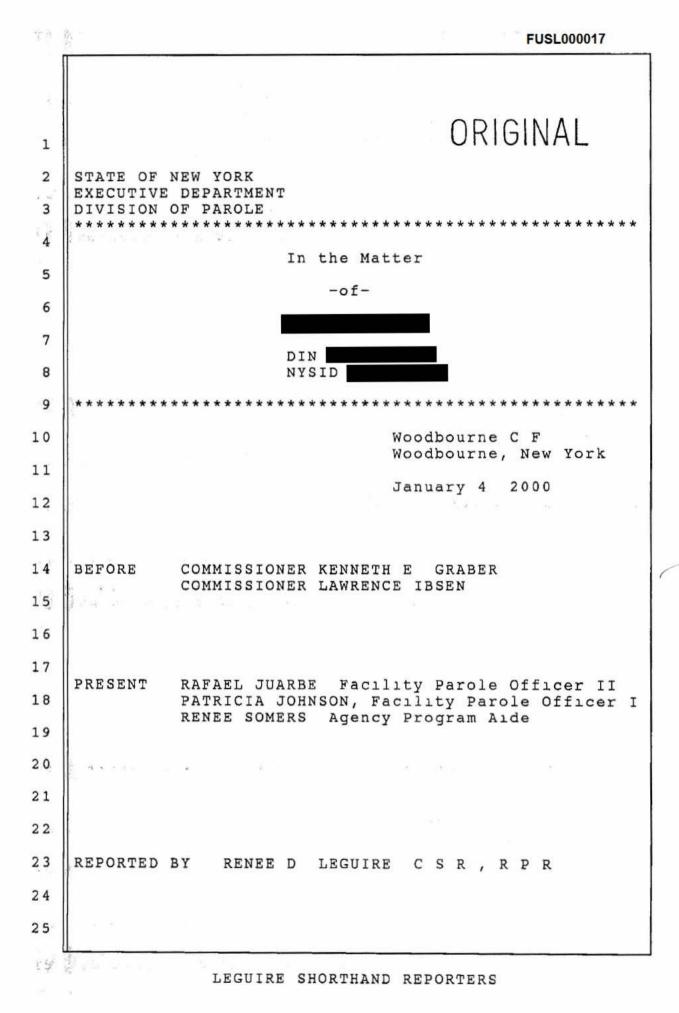
Parole Interview Transcript/Decision - FUSL000017 (2000-01-04)

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2 1 PROCEEDINGS 2 BY COMMISSIONER GRABER 3 You are Q 4 A Yes 5 I m Commissioner Graber and 0 6 present also with us today is Commissioner Ibsen 7 (Commissioner Ibsen nods head ) 8 Now, you are before us today as a reappearance 0 9 case You re continuing to serve a term of 15 years 10 to life for the crime of murder in the second 11 degree Is that correct? Yes, it is 12 A 13 You ve met the Board, I believe on two other 0 14 occasions in January of 96 and January of 98 15 Both times you were held 24 months So you ve now 16 been held about 19 years Is that correct? 17 Yes A ves 18 0 As I understand it, this conviction was a plea of guilty based upon an arrest charging you with 19 robbery and two counts of murder and I think there 20 21 was also an assault in there also 22 The scenario, as I understand it you 23 had worked for one of the victims at a junkyard in 24 the Bronx He fired you because you had been using 25 drugs You came back there with a codefendant,

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FUSL000017 3 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 sixtles He was harmed but he was able -- he survived He s the one that called the police Is this correct? Yes sir And in the course of the physical assaults, the people s property was stolen too Is that right? Yes 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 I have lived with it 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

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I could probably say what was going on in my

to explain it How did it come about? That s not

rationalizing it

life what was happening

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Well let s back up here Now you had two 1 0 2 prior convictions for attempted criminal possession of a weapon third They were ran together, but you 3 4 had those two convictions right? Α Yes 5 And this man hired you to work at his junkyard 6 0 7 Did he know about your prior record? No, I don t -- I don t believe so 8 A 9 Q What was your job? 10 I think breaking down the cars A All right That s not an easy line of work 11 0 12 That s a lot of labor isn t it? 13 A Yes 14 Q How long were you working there? 15 A I don t know a year All right So what came -- what happened that 16 Q 17 he fired you? 18 19 and the --20 Q Oh c mon now' You don t guess You know All 21 right? He told you What was it? 22 A And the drugs 23 You were tardy because you were using drugs? Q 24 A Yes 25 Q And he probably said, What s going on? and you

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5 said, I m having problems Did he give you some 1 2 chances? 3 A No 4 Just one day you re late and he fired you? Q 5 A Oh he gave me chances of being late Oh if that s what you re saying 6 7 That s what I m saying Q 8 A Yes yes numerous numerous chances 9 Q Yeah 1.0 A Numerous All right He finally said Enough is enough, 11 0 12 13 A Yes he finally said Enough is enough no 14 question about it 15 Q You came back supposedly to clean out your 16 locker He and the other guy were escorting you to 17 your locker This must have been planned out because you had this codefendant who had the gun Did you 18 19 also have a gun? 20 A I had a gun 21 0 So you both had guns? 22 A (Inmate nods head ) Q . So this was planned out What did you think you 23 were going to get there? It was a junkyard It 24 25 wasn t like a jewelry store

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6 Well I went there to get money you know for 1 A 2 the drugs How much did you think the guy would have around 3 Q a place like that? 4 5 А I don t know I would have to imagine most of his accounts 6 Q 7 were paid on paper -- by paper you know credit 8 things like that It's very low cash I mean --9 A 10 Q Were you high at the time? 11 A When you re on drugs your mind is --12 All right That s the bottom line Q 13 A Yes 14 Were you on a binge? Q 15 A Yes 16 Q And then one of you guys had this bright idea, 17 Well, let s go back and get even Is that it? 18 A I don t know if it was too much of getting even 19 you know, as opposed to getting --20 Q Well shooting them in the head sounds to me 21 like you wanted to get even 22 A Well, shooting in the head wasn t a planned 23 thing That wasn t planned It wasn t --24 Q If you go there with guns, what were you going 25 to do with them?

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7 1 Well you go there with guns to scare a person, A not to really actually harm a person I mean 2 lt 3 wasn t planned 4 You know that s an interesting 0 5 philosophy of crime because most of the criminals I ve ever talked to and police officials indicate 6 7 there s only one purpose to having a gun, and that s 8 to use it Maybe you don t want to use it Maybe 9 you hope you don t have to use it but everybody who 10 possesses it knows that they may very well have to use it, and they come to grips with that fact before 11 12 they go out in the world possessing a gun 13 So if you went out that day just thinking, Oh, I m just going to scare somebody 14 I ll never have to use it, it sounds like you re 15 16 deceiving yourself 17 A I don t think a person actually sits down -- I 18 mean if it s not premeditated -- if it s premeditated, it s different but I don t think a 19 person actually sit down and have a gun in their hand 20 and think this, that they going to use it No, I 21 don t think --22 23 Well, this was premeditated How long do you 0 think you have to plan it? Five minutes before it 24 25 happens is good enough

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FUSL000017 8 I m talking about premeditated murder 1 Α 2 This was premeditated murder You had the men 0 lay down on the ground and you shot them in the 3 This wash t an accident All right? Nobody 4 head got drunk and sideswiped another car This, my 5 friend, was cold-blooded, premeditated murder 6 7 Have you taken any programs to address 8 violence? 9 Yes A 10 What have you taken? Q 11 Well I m -- currently I m the coordinator of A 12 the program 13 Q Okay That s good Anything else? A Well I have taken ART 14 15 What about substance abuse programming, have you 0 taken ASAT or anything? 16 17 A ASAT yes 18 0 What about vocational do you have any job 19 skills? 20 А Vocational shop I ve taken was sheet metal 21 Q Okay You learned a trade working with sheet 22 metal? 23 Α Yes 24 What could you do with that? 0 25 I guess put up ducts air condition ducts A

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9 1 That s a good job 0 How s your physical health any 2 problems? 3 4 A Besides high blood pressure, no 5 How far have you gone with your education? Q 6 Just came back from Sing Sing from the theology A 7 program 8 Q So you got your master s? 9 Α Yes 10 Well, that s good That s an accomplishment Q 11 Do you have any children? 12 Α No 13 All right Is there anything else you d like to 0 14 discuss with us? 15 (There was no response ) Α 16 What are your plans for the future? 0 17 Α My plans are to work with children to either 18 work with the -- or I should say the less fortunate group of children meaning the deaf, hard of hearing 19 20 the mentally retarded or mentally disabled That s commendable 21 0 22 COMMISSIONER GRABER Commissioner 23 Ibsen, any questions? 24 COMMISSIONER IBSEN I don t have any 25 questions

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1	Q Anything else you d like to discuss
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3	A There is really nothing I could really more I
4	could say that I haven t said already you know
5	regarding the seriousness of the crime nor the
6	sorrow the pain and the suffering that the victims
7	families are going through or have endured over the
8	last 19 years
9	I know the crime is serious, and it s
10	probably one of the ultimate crimes
11	My remorse is heavy 10, 20, 30 years
12	from now it will be just as great as it is today
13	It s sort of like part of my permanent record You
14	know, just like the crime is part of the permanent
15	record
16	Q What is?
17	A The remorse The remorse will always be with
18	me
19	Q Oh'
20	A Just like the crime is part of the
21	Q What are you remorseful for, the loss of 19
22	years of your life
23	A No, no, no, no
24	Q or the man s death?
25	A No, I am not even thinking about myself

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1	Q	Oh '
2	A	This is no remorse on that part at all
3	Q	Okay
4	A	The crime itself, you know is something that,
5	regre	ettably I cannot go back and change
6	Q	All right we are going to discuss
7	your	case between ourselves, and you will get a
8	writt	ten decision in a couple of days Okay?
9	A	Okay
10	Q	Bye-bye
11		(The inmate left the room )
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1	DECISION
2	COMMISSIONER GRABER Parole denied
3	Hold 24 months 1/02
4	Parole is denied You are presently
5	serving a life term for murder second degree In
6	this crime you acted in concert to shoot two men
7	execution style harm a third man and steal their
8	property The victims were your former employer who
9	had fired you shortly before for drug use, and other
10	employees
11	You had previously been convicted of
12	two counts attempted C P W third degree
13	The homicide herein was a cruel
14	heinous and depraved action
15	Your propensity for weapons together
16	with homicide demonstrates that you present a serious
17	threat to community safety and welfare and belies
18	discretionary release Release would also deprecate
19	the seriousness of your offense
20	The guidelines are unspecified
21	(The commissioners concurred )
22	(Whereupon, the proceedings were
23	concluded )
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3	CERTIFICATION
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5	I, RENEE D LEGUIRE a Certified
6	Shorthand Reporter, Registered Professional Reporter
7	and Notary Public in and for the State of New York
8	do hereby certify that the foregoing record taken by
9	me at the time and place as noted in the heading
10	hereof is a true and accurate transcript of same to
11	the best of my ability and belief
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17	Date <u>January 13, 2000</u>
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