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Parole Interview Transcript & Decision - FUSL0000021

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2	NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION BOARD OF PAROLE		
	X		
4	Parole Board Interview		
5			
6	In the Matter of		
7			
8	DIN		
9	NYSID NYSID		
	20 a		
10	TYPE OF INTERVIEW: Reappearance		
11	8 9		
12	LOCATION: (Video conference)		
	Otisville Correctional Facility		
13			
14	20015		
15	DATE: October 20, 2015		
16	BEFORE: COMMISSIONER G. KEVIN LUDLOW		
16	BEFORE: COMMISSIONER G. KEVIN LUDLOW COMMISSIONER JULIE SMITH		
17	COMMISSIONER OTIS CRUSE		
18			
19	e e		
15	ALSO PRESENT: D. Glebocki, SORC		
20	M. Brooks, ORC A. Raimondo, ORC		
21	A. Raimondo, ORC		
22			
ZZ			
23	REPORTER: Lori Ciofalo, Hearing Reporter		
24			
25			
25	# X		

- 1 COMM. SMITH: Good afternoon, sir. Would
- 2 you state your name for the record?
- THE INMATE:
- 4 COMM. SMITH: I am Commissioner
- 5 Smith. I am joined today by Commissioners Ludlow and
- 6 Cruse.
- 7 COMM. LUDLOW: Good afternoon.
- 8 COMM. CRUSE: How are you doing?
- 9 BY COMMISSIONER SMITH:
- 10 Q. This is a reappearance for you today.
- 11 The record indicates you are serving a term of
- 12 incarceration twenty to life, following a conviction by
- 13 plea in Nassau County, to Murder, Second; is that
- 14 correct, sir?
- 15 A. Yes.
- 16 Q. I want to let you know that we do not have your
- 17 Sentencing Minutes. They were requested, and they are
- 18 not able to be produced.
- 19 Was there anything said at sentencing, that you
- 20 would want this Panel to know?

- 14 = 1

- 21 A. No, ma'am.
- 22 Q. The Instant Offense dates back to January 6th,
- 23 1988, twenty-seven years ago, in Rockville Centre; you
- 24 murdered your mother.
- 25 A. Yes.

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- 1 Q. You strangled her, slit her throat and submerged
- 2 her in a bathtub filled with water. Then, apparently,
- 3 you went to sleep in the apartment, while her body was
- 4 still in the bathtub.
- 5 A. Yes.
- 6 Q. This is your third time in State prison. You
- 7 were on parole at the time this occurred.
- 8 What precipitated you committing such an act of
- 9 violence?
- 10 A. Well, you know, our history together was really
- 11 bad. You know, me coming up like I did, as far as not
- 12 really being with her consistently through my childhood,
- 13 our relationship suffered. A lot of blame and anger I
- 14 had towards life, and my personal experiences, I
- 15 directed them or put it on her.
- 16 You know, I shouldn't have did that. I was not
- 17 coping correctly with what I was feeling and thinking at
- 18 the time.
- 19 Q. You were about twenty-four years of age at the
- 20 time?
- 21 A. Yes.
- 22 Q. What you're telling me is something that I might
- 23 hear from somebody at the age of fifteen or sixteen at
- 24 the time. You were twenty-four.
- 25 A. Yes.

- 1 Q. What happened that night, that day, that caused
- 2 you to do this?
- 3 A. I just think that it was the stress, the pressure
- 4 I was under. You know, I just acted out. I just acted
- 5 out with rage. You know, everything came to a head for
- 6 me.
- 7 Q. I hear what you're saying, but you are not just
- 8 sitting on the couch and things just blow up in your
- 9 mind. Were you two arguing about something?
- 10 A. Not at that time. We was not arguing. When I
- 11 came in, it was already in my mind. That was my
- 12 intention.
- 13 Q. How many days in advance had you been planning to
- 14 kill her?
- 15 A. I didn't plan it. At the time, we had issues.
- 16 We was not even speaking, and we was in the same space.
- 17 When we did speak, a lot of times it was just negative
- 18 or hostile.
- 19 It was me, too. We didn't know how to
- 20 communicate. There was so much bad energy that
- 21 developed throughout the years, we didn't know how to
- 22 correct it or how to deal with it.
- 23 Q. You still have that problem. You are not
- 24 answering my questions.
- 25 I'm asking you very specific directed questions

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- 1 and you cannot articulate to me how you elevated your
- 2 bad relationship with your mother into this murder, so
- 3 we are going to move on.
- 4 A. All right.
- 5 Q. You failed at Community Supervision. Why would
- 6 we think you would be a good candidate for Community
- 7 Supervision?
- 8 A. When I was on parole, up until the offense, I was
- 9 really doing parole, you know, successfully. I was
- 10 working, following my curfew. My mind was really set on
- 11 trying to stay out there and doing what I had to do.
- 12 When the Instant Offense happened, that was when
- 13 it all fell apart for me.
- 14 Q. You've had no discipline since 2012, and that
- 15 was a Tier II.
- 16 We have your COMPAS Risk Assessment. It shows
- 17 you to have a low risk of violence, arrest and
- 18 absconding.
- No problems with substances on the inside?
- 20 A. No, ma'am. I had a dirty urine in 1990, and I
- 21 think possession of a small amount of marijuana.
- Q. We have your COMPAS Case Plan, as well.
- 23 Were you under the influence of drugs or alcohol
- 24 on the day of the murder?
- 25 · A. No.

- Q. The Office of Mental Health has you classified as
- 2 a Level 6, which suggests you are not in need of any
- 3 mental health services. Do you feel that's accurate?
- 4 A. Yes. I feel I could benefit from counseling or
- 5 even if I could see someone to speak to, to deal with
- 6 certain issues that I may, you know, go through. I
- 7 could see doing that.
- 8 You know, I am always trying to do things
- 9 therapeutic on my own, you know, not to fall into
- 10 negative thinking or rageful thinking.
- 11 Q. You've completed all your mandatory programs;
- 12 including Vocational, A-SAT, ART, Phase 1 and 3.
- 13 You are programming in food service; is that
- 14 correct?
- 15 A. Yes.
- 16 Q. We have a Parole application from the National
- 17 Lawyers Guild on your behalf, dated October 8th, 2015,
- 18 with various Certificates of completion in your file,
- 19 along with letters of support. One from, I believe,
- 20 another former inmate.
- 21 A. Yes.
- Q. We also have your personal statement here.
- 23 People go through struggles in their lives, but
- 24 not everybody resorts to that violence.
- 25 COMM. SMITH: Commissioners, any questions?

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- 1 COMM. LUDLOW: Nothing further. Thank you.
- 2 COMM. CRUSE: No further questions. Thank
- 3 you.
- 4 BY COMMISSIONER SMITH:
- 5 Q. The last word is yours. What else should we know
- 6 today, that we have not discussed, that you feel is
- 7 important for us to consider?
- 8 A. I want to say I submitted a personal statement
- 9 trying to give some outline to my history, our history
- 10 together.
- I know that I don't want to come across, you
- 12 know, like there is no way do I believe she deserved
- 13 that to happen to her. I take full accountability for
- 14 my actions and what I did.
- 15 If I am released, you know, I have been spending
- 16 this amount of time in prison, and I am going to make
- 17 the most of whatever time I have left out there and
- 18 spend it productively and trying to have a positive
- 19 affect on the community.
- Q. As far as work, what could you do?
- 21 You have some reasonable assurance from the
- 22 Fortune Society and Exodus, that will help you.
- 23 A. Yes.
- Q. Do you need a shelter?
- 25 A. Well, initially, I might have to utilize the
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- 1 services of a shelter, but Exodus and Fortune Society,
- 2 they have transitional housing. They said upon release
- 3 you can come to the intake, and they will allow you in.
- 4 They don't like to grant it until you have a date.
- 5 Q. Do you have any siblings?
- 6 A. No, ma'am.
- 7 Q. Any children?
- 8 A. No.
- 9 Q. Who do you have left, in your family, on the
- 10 outside?
- 11 A. Only, I have one cousin that's left in New York.
- 12 I believe he is in Southport Correctional Facility.
- Q. Do you have any contact with your father?
- 14 A. I met him one time, when I was nine, for five
- 15 minutes. I think he passed in '97.
- 16 COMM. SMITH: Mr. , it's a lot for us
- 17 to consider. It's a brutal crime. We will take
- 18 everything into consideration.
- 19 We recognize you have been in a long time. We will
- 20 apply all the statutorily required factors and let you
- 21 know our decision. We wish you well.
- 22 THE INMATE: Thank you.
- 23 COMM. SMITH: Thank you and have a good day.
- 24 (Interview concluded.)

25

1	DECISION	
2	*	
3	COMM. SMITH: , denied. Hold	
4	twenty-four months. Next appearance, 10/17.	
5	Parole is denied. After a review of the record and	
6	interview, the panel has determined that if released at	
7	this time there is a reasonable probability that you	
8	would not live at liberty without again violating the	
9	law.	
10	This decision is based on the following factors:	
11	The Instant Offense of Murder, Second, wherein you	
12	murdered your mother. You strangled her, slit her	
13	throat and submerged her in a bathtub filled with water.	
14	. This extreme violence shows a total disregard for	
15	human life, the life that gave you life.	
16	This is your third New York State term of	
17	incarceration and you were on parole at the time of the	
18	Instant Offense.	
19	Your record dates back to approximately 1980 and	
20	includes felonies and misdemeanors, as well as prior	
21	prison and/or jail and failure at Community Supervision	
22	You have failed to benefit from prior efforts at	
23	rehabilitation.	
24	Note is made by this Board of your lack of	
25	Sentencing Minutes, COMPAS Case Plan, COMPAS Risk	

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1
    Assessment, rehabilitative efforts, letters of support
2
    and/or reasonable assurance, disciplinary record and all
3
    other required factors.
         Additionally, your release at this time would be
 4
    incompatible with the welfare of society, and would so
5
    deprecate the serious nature of the crime as to
 6
7
    undermine respect for the law.
8
                 (All Commissioners concur.)
9
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1		
2	CERTIFIC	CATION
3		*
4	I, Lori Ciofalo, Court	Reporter and Notary Public,
5	in and for the State of New	York, do hereby certify that
6	I attended the foregoing pr	oceedings, took stenographic
7	notes of the same, and that	the foregoing, consisting of
8	11 pages, is a true and cor	rect copy of the same and
9	whole thereof.	
10		
11		Lori Ciofalo
12		Lori Ciofalo, Court Reporter
13		Dated: October 20th, 2015
14		
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