Parole Interview Transcript/Decision - FUSL000007 (2012-07-31)

Follow this and additional works at: https://ir.lawnet.fordham.edu/trans

Recommended Citation
https://ir.lawnet.fordham.edu/trans/49

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.
NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Hearing
In the Matter of

DIN
NYSID

TYPE OF INTERVIEW: Reappearance

LOCATION: (Video Conference)
Otisville Correctional Facility

DATE: July 31, 2012

BEFORE: COMMISSIONER JARED BROWN
COMMISSIONER JAMES B. FERGUSON

ALSO PRESENT: SORC G. MORGIEWICZ
ORC R. COLON
ORC A. GOLDSMITH
APA A. STEVENS

REPORTER: Esther Katz, Hearing Reporter

M & F Reporting Service (845) 562-5190
COMM. BROWN: Good afternoon, sir. Would you state your name for the record?

THE INMATE: 

COMM. BROWN: I'm Commissioner Brown and on the panel with me today is Commissioner Ferguson.

COMM. FERGUSON: Good afternoon, sir.

BY COMMISSIONER BROWN:

Q. I'd like the record to be as perfect as possible, so if anything I say is incorrect, can I count on you to jump right in and correct it?

A. Yes.

Q. This is a reappearance for you, is it not?

A. Yes.

Q. What is this, your second reappearance?

A. Yes.

Q. And you were charged and convicted after trial of the crime of Murder in the 2nd Degree, Manslaughter in the 1st Degree, Criminal Possession of a Weapon and Attempted Robbery; is that correct?

A. Yes.

Q. My information is that you and three other unapprehended others entered the dispatch garage of a taxi company. They observed you in the dispatch office, you made a phone call while you were holding a gun to a male victim. This is a 60 year old male.

M & F Reporting Service (845) 562-5190
victim that you held a gun on, was it not?

A. Yes.

Q. Your accomplices ordered the other employees
to lie on the floor and during the time several shots
were fired. You demanded money from the male and
demanded they turn over the garage receipts. When he
failed to do so, you shot him at point blank range,
killing him; is that correct?

A. Yes.

Q. Why such a cold hearted and brutal thing,
sir?

A. Because I was very ignorant at the time and
I had lost my money. I went to work that day and I
went gambling and I lost my money. So after that,
some guys asked me did I want to commit a robbery, so
I agreed. So we went to Brooklyn, I drove my car, I
parked my car --

Q. The Cadillac?

A. Yes. I parked my car right in front of the
area where I shot the man. That's how much of an
idiot I was. I didn't even report the car stolen.

Q. You still didn't answer my question. Why
would you have to shoot a 60-year old man, a
vulnerable member of society, doing nothing more than
earning a living? He was just an employee, it wasn't
as if he owned the shop or nothing.

A. No. When I pulled out the gun on him, it was a small gun, a 22. He must have thought the weapon was fake or something like that, right. So he came at me, tried to like swing at me, I wasn't going to let him take the gun from me, so I shot him one time.

Q. I thought you shot him three times?
A. No, one time.

Q. You shot him one time from three feet away.
A. Yes.

Q. Killing him.
A. Yes. That wasn't my intention. My intention was to --

Q. If you're shooting a gun at somebody, your intention has to be to kill him. You don't shoot him to wound.
A. My intention was to shoot him to back him up from me.

Q. Where did the bullet enter, sir?
A. The stomach.

Q. You weren't aiming at his foot, you weren't aiming at his shoulder, you were aiming to kill him. A gut shot as they would call it. So you didn't get any money and you ran?
A. Yes.

Q. In your car. And you drove your car to the sidewalk in an attempt to bypass the garage and people took notice of that and took your license plate down?

A. Yes.

Q. To your credit, you worked as a porter. You received recommendations, commendable behavior reports in your file. You've been the chairman and co-chairman between December and January of '11 of which?

A. Chairman and co-chairman.

Q. stands for?

A. Chairman and co-chairman.

Q. To your credit, you have received no disciplinary tickets since 2005. If you're released, who are you going to live with, your cousin?

A. Yes, your cousin.

Q. That's at

A. Yes.

Q. What about employment?

A. My brother has a job for me waiting for me.

Q. We still have your parole board package that you submitted to the parole last time I believe, correct?

A. Yes.
Q. It's been updated with a letter from your younger brother?

A. Yes.

Q. And How are you involved with

A. When I was younger I was playing basketball for the high school that I went to. They had wheelchair games every year. I used to dedicate my time helping brothers pushing around the wheelchair, showing them how to shoot a basketball, things of that nature.

Q. That's very good. You have a number of letters of support for you here, sir. You should feel very good about that.

A. I would have did more actually, but I have some medical issues, in terms of being diagnosed with prostate cancer in 2010. I had my prostate removed.

Q. Now, also we have we have your COMPAS Risk Assessment tool. As you probably know we do not have your sentencing minutes, although they have been requested two times.

We do have your COMPAS tool and that will also be used by us to evaluate the likelihood of your release or not.

You score low in the areas of felony
violence, risk arrest and abscondance. You show a
medium score for history of violence. Criminal
involvement is low and prison misconduct is also low,
sir?

COMM. BROWN: Commissioner, do you have any
questions?

COMM. FERGUSON: Nothing additional, thank you.

Q. Sir, I want to make sure you've had a full
and fair hearing. Towards that end I want to ask you,
is there anything we haven't gone over today that
you'd like to bring to our attention or is there
anything you would like to say on your own behalf at
this point?

A. I would like to say something. I have a
deep seeded remorse for what I did, right, in terms of
what taking life and it was out of
ignorance and greed and self pity and low self esteem
and things of at that nature.

If I could have one wish in this world, it
would be for me to have him alive today to express my
remorse and sorrow to him, as well as to his family.

Q. That's an important revelation to make.

You've given us a lot to thing about, we'll get back
to you in a few days with a written decision.

(Hearing concluded.)

M & F Reporting Service  (845) 562-5190
NAME: [redacted]  DIN: [redacted]

PAROLE DECISIONS:  [ ] PAROLED  [ ] OPEN DATE

[ ] OR EARLIER  [ ] DENIED  [ ] 24 Months

(ERIEST RELEASE DATE)

(OPEN DATE)

[ ] RELEASE TO WARRANT  [ ] WARRANT OR PROGRAM  [ ] CPFDO

CONDITIONS OF RELEASE / REASONS FOR DENIAL

You appeared before the Board with a serious offense of [redacted] in which you brutally and viciously and in concert with others your victim (redacted) at point blank range. This board is mindful of the vulnerability of your innocent victim who was a 60 year old employee of a Taxi Cab Company who died wishing to observe him being shot. Note is taken of your Parole denial packet dated 7/31/10.

After a careful and thoughtful review of your institutional record including your goals and accomplishments in programming, your release plans, including community resources that may be available to you, and your personal interview, including the rehabilitative efforts you have undertaken, and your needs for a successful community reintegration, as well as program completions, educational accomplishments, letters of support, and having applied risk and needs principals and tools as well as all other relevant factors, it is the determination of this Board having considered (1) whether there is a reasonable probability that if released, you will live and remain at liberty without violating the law; (2) whether your release is compatible with the welfare of society; and (3) whether your release would so deprecate the seriousness of the offense as to undermine respect for the law.

The Board notes both your accomplishments in programming and your institutional adjustment, however discretionary release on parole is not granted merely as a reward for good conduct or positive programming. It is the opinion of this Panel that your parole be denied at this time, as your release would so deprecate the seriousness of the offense for which you were convicted, as to undermine respect for the law and that if released at this time there is a there is a reasonable probability that you would not live at liberty without violating the law and that your release at this time would be incompatible with the welfare and safety of the community.

<table>
<thead>
<tr>
<th>1 Employment</th>
<th>13 No Contact &lt;18 yrs</th>
<th>24 No Gambling</th>
<th>31 A &amp; B Immigration</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 Substance Testing</td>
<td>14 Comply Sex Off Conditions</td>
<td>25 DWI Impact Panel</td>
<td>32 No sex drugs</td>
</tr>
<tr>
<td>3 Substance Treatment</td>
<td>15 No Cont Victim</td>
<td>26 Comply Orders of Protection</td>
<td>33 Polygraph</td>
</tr>
<tr>
<td>4 Alcohol Treatment</td>
<td>16 No Contact Associate</td>
<td>27 Will be monitored by a GPS</td>
<td>34 DNA Sample</td>
</tr>
<tr>
<td>5 No Alcohol</td>
<td>17 No contact</td>
<td>to monitor curfew &amp; Geo restrictions</td>
<td>35 SO no Computer- online Pred</td>
</tr>
<tr>
<td>6 No Bars</td>
<td>18 Medical Referral/ treatment</td>
<td>until employed for 4 months</td>
<td>36 SO Need Risk Level</td>
</tr>
<tr>
<td>7 No Driving</td>
<td>19 Dom Viol Treatment</td>
<td>27</td>
<td>37 A &amp; B Immigration</td>
</tr>
<tr>
<td>8 Curfew</td>
<td>20 Comply w/Court Orders</td>
<td>28</td>
<td>38 SO Need Risk Level</td>
</tr>
<tr>
<td>9 Support Kids</td>
<td>21 No Gangs</td>
<td>29 Domestic Abuse Protection</td>
<td>39 SO Need Risk Level</td>
</tr>
<tr>
<td>10 Anti-Aggr Treatment</td>
<td>22 No Fiduciary Relations</td>
<td>30 Propose Residence</td>
<td>40 SO Need Risk Level</td>
</tr>
<tr>
<td>11 Mental Health Evaluation</td>
<td>23 No Credibility Issues</td>
<td>31 Practitioner</td>
<td>41 SO Need Risk Level</td>
</tr>
<tr>
<td>12 Sex Offender Conditions</td>
<td>24 No Sex Drugs</td>
<td>32 Medical Referral/ treatment</td>
<td>42 SO Need Risk Level</td>
</tr>
</tbody>
</table>

Jared Brown
All Members Concur with Decision

Member Dissent / Non-participating:  [ ] Dissent  Non-Participating

Commissioner:  

Dissent Attached:  [ ]

8.5 yrs & LCTA