Parole Interview Transcript/Decision - FUSL000017 (2006-01-25)
STATE OF NEW YORK
EXECUTIVE DEPARTMENT: DIVISION OF PAROLE
MINUTES OF PAROLE BOARD HEARING.

INMATE: [Redacted]
DIN Number: [Redacted]
NYSID Number: [Redacted]

INSTITUTION: OTISVILLE CORRECTIONAL FACILITY

DATE: Wednesday, 1/25/06

BEFORE: COMMISSIONER DAIZZEE D. BOUEY
COMMISSIONER LIVIO LAZZARI
COMMISSIONER JAMES FERGUSON

FACILITY PAROLE OFFICER II: James Cassel

REPORTER: Eileen Feliciano
Leguire Shorthand Reporters
COMMISSIONER BOUEY: Good afternoon, sir.

THE INMATE: Good afternoon.

COMMISSIONER BOUEY: You are

THE INMATE: Yes, ma'am.

COMMISSIONER BOUEY: I am Commissioner Bouey. With me today is Commissioner Ferguson and Commissioner Lazzari.

COMMISSIONER FERGUSON: Good afternoon.

COMMISSIONER LAZZARI: Good afternoon.

THE INMATE: Good afternoon.

COMMISSIONER BOUEY: We are seeing you today, for -- here today. This is a reappearance for you. This is your sixth Parole Board appearance. Is that right, sir?

THE INMATE: Yes, it is.

COMMISSIONER BOUEY: Okay. You are serving a sentence of 15 years to life for a Murder second. Which is an Al Felony. We see that you pled guilty to the charge.

THE INMATE: Yes.

COMMISSIONER BOUEY: The record says that on March 16th of 1981, that a 28 year old male partner of a junkyard warehouse was working late, along with a 27 year old male driver and 66 year old male watchman. You, who had been fired two days earlier because of alcohol use and
drug use. You came back to get your property from your locker. The owner escorted you to your locker in the warehouse. While the codefendant, [REDACTED] pulled a gun on two employees and took their money. The record says that you emerged from the warehouse waiving a gun. You beckoned to the two employees. They were forced to lie face down with their chin touching the ground. Brooks then shot both of these people in head. Then the two of you fled. The watchman survived. He managed to call the police. He found the driver dead. The owner was also killed in the same fashion. It says that all the victims had their pockets taken out. Both died from repeated gun shots to the head. The 66 year old driver was hospitalized. He was seriously injured. An investigation led to you in March of '81. [REDACTED] was arrested in April.

THE INMATE: Right.

COMMISSIONER BOUEY: Now, you have been through this many times before. We know that this not first appearance for you.

THE INMATE: Right.

COMMISSIONER BOUEY: You know that there are going to be some things that we are going to have to go over with you, and things that you may have discussed before.

THE INMATE: Right.

COMMISSIONER BOUEY: Understand, [REDACTED] this
is a new Parole Board. It is a new opportunity for you to get released. Okay?

THE INMATE: Yes.

COMMISSIONER BOUEY: So this is part of the process. Okay?

THE INMATE: Yes.

COMMISSIONER BOUEY: What would you like to tell us about your involvement in this crime?

A I have had a lot of time to think about it. And the more I think about it the crazier it gets.

Q The crime gets, or --

A Yes. Anything about it. The whole situation. I was talking about it over and over in these small groups. Large groups. Special groups.

Q You mean small groups within the prison system?

A Yes, within the prison system. Yes, the prison system. Even with the professionals. The counselors. And the psychiatrists. And I'm trying to find some way to make some sense out of it. I'm trying to explain it to you in an educational way, or in a rational way. It's just that --

Q Well, clearly, without you even saying anything here, what happened that day is irrational.

A Yes.

Q That goes without saying.
A Yes. There's no question about it.

Q So what would be helpful to us is, if you could give us what your thoughts were back then, irrational though they may have been. So that we could at least understand what you were thinking back then that would have allowed you at that time to do what you did. We recognize that you may be a different individual today. And that your thought process back then is not what your thought process is now. However, we need to have some understanding of what occurred back then.

Were you in fact fired from this place because of your behavior?

A Yes. I was fired. I was fired. I don't want this to just sound like an excuse. You know, you talk about your drug use. Your addiction. To me when I said that, that's the thing.

Q You were a heavy drug user at that time?

A Yeah, but I don't want to use that as an excuse. Because, I know that other people that use drugs don't do crazy stuff like that.

Q Let me ask you this. When you went back to the place just to get your things --

A No, it was to rob them.

Q -- and to let them know that they shouldn't have treated you the way they did.
A No, it was to rob them. To rob them.
Q Okay. The weapons. Why the need for weapons for these people to turn over their money and property?
A Yes.
Q Why the callus shooting. You guys clearly had the benefit of surprise on your side. You had weapons. There was no need to kill anyone. It was awful. Then in an execution fashion.
A Well, listen, I don't understand it myself, you know. When you go to rob somebody you knew; right. They all knew me there.
Q How did up expect to get me away with it?
A I had a mask on.
Q You had a mask on.
A Yeah.
COMMISSIONER FERGUSON: Did they recognize your face?
THE INMATE: No.
COMMISSIONER FERGUSON: Didn't you go in the back to get your things?
THE INMATE: I didn't go in the back to get my things.
COMMISSIONER FERGUSON: This says that you went back to the locker --
THE INMATE: Yeah. My locker was in the back.
COMMISSIONER BOOEY: The record says that the owner escorted you to the locker in the warehouse, while the codefendant pulled a gun and took their money. And that you emerged from the warehouse waiving a gun. You beckoned to the codefendant to bring the two employees. Who were then forced to lie down on the ground. This is when the people were shot.

A That's what the record says. I didn't take him back to empty my locker. I took him back to get the money. Not to empty the locker.

COMMISSIONER LAZZARI: Well, your codefendant got sentenced to 10 to 25 on Murder second. You weren't convicted of Murder. You were convicted of Robbery first. So who shot who?

A He had -- the reason why he got the 10 to 30, or 10 to 25. And I got what I got was because we both pled guilty. I don't know if he pled guilty at trial.

COMMISSIONER LAZZARI: To robbery not to murder.

THE INMATE: Because he didn't have an adult record. So, I had a record. So I had to get 15 to life as the minimum. Since he didn't have an adult record. I think that he might have had a juvenile record. But I'm not sure.

COMMISSIONER BOOEY: So you were messing around with drugs at the time. You had just gotten fired.
THE INMATE: Right.

COMMISSIONER BOUEY: You went back to this place for the purpose of robbing it, to get money for more drugs. Right?

THE INMATE: Yes.

COMMISSIONER BOUEY: You were how old back then?

THE INMATE: I was 28.

COMMISSIONER BOUEY: Prior to that you had a conviction of Attempted Criminal Possession of a Weapon in the third degree. Is that right?

THE INMATE: Yes.

COMMISSIONER BOUEY: You did some time in prison for that; three years. Is that right?

THE INMATE: One year.

COMMISSIONER BOUEY: One year?

THE INMATE: Right.

COMMISSIONER BOUEY: You had been involved with the law before, and you were no stranger to guns. You didn't seem to be afraid of weapons.

THE INMATE: Well, that's the record. At that time, I was 22 or 23.

COMMISSIONER BOUEY: All right. Had you done anything at all at that time on your own to help you with your drug problem?

THE INMATE: Back then?
COMMISSIONER BOUEY: Yes.

THE INMATE: No. You don't thing that you have a problem.

COMMISSIONER BOUEY: Okay. In spite of the fact that you were living the kind of life that you were living, you thought that was normal?

THE INMATE: Nobody could tell me that I had problem. Even, when I first came to prison.

COMMISSIONER BOUEY: It was normal for people to come to prison.

THE INMATE: I don't understand.

COMMISSIONER BOUEY: You know what I'm saying, if you wind up in a place that is not normal for most people.

THE INMATE: Right.

COMMISSIONER BOUEY: And you're there. You would think the next thing that you would say to yourself is, gee, maybe there was something that I did that made me wind up in an abnormal place.

THE INMATE: Of course, but you don't do that right away. I mean it took me a few, maybe three years to own up to the problem.

COMMISSIONER BOUEY: All right. Since the last Board you were in programing. You were a porter. You also were volunteered at A.B.E. To your credit, there are no tickets in your record since
2002. You want to revamp your life totally and go to California.

THE INMATE: Yes.

COMMISSIONER BOUEY: Have you ever lived in California before?

THE INMATE: No.

COMMISSIONER BOUEY: Do you understand that arrangements have to be made for your parole to transferred to California. Then California has to be willing to take you. If they are not willing to take you, then you have to stay in New York. Do you understand that, sir?

THE INMATE: Yes.

COMMISSIONER BOUEY: Do you have a potential residence in New York if you're released?

THE INMATE: Yes.

COMMISSIONER BOUEY: Have you thought about what kind of work you might want to do if you are released?

THE INMATE: Well I would like to do work with deaf mutes.

COMMISSIONER BOUEY: The deaf?

THE INMATE: Yes.

COMMISSIONER BOUEY: Do you know sign language?

THE INMATE: Yes.

COMMISSIONER BOUEY: There is also a reasonable
assurance letter from the

How did you find out about that, sir?

THE INMATE: Well I used to be in the Program. Actually I started, in the Program when I was at Eastern, in this Program. The guy took some grant money, and he created that Program.

COMMISSIONER BOUEY: Okay.

THE INMATE: And most of the guys that were in the program came from the masters program.

Q Okay. Also to the credit, we have a letter here from a She says here that she has known you for 13 years. She has been a coordinator. She says that she received a letter from you. That she would counsel you. She says that she doesn't understand the rational for keeping you in prison. The there is the A.C.V.P. Program on the outside. She speaks very highly of you. There is also a letter here that was written for you from a coordinator, at A.D.P. at Woodbourne. She talks about the fine arts program there. She is very sincere, and hopes that you will be granted parole. Then, this is an older letter that was here from your prior appearance a letter from your sister-in-law,

A Yes.

Q had written you a letter. She was
little at the time.

A Yes.

Q I just want you to know that we were in possession of all of these letters. A letter from [REDACTED] She is also one that worked with the A.D.P. Program. All of these people want us to know that they are in support of you. That they will make themselves available for you to. You are very lucky that you have so much support on the outside.

THE INMATE: Yes.

COMMISSIONER BOUEY: Is there anything else that you would like this panel that would help us in making our decision?

THE INMATE: Yes. You know it's mandated that I go in front of the Parole -- I apologize for taking your time.

COMMISSIONER BOUEY: That's okay. Take your time.

THE INMATE: I have been in front of you on six occasions. And on each of these occasions -- the last time when I had a chance to talk to you. You know, I purposely stayed late so I could be the last one, that I could have some time to talk to you. And I did that because I felt that she could help me to understand what was know going on. And when she told me something that took me back a little. Because I asked her could you be
crazy one minute then sane the next, and crazy again. You
know, could you flip back and forth. And she said that
she didn't know the specifics of the crime. So I told
her. And she said that sometimes things go on in your
life, and that you need to get to a point in your life.
And I'm saying that, because it was kind of strange that
and she didn't have my -- and when I'm sitting in front my
psychiatrist, and she didn't have my record in front her
-- and she didn't have my presentation at that time.

COMMISSIONER BOUEY: Okay.

THE INMATE: And another thing that I want to say
too, is that, I don't know if job is a good job. I mean,
it's a good job. I know that it is important job. Since
you make the decision which is to make sure that people
that should be locked up stay locked up you know so that
society is safe. I understand that. I also understand
that you don't have a crystal ball claiming to, you know,
predict the future. I understand that. And every time
that you let somebody go, sometimes it turns out bad and
sometimes it turns out good. I guess you know you take
everything into consideration. And I think that the
biggest thing probably is your intuition. You know, your
intuition: You know most people make a decision on
intuition. So I guess what I'm trying to ask you
Commissioners, is that if you think that I am a good
candidate for release on your intuition, if you determine that. I know that I would never go out there and embarrass or shame or do any kind of negative thing to the Commissioners of the Board of Parole or the Department of the Board of Parole if I'm released. That would never happen. And again I know that it is a hard decision to make. And I know it's a difficult decision. All day and all year long.

COMMISSIONER BOUEY: All right. We do have copies of your mental health exam.

THE INMATE: And what she said, that I was crazy --

COMMISSIONER BOUEY: Stop. If you have any mental health issue, it doesn't mean that you're crazy. There are all different types of mental health issues. So that doesn't mean that you are crazy, sir. But, in reference to the information in these letters. We do have them in your file. We also keep them in your records. Then those letters are submitted to judges and the district attorneys. Then they are reviewed by them, then it will be determined whether or not they are either for or against your release. That potentially could be a good thing for us to take into consideration. Okay?

THE INMATE: Yes.

COMMISSIONER BOUEY: Commissioners, do you have any questions?
COMMISSIONER FERGUSON: No.

COMMISSIONER LAZZARI: No.

COMMISSIONER BOUEY: All right. We thank you very much.

THE INMATE: Thank you.

COMMISSIONER BOUEY: We will discussion everything that was said at this interview as well as what's in your record. We will make a decision. You will be notified in a couple of days.

THE INMATE: Thank you.

(The Inmate left the room.)

(After due deliberation by the Parole Board panel, the following decision was rendered:)
DECISION


After a review of the record, and this interview parole is denied.

You continue to serve a controlling term of 15 years to life for Murder, second.

In the Instant Offense you had participated in a shooting of three male victims during a robbery. Two of the male victims died, and the third was seriously injured.

Your history includes prior convictions for weapon usage.

The Board notes your institutional achievements and positive disciplinary record.

Your contempt for human life and the victims that were involved, leads this panel to determine that your release is inappropriate, as it would deprecate the seriousness of the crime and serve to undermine respect for the law.

Guidelines unspecified.

(The Commissioners concurred.)

(Whereupon, the proceedings were concluded.)
CERTIFICATION

I, Eileen Feliciano, a Shorthand Reporter and Notary Public in the State of New York, do hereby certify that the foregoing record taken by me at the time and place noted in the heading hereof, is a true and accurate transcript of same, to the best of my knowledge and ability.

Eileen Feliciano
January 31, 2006