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December 2019

### Parole Interview Transcript/Decision - FUSL000021 (2011-10-18)

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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

BOARD OF PAROLE

\*\*\*\*\*

Parole Board Hearing

In the Matter of

[REDACTED]

DIN [REDACTED]

NYSID [REDACTED]

\*\*\*\*\*

TYPE OF HEARING: Reappearance  
LOCATION: Cape Vincent Correctional Facility

Video-conferenced to  
Syracuse Parole Office  
333 East Washington Street  
Syracuse, NY 13202

DATE: October 18, 2011

BEFORE: COMMISSIONER SMITH  
COMMISSIONER HAGLER  
COMMISSIONER CRANGLE

*SECOND TIME WITH THIS  
COMMISSIONER. WAS THE  
SPEAKER AT MY FIRST BOARD*

ALSO PRESENT: Kenneth White, Facility Parole Officer II (Cape Vincent CF)  
Beth White, Facility Parole Officer I (Cape Vincent CF)

PRESENT AT WATERTOWN: Timothy Pettit, Facility Parole Officer I (Cape Vincent CF)

[REDACTED], Inmate

HEARING REPORTER: AnnMarie Testa

1 BY COMMISSIONER CRANGLE:

2 Q Hello, sir. Can you state your name for the record?

3 A [REDACTED].

4 Q [REDACTED], I am Commissioner Crangle. Along with me is Commissioner Smith and  
5 Commissioner Hagler.

6 COMMISSIONER SMITH: Hello.

7 COMMISSIONER HAGLER: Good afternoon.

8 THE INMATE: Hello.

9 BY COMMISSIONER CRANGLE:

10 Q [REDACTED], this is a reappearance for you, right?

11 A Yes.

12 Q You are serving a State sentence for murder in the second degree and judge sentenced  
13 you to twenty-years-to-life and you pled guilty, right?

14 A Yes, sir.

15 Q How old are you now, sir?

16 A Forty-seven.

17 Q When you committed this offense how old were you?

18 A Twenty-four.

19 Q Twenty-four. You have been in since 1989, is that right?

20 A January '88.

21 Q Okay. State custody in '89?

22 A State custody in '89.

23 Q You did a lot of time in the local jail I take it, right, the county jail?

24 A About fifteen months, yeah.

25 Q And the instant offense involved you back in January 1988 killing your mother, correct?

- 1 A Yes.
- 2 Q And you even went so far as putting her in a bathtub and drowning her to make sure that
- 3 she was dead?
- 4 A Yes.
- 5 Q And you strangled her, as well?
- 6 A Yes.
- 7 Q Were you high on drugs or anything, sir, why would you do something so horrendous?
- 8 A I think the stuff that I went through up to that point, I didn't know how to manage it and
- 9 being that I didn't know how to manage it just exploded in me.
- 10 Q You were on parole with this, correct?
- 11 A Yes.
- 12 Q And you were on parole for what, a burglary, a robbery, what?
- 13 A I think a robbery.
- 14 Q And how long were you out for before this happened?
- 15 A I think about a year-and-a-half.
- 16 Q And looking at your record, you were sometimes living with your mother and sometimes
- 17 not as you were growing up, correct?
- 18 A Yes.
- 19 Q There were some problems there?
- 20 A Yeah. I was in institutions.
- 21 Q Okay. How is your mental health now?
- 22 A Good as it possibly could be under these circumstances.
- 23 Q Was this something that you thought of or, you know, something that you planned?
- 24 A No, no, sir.
- 25 Q Correct me if I am wrong, but did you put anything -- did you have a Bible that you laid

- 1 down near your mother?
- 2 A Yes.
- 3 Q What made you do that?
- 4 A That was impulsive, that was something that I did at that time like impulsive thought that  
5 hit me.
- 6 Q And then afterwards you went and took off to Washington with your girlfriend or  
7 ex-girlfriend, who did you go to Washington with?
- 8 A A girl that I knew that lived in Brooklyn.
- 9 Q Did you tell her what you did?
- 10 A Yes, but after I was in Washington.
- 11 Q I see. Now, how did you get end up getting caught?
- 12 A Through making a phone call, I made a phone call back to Long Island.
- 13 Q The law enforcement were looking for you?
- 14 A Yes, so they traced the call.
- 15 Q Now, you have not had a ticket since 2005, correct, that was in Cayuga?
- 16 A Yes.
- 17 Q So things have been good since then, right?
- 18 A Yeah.
- 19 Q In terms of your behavior, it is to your credit.
- 20 A Prior to that I had like almost a ten year period, from '95 to '05 five.
- 21 Q I see.
- 22 A Without a ticket. I mean, as a result of me putting myself in this position and decision  
23 that I made to get me here, I think it caused me to make drastic changes on how I think or  
24 act. I don't get myself into problems like that.
- 25 Q Your last Tier III ticket was in 1995?

- 1 A Yes.
- 2 Q What were you doing with your time now, are you in a pre-industrial training shop?
- 3 A I am in food service, in the mess hall.
- 4 Q Is that something that you do every day at Cape Vincent?
- 5 A Yes, sir.
- 6 Q And what are your short-term plans, sir, if you were to be released, where do you think
- 7 you can go?
- 8 A My primary, I want to get into a program like Ready, Willing & Able. I want to try to get
- 9 employment from that point and get me somewhere to live where I can take care of
- 10 myself, and once I get some kind of stability like that I feel like I will be able to be a
- 11 productive member of society.
- 12 Q Okay. Let's see, what else here, anything at sentencing that you feel is important to us?
- 13 We reached out to the sentencing court and we don't have your sentencing minutes,
- 14 anything that you feel that we should know? It is okay, it is not used against you. Did
- 15 you say anything at sentencing or did the judge say anything?
- 16 A I can't really recall. I mean, as far as myself, you know, I tried to express remorse over
- 17 the crime that I committed, but outside of that I can't really think of anything.
- 18 Q Okay. Because the Parole Department showed due diligence and reached out and the
- 19 sentencing courts said that either the court reporter is no longer living or does not work in
- 20 New York State, we have a letter here in the file that is dated back in November of 2007.
- 21 okay?
- 22 A Yes.
- 23 Q You completed ART?
- 24 A Yes, in '93.
- 25 Q What else should we know, you have the last word, sir, I have asked a lot of questions?



1 A During the course of, not just during the course of this time, earlier in this sentence, I  
2 think since '95, '93, '94 I really took -- you know, I put a lot of concentration into  
3 changing the type of behavior that followed me here. I think that since that time, going  
4 through all that I dealt with since then, that it is not just some stuff that I am doing for  
5 prison, I really think that I made real changes in my life. Prior to coming my jail, other  
6 than my instant offense, when I was out there I was working, maintaining employment, I  
7 think I dealt with everything except my anger problems, the emotional problems that I  
8 was going through. Being that was the part that I did not correct, that was the part that I  
9 got caught up in the bad feelings that I had in me, that is the main thing that I dealt with  
10 since I have been incarcerated, trying to understand why I acted in that manner. I live  
11 with that every day, it is not just when I come down to these parole hearings, I live with it  
12 every day that I get up, every day that I go to sleep, even to this point it is not something  
13 easy to deal with.

14 Q I am sure, it was your mother.

15 A Exactly, exactly, it is not something that I take lightly and that is the reason that I strive  
16 so hard to make changes in my life.

17 Q Okay.

18 COMMISSIONER CRANGLE: Commissioners, any questions?

19 COMMISSIONER SMITH: Nothing else. Thank you.

20 COMMISSIONER HAGLER: I have no questions.

21 BY COMMISSIONER CRANGLE:

22 Q All right, sir. Thanks for coming in and answering all of my questions, we'll let you  
23 know in writing, we have a lot to consider. Thank you.

24 A Thank you.

25 (Whereupon the inmate was excused.)

1 (After due deliberation by the Parole Board Panel, the following Decision was rendered:)

2 DECISION

3 DENIED 24 months. Next appearance 10/13.

4 After personal interview, record review, and deliberation this Panel finds  
5 your release is incompatible with the public safety and welfare of the community and  
6 would so deprecate the serious nature of the crime as to undermine respect for the law.  
7 You appear before this Panel with the serious instant offense of murder in the second  
8 degree. Your criminal record reflects prior unlawful behavior, which includes prior  
9 felony convictions. When you committed the instant offense you were on parole. This  
10 repeated criminal behavior is a concern for this Panel. Your crime was brutal with a total  
11 disregard for human life. The Panel notes your positive programming, good disciplinary  
12 record, release plans, and your educational achievement, however despite these  
13 accomplishments, when considering all relevant factors, discretionary release is not  
14 warranted, there is a reasonable probability you would not live a law-abiding life.

15 (Commissioners Smith and Hagler concurred.)

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CERTIFICATION

I, ANN MARIE TESTA, 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 8 pages, is a true and correct copy of same and whole the thereof.

Dated: October 27, 2011

AnnMarie Testa

AnnMarie Testa