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December 2019

Parole Interview Transcript/Decision - FUSL000021 (2013-10-22)

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Parole Interview Transcripts and Decisions

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Parole Interview Transcript & Decision - FUSL0000021

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1 [REDACTED]

2 NYS DEPARTMENT OF CORRECTIONS
3 AND COMMUNITY SUPERVISION
4 BOARD OF PAROLE

----- X

4 Parole Board Hearing

5 In the Matter
6 of

7 [REDACTED]

8 DIN [REDACTED]
9 NYSID [REDACTED]

----- X

10 TYPE OF INTERVIEW: Reappearance

12 LOCATION: (Video conference)
13 Otisville Correctional Facility

14 DATE: October 22, 2013

16 BEFORE: COMMISSIONER JAMES B. FERGUSON
17 COMMISSIONER EDWARD M. SHARKEY
18 COMMISSIONER GAIL HALLERDIN

19 ALSO PRESENT: G. Morgiewicz, SORC
20 L. Legnos, ORC

24 REPORTER: Lori Ciofalo, Hearing Reporter

25

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 COMM. FERGUSON: Good evening, sir.

3 Could you state your name, please?

4 THE INMATE: [REDACTED] [REDACTED]

5 COMM. FERGUSON: [REDACTED] [REDACTED] I am

6 Commissioner Ferguson. With me today are Commissioners

7 Hallerdin and Sharkey.

8 COMM. SHARKEY: Hello.

9 COMM. HALLERDIN: Hello.

10 THE INMATE: How are you doing?

11 BY COMMISSIONER FERGUSON:

12 Q. You are here today as a reappearance, sir,

13 correct?

14 A. Yes.

15 Q. And this is your fourth appearance; is that

16 right?

17 A. Yes, sir.

18 Q. I am looking through the prior minutes, and it

19 doesn't appear that you have met any of us before. So

20 you have a new panel, a new opportunity to be considered

21 for release.

22 I will note that we have an indication that your

23 sentencing minutes are unavailable. They have made a

24 request and the court has been unable to provide them.

25 You don't have your sentencing minutes, correct?

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 A. No, sir. Correct.

3 Q. Your offense is Murder, Second Degree, twenty
4 year to life sentence, and that's by plea of guilty; is
5 that right?

6 A. Yes.

7 Q. You are in now about twenty-six years, sir; is
8 that correct?

9 A. Yes, sir.

10 Q. The instant offense relates to events in January
11 of '88, in Rockville Center, when you caused the death
12 of your mother, through physical strangulation.

13 You also slit her throat and submerged her in a
14 bathtub filled with water.

15 You, then, slept in the apartment.

16 The following day, you took a bus to New York
17 City to visit a girlfriend and the two of you then ran
18 away to Washington, DC.

19 At the time of this offense, sir, you were on
20 parole; is that right?

21 A. Yes, sir.

22 Q. Why would you do such a terrible thing to your
23 mother?

24 A. I mean, there is no easy way for me to try to put
25 it into words. You know, I was dealing with a lot of

1 ██████████ ██████████ ██████████ ██████████ ██████████ ██████████
2 emotions and baggage from my adolescence, that I think
3 just boiled over, you know, as a reaction to the things
4 we was going through.

5 I reacted violently, enraged. You know, there's
6 no justification for it. It was just I didn't have
7 control of, I guess, my feelings, and what I was
8 thinking at the time.

9 Q. It says afterwards, you placed a quilt on top of
10 your mother, and the family Bible, and wrote, "God Bless
11 You, Mother. Amen," on top of it; is that right?

12 A. Yes, sir.

13 Q. She had a bike chain around her neck, also?

14 A. A what? Oh, sir, I don't know where that came
15 from.

16 Q. So you are indicating that's not accurate?

17 A. That particular part right there, that's it.

18 Q. At the time of this, you were on parole for
19 Attempted Robbery, right?

20 A. Yes, sir.

21 Q. How long had you been on parole, at that point?

22 A. About fourteen months.

23 Q. Prior to that, you got two burglaries in '81.
24 You got a one-to-three.

25 A. Yes, sir.

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 Q. So this is your third time upstate, and your
3 fourth felony, right?

4 A. Yes, sir. You're correct.

5 Q. Looks like -- what's that?

6 A. Nothing. I just said, you're correct.

7 Q. This time around, it appears that you have been
8 making some positive efforts towards your rehabilitation
9 and you have been involving yourself in programming,
10 correct?

11 A. Yes, sir.

12 Q. Including ART, right?

13 A. Yes.

14 Q. Looks like you only have two minor tickets since
15 your last Board, correct?

16 A. One.

17 Q. One?

18 A. Yes. October of last year.

19 Q. I have September of last year.

20 A. I think it was September.

21 Q. You're right. It says a new Tier II, right.
22 Smuggling. But you got suspended keep lock time, right?

23 A. Yes, sir.

24 Q. We do have community opposition to your release
25 noted in the record, which we have to consider.

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 We also have your COMPAS Risk Assessment.

3 Your COMPAS Risk Assessment is something you
4 helped create, when you're interviewed by Corrections
5 Staff.

6 The results for you are favorable. The risks we
7 are concerned about are the risk of violence, re-arrest,
8 and absconding. Across the board, they rank you as a
9 low risk.

10 What do you plan, sir, if you are released?

11 A. My initial plan is to try to get in this program
12 called Ready, Willing, and Able, where I can live and
13 try to gain employment, so I can transition into
14 society.

15 COMM. FERGUSON: Commissioners, anything
16 else?

17 COMM. SHARKEY: No questions.

18 COMM. HALLERDIN: No. Nothing else.

19 COMM. FERGUSON: [REDACTED] [REDACTED] the last word is
20 yours, sir. Anything else that you think is important
21 for us to know, that can help us make a decision?

22 THE INMATE: I would just like to say, my
23 remorse for what I've done, my actions, is beyond
24 anything that I think that another person could possibly
25 feel.

1. [REDACTED]

2 I feel like I have brought down a lifetime
3 of suffering on myself, through my actions.

4 If I ever get a chance to walk out of prison
5 again, I will never cause any more pain into my life.

6 COMM. FERGUSON: Alright, sir. We will
7 consider everything. We will make our decision. We
8 will let you know.

9 Thank you for coming in to see us today.

10 (Hearing concluded.)

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 DECISION

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4 COMM. FERGUSON: [REDACTED] [REDACTED] denied.

5 Hold twenty-four months. October 2015.

6 After a review of the record and interview, the
7 panel has determined that, if released at this time,
8 there is a reasonable probability that you would not
9 live and remain at liberty without again violating the
10 law, and your release would be incompatible with the
11 welfare of society, and would so deprecate the serious
12 nature of the crime as to undermine respect for the law.

13 This decision is based on the following factors:
14 Murder, Second Degree, in which you strangled your
15 mother, slit her throat, and submerged her in a tub of
16 water. You then slept in the apartment and fled the
17 next day, and did so while on Parole Supervision for an
18 Attempted Robbery, Second Degree.

19 Your record dates back to a 1980 YO and includes
20 four felonies, two misdemeanors, one YO, prior violence,
21 prior prison and jail, and failure at prior Community
22 Supervision.

23 Note is made of your sentencing minutes, COMPAS
24 Risk Assessment, rehabilitative efforts, risks, needs,
25 letters of support, disciplinary record, remorse, parole

1 [REDACTED]

2 plan, community opposition to your release, and all
3 other factors required by law.

4 You clearly failed to benefit from prior efforts of
5 leniency and rehabilitation.

6 Parole is denied.

7 (All Commissioners concur.)

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1 [REDACTED]

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CERTIFICATION

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5 I, Lori Ciofalo, Court Reporter and Notary Public
6 in and for the State of New York, do hereby certify that
7 I attended the foregoing proceedings, took stenographic
8 notes of the same, that the foregoing, consisting of 10
9 pages, is a true and correct copy of same and the whole
10 thereof.

11

12

13

Lori Ciofalo

14

Lori Ciofalo, Court Reporter

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Dated: October 22nd, 2013

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