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

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[REDACTED]

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

----- X

4 Parole Board Hearing

5 In the Matter
6 of

[REDACTED]

7 DIN
8 NYSID

[REDACTED]

----- X

9
10 TYPE OF INTERVIEW: Reappearance

11 LOCATION: (Video Conference)
12 Otisville Correctional Facility

13
14 DATE: July 31, 2012

15 BEFORE: COMMISSIONER JARED BROWN
16 COMMISSIONER JAMES B. FERGUSON

17
18 ALSO PRESENT: SORC G. MORGIEWICZ
19 ORC R. COLON
20 ORC A. GOLDSMITH
21 APA A. STEVENS

22
23 REPORTER: Esther Katz, Hearing Reporter
24
25

1 COMM. BROWN: Good afternoon, sir. Would you
2 state your name for the record?

3 THE INMATE: [REDACTED]

4 COMM. BROWN: [REDACTED] I'm Commissioner Brown
5 and on the panel with me today is Commissioner Ferguson.

6 COMM. FERGUSON: Good afternoon, sir.

7 BY COMMISSIONER BROWN:

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

11 A. Yes.

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

13 A. Yes.

14 Q. What is this, your second reappearance?

15 A. Yes.

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

20 A. Yes.

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

[REDACTED]

1 victim that you held a gun on, was it not?

2 A. Yes.

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

9 A. Yes.

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

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

18 Q. The Cadillac?

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

22 Q. You still didn't answer my question. Why
23 would you have to shoot a 60-year old man, a
24 vulnerable member of society, doing nothing more than
25 earning a living? He was just an employee, it wasn't

[REDACTED]

1 as if he owned the shop or nothing.

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

8 Q. I thought you shot him three times?

9 A. No, one time.

10 Q. You shot him one time from three feet away.

11 A. Yes.

12 Q. Killing him.

13 A. Yes. That wasn't my intention. My
14 intention was to --

15 Q. If you're shooting a gun at somebody, your
16 intention has to be to kill him. You don't shoot him
17 to wound.

18 A. My intention was to shoot him to back him up
19 from me.

20 Q. Where did the bullet enter, sir?

21 A. The stomach.

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

[REDACTED]

1 A. Yes.

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

5 A. Yes.

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

11 A. [REDACTED] chairman and co-chairman.

12 Q. [REDACTED] stands for?

13 A. [REDACTED]

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

17 A. Yes, [REDACTED]

18 Q. That's at [REDACTED]

19 A. Yes.

20 Q. What about employment?

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

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

25 A. Yes.

1 Q. It's been updated with a letter from [REDACTED]
2 [REDACTED] your younger brother?

3 A. Yes.

4 Q. And [REDACTED] How are you
5 involved with [REDACTED]

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

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

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

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

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

25 You score low in the areas of felony

[REDACTED]

1 violence, risk arrest and abscondance. You show a
2 medium score for history of violence. Criminal
3 involvement is low and prison misconduct is also low,
4 sir?

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

7 COMM. FERGUSON: Nothing additional, thank you.

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

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

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

22 Q. That's an important revelation to make.
23 You've given us a lot to think about, we'll get back
24 to you in a few days with a written decision.

25 (Hearing concluded.)

NEW YORK STATE – BOARD OF PAROLE – COMMISSIONER'S WORKSHEET

FUSL

NAME: [REDACTED]

DIN: [REDACTED]

PAROLE DECISIONS: PAROLED OPEN DATE

(EARLIEST RELEASE DATE)

OR EARLIER DENIED 24 Months
(HOW LONG)

7/2014
(NEXT APPEARANCE DATE)

RELEASE TO WARRANT WARRANT OR PROGRAM CPFDO

CONDITIONS OF RELEASE / REASONS FOR DENIAL

You appeared before the Board with a serious offense of MURDER 2nd / MANSLAUGHTER 1st / CPW 2nd / AT R-1110 in which you brutally and viciously land in concert with others / ENTERED A TAXI DISPATCH OFFICE, YOU DEMAND YOUR VICTIM TURN OVER THE GARAGE RECEIPTS, WHEN YOUR VICTIM REFUSED TO GIVE YOU THE RECEIPTS, YOU SHOT HIM AT POINT BLANK RANGE

/ This board is mindful of the vulnerability of your innocent victim who was a 60 yr old employee of the TAXI CAB COMPANY who died wishing to deserve him being SHOT. NOTE IS TAKEN of your Parole Board package dated 7/21/10

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.

<input type="checkbox"/> 1 Employment	<input type="checkbox"/> 13 No Contact < 18 yrs	<input type="checkbox"/> 24 No Gambling	<input type="checkbox"/> 31 A & B Immigration
<input type="checkbox"/> 2 Substance Testing	<input type="checkbox"/> 14 Comply Sex Off Conditions	<input type="checkbox"/> 25 DWI Impact Panel	<input type="checkbox"/> 32 No sex drugs
<input type="checkbox"/> 3 Substance Treatment	<input type="checkbox"/> 15 No Cont Victim	<input type="checkbox"/> 26 Comply Orders of Protection	<input type="checkbox"/> 33 Polygraph
<input type="checkbox"/> 4 Alcohol Treatment	<input type="checkbox"/> 16 No Contact Associate	<input type="checkbox"/> 27 Will be monitored by a GPS	<input type="checkbox"/> 34 DNA Sample
<input type="checkbox"/> 5 No Alcohol	<input type="checkbox"/> 17 No contact	to monitor curfew & Geo restrictions	<input type="checkbox"/> 35 SO no Computer- online Pred
<input type="checkbox"/> 6 No Bars		until employed for 4 months.	<input type="checkbox"/> 38 SO Need Risk Level
<input type="checkbox"/> 7 No Driving	<input type="checkbox"/> 18 Medical Referral/ treatment	<input type="checkbox"/> 27	<input type="checkbox"/> 40 SO No Comp or related device
<input type="checkbox"/> 8 Curfew	<input type="checkbox"/> 19 Dom Viol Treatment		<input type="checkbox"/>
<input type="checkbox"/> 9 Support Kids	<input type="checkbox"/> 20 Comply w/Court Orders	<input type="checkbox"/> 27 Apply Dom Vio Cond recomm	<input type="checkbox"/>
<input type="checkbox"/> 10 Anti- Aggr Treatment	<input type="checkbox"/> 21 No Gangs	<input type="checkbox"/> 28 Sex Registry SARA	<input type="checkbox"/>
<input type="checkbox"/> 11 Mental Health Evaluation	<input type="checkbox"/> 22 No Fiduciary Relations	<input type="checkbox"/> 29 Propose Residence	<input type="checkbox"/>
<input type="checkbox"/> 12 Sex Offender Conditions	<input type="checkbox"/> 23 No Ckecking or Saving	<input type="checkbox"/> 30 Approved Residence	<input type="checkbox"/>

All Members Concur with Decision Yes No

Member Dissent / Non-participating:
 Dissent Non-Participating

Commissioner: _____ Dissent Attached :

Cent of Relief
Ineligible

EAC
N/A