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Parole Interview Transcripts and Decisions

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December 2019

### Parole Interview Transcript/Decision - FUSL000021 (2009-10-20)

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### Parole Interview Transcript & Decision - FUSL0000021

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STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF PAROLE

IN THE MATTER OF THE REAPPEARANCE

[REDACTED]

COPY

DIN #

[REDACTED]

NYSID #

[REDACTED]

DIVISION OF PAROLE  
RECEIVED

HELD ON: OCTOBER 20, 2009

NOV 20 2009

FACILITY: CAYUGA CORRECTIONAL FACILITY

CAYUGA CORRECTIONAL  
FACILITY

BEFORE:

COMMISSIONER DEBRA J. LOOMIS

*SAT ON MY FILIT BOARD ALSO*

COMMISSIONER THOMAS GRANT

COMMISSIONER LISA ELOVICH

REPORTED BY:

DELORES D. HAUBER

Hearing Reporter

DIVISION OF PAROLE  
RECEIVED

NOV 25 2009

Otisville Correctional Fac.  
Parole Office

1 BY COMMISSIONER GRANT:

2 Q Come right in, sir. You're [REDACTED]

3 A Yes.

4 Q [REDACTED], I'm Commissioner Grant. Joining us  
5 today are Commissioner Loomis and Elovich.

6 COMMISSIONER ELOVICH: Hello, sir.

7 Q You're here before us due to the fact you pled  
8 guilty to murder in the second degree; is that right?

9 A Yes.

10 Q Is there anything you would like to say about all  
11 of that?

12 A At the time that I committed the crime, I think  
13 that there was a lot of emotions that was boiled over from.

14 Q Growing up and everything?

15 A Yeah. And it just boiled over. And I don't think  
16 I knew how to deal with it and I just reacted. It was, I  
17 just had like, I don't know, I just lost it.

18 Q If you got out at this point, where would you go to  
19 live?

20 A If I got out at this point, I would probably have  
21 to live in a shelter.

22 Q What type of work would you like to do?

23 A I like working. I like doing physical work.

24 Q And you're in decent physical shape still?

25 A Yes.

1 Q So you would start out maybe construction or  
2 laborer or something like that?

3 A Yeah. I also know how to do computers and things  
4 like that.

5 Q What?

6 A Computer work.

7 Q And when you were on parole, you were on parole for  
8 robbery in the second when this happened; is that right?

9 A Yes.

10 Q And you have a prior conviction for burglary in the  
11 third, so we will have to keep a close eye on you if we let  
12 you go. You understand that?

13 A Yes.

14 Q You completed Phase 3. You completed ASAT. Looks  
15 like you've completed every program they asked you to  
16 complete. ART, in your past, you completed that.

17 A Yes.

18 Q You completed that in '93. And that was one of the  
19 first programs you completed. You are also involved in the  
20 college program; is that right?

21 A Yes.

22 Q How far did you get as far as college goes?

23 A I think I went to a couple semesters, then I went  
24 to industry to make money.

25 Q Makes sense, because you've been active in industry

1 a long time.

2 A Yes.

3 COMMISSIONER GRANT: Commissioner Loomis?

4 COMMISSIONER LOOMIS: No questions.

5 COMMISSIONER ELOVICH: Nothing.

6 Q Anything else we should talk about that we haven't  
7 discussed or anything else you would like to say on your own  
8 behalf?

9 A The only thing I want to say is during the course  
10 of this time I tried to, you know, truly change my ways. You  
11 know, as far as reacting to things violently or physically,  
12 aggressively, I think I got all of that out of my character.  
13 I don't deal with, I don't deal with situations like that  
14 anymore. And, you know, I just want a chance to try to go  
15 out there and get ahold of my life.

16 Q You've had a very good disciplinary record since  
17 June of 1990. That was your last Tier 3. You've had no  
18 problems. I see '95 you had an altered item. No major  
19 disciplinary problems in over 13 plus years. So you haven't  
20 had any problems as far as that goes disciplinary wise.  
21 You've had a difficult time with your mother. You were  
22 living a complicated life at that point. She wasn't helpful  
23 to you and we understand that and you had a long term  
24 relationship with her that wasn't really productive.  
25 Obviously the major concern for us is the excessive violence

1 that you demonstrated, but we do see inside that you haven't,  
2 you haven't resorted to any of that behavior inside and  
3 that's to your credit. You have programmed effectively  
4 inside. Another bit of concern is we have to firm up your  
5 residence and we would have to work closely with you on the  
6 outside. An important part of your re-entry is having a good  
7 residence plan. Do you think you'd benefit from counseling  
8 on the outside as well? That's again if we released you. I  
9 think we would put a condition in just to have a mental  
10 health evaluation, you know. They have had an evaluation  
11 here and they say you are doing well, but you would have the  
12 same stressors out there. And would you be agreeable to  
13 that?

14 A Yes.

15 Q It's going to be a tough decision, but we'll take  
16 everything into consideration and give you a decision in  
17 writing in a few days. Good luck to you.

18 (Inmate excused.)

19 (After due deliberation by the Parole  
20 Board Panel, the following decision was rendered:)

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██████ ██████ - ██████ ██████

1 DECISION

2

3 COMMISSIONER GRANT: Denied 24 months.

4 10/11.

5 After a review of the record and

6 interview, the panel has determined that if released at this

7 time, your release would be incompatible with the welfare of

8 society. This decision is based on the following factors:

9 Your instant offense, murder in the

10 second degree, A1, represents a continuation of a criminal

11 ~~history that includes prior convictions for attempted robbery~~

12 in the second degree and burglary in the third degree. You

13 have maintained a clean disciplinary record since December of

14 2005. This panel notes your positive programmatic

15 participation including completion of ASAT, ART and Phase 3.

16 (The above decision was reached after due

17 deliberations and Commissioners concur.)

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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.

*Delores Hauber*

DELORES D. HAUBER