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December 2019

## Parole Interview Transcript/Decision - FUSL000007 (2016-09-27)

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   NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
2
3
                   Parole Board Interview
4
                       In the Matter
5
                           -of-
6
7
8
    ***********
10
    TYPE OF INTERVIEW: Reappearance
11
                       Otisville Correctional Facility
    LOCATION:
                       Video-conferenced to NYS DOCCS
12
                       20 Manchester Road
                       Poughkeepsie, New York
13
14
                       September 27, 2016
    DATE:
                       September 27, 2016
15
    DECISION DATE:
16
    BEFORE:
                       CHAIRWOMAN T. STANFORD
                       COMMISSIONER J. SMITH
17
18
                       M. Brooks, ORC
    ALSO PRESENT:
19
                       A. Goldsmith, ORC
20
    AT FACILITY:
                      A. Raimondo, ORC
21
22
                     Lori Ciofalo, Hearing Reporter
    REPORTER:
23
24
25
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COMM. SMITH: Good afternoon. Would you
1
   state your name for the record?
2
               THE INMATE:
3
               COMM. SMITH: Good afternoon,
                                                          I
4
    am Commissioner Smith. How are you today?
5
               THE INMATE: All right.
6
                COMM. SMITH: I'm joined, today, by
7
    Commissioner Stanford. We are your Parole Board Panel.
               COMM. STANFORD: Hi,
9
                THE INMATE: How are you?
10
                COMM. STANFORD: Fine, thank you.
11
    INTERVIEW BY COMMISSIONER SMITH:
12
       Q. I know you saw Commissioner Stanford, as part of
13
    your panel, a couple of years ago, but this is a new
14
    day, and a new opportunity for you. Okay?
15
       A. Yes.
16
       Q. The record indicates you're serving an aggregate
17
    term of twenty-five to life, following a conviction by
18
    verdict in Kings County, for Murder, Second;
19
    Manslaughter, First; Criminal Possession of a Weapon,
20
    Second; Attempted Robbery, First; is that all correct,
21
22
    sir?
      A. Yes.
23
       Q. Do you have any appeals pending on your
24
```

conviction?

25

- 1 A. No.
- Q. I will advise you, as a matter of record, we do
- 3 have transcription being taken on this end, which would
- 4 be available for further proceedings.
- 5 Prior to your case going to trial in Kings
- 6 County, was there any plea offer extended to you?
- 7 A. Yes, there was.
- 8 Q. Do you recall what it was, sir?
- 9 A. It was ten-to-twenty, to implicate the other
- 10 perpetrators. But I didn't know them, so it was like
- 11 they forced me, in a sense.
- 12 Q. We do not have your Sentencing Minutes. They
- 13 were requested on multiple occasions, and they
- 14 apparently cannot be found.
- 15 Do you remember anything that was said at
- 16 Sentencing, that you would want us to know?
- A. No, I was pretty numb, so I don't remember.
- 18 Q. Did the victim's family speak at Sentencing?
- 19 A. I don't remember -- no. They was there, but I
- 20 don't think they spoke.
- 21 Q. Well, this offense dates back to November of
- 22 1985, a little more than thirty years ago, soon to be
- 23 thirty-one years ago.
- 24 You and some co-defendants, apparently, there
- 25 were three other people involved, decided to rob a

- 1 dispatch garage.
- During the course of that you shot and killed a
- 3 sixty-year-old man, who was working there; is that
- 4 correct?

5

- 5 A. Yes.
- 6 Q. What led you to this act?
- 7 A. Well, the night before, I had went to work, and
- 8 then I went out gambling, at an after-hours spot, and I
- 9 had lost all my money.
- 10 There was a couple of guys there, and they said
- "You want to commit a robbery?" Because they lost their
- 12 money, too.
- So, we went to this garage. I parked the car
- 14 right in front of the garage. Me and the other three
- 15 guys went in. I pulled out a gun, and I said, "This is
- 16 a robbery."
- must have thought the gun
  - 18 was fake, and he swung at me, and I shot him in the
  - 19 stomach.
  - I fled in the car. We were about three blocks,
  - 21 and there was a sanitation truck there, so I tried to
  - 22 pass the truck on the sidewalk.
  - 23 About four blocks later, I dropped the guys off.
  - 24 I went home, I felt as though I did a terrible thing. I
  - 25 stayed in the house, and I waited for the police to

- 1 come. I was arrested the next day.
- Q. Where did you drop the other guys off at?
- 3 A. The train station.
- Q. So they just vanished into thin air?
- 5 A. They got on the train.
- 6 Q. But you don't know who they were, or where they
- 7 lived, nothing else about them?
- 8 A. No. I met them at a gambling spot. I knew them
- 9 by stuff like that.
- 10 You know, when you're out there in these gambling
- 11 spots, I didn't know people's names. The police asked
- 12 me where they was, and I didn't know where they was.
- 13 Q. You were the one that actually did the shooting?
- 14 A. Yes.
- 15 Q. Where did you get the gun from?
- 16 A. I got it from the guys, in the gambling spot.
- 17 Q. The same ones you were with or --
- 18 A. Yes, the same guys.
- 19 Q. When we look at your legal history, it goes back
- 20 to about 1978. This is your first time in State prison,
- 21 but your history is comprised of prior YO robbery; a
- 22 Robbery, Second, that got reduced to a petty larceny;
- 23 Criminal Possession of a Weapon, Fourth; another
- 24 Criminal Possession of a Weapon, Third.
- 25 You, certainly, were not leading a very good

- 1 life. Is that fair to say?
- 2 A. Yes.
- 3 Q. What do you think, all these years later? I'm
- 4 sure the family was devastated.
- 5 A. I'm sure they was. I have of a deep remorse and
- 6 regret for the family, as well as the victim. I caused
- 7 them a lot of pain, psychologically and emotionally.
- I was a complete idiot back then. The more you
- 9 know, the more you grow. I've learned a lot during this
- 10 incarceration.
- I have a deep regret, remorse, and sorrow, for
- 12 the family, as well as the victim. I wish I could turn
- 13 back the hands of time, but all I can do is concentrate
- 14 on the present and the future.
- 15 Q. How much money was stolen, during the robbery?
- 16 A. It was no money.
- 17 Q. Which makes it even worse, that somebody lost
- 18 their life.
- 19 A. Yes, it does.
- 20 Q. Now, since you have been inside, I'm sure you are
- 21 program satisfied, by this point in time; is that
- 22 correct?
- 23 A. Yes.
- Q. What's been the most beneficial program for you?
- 25 A. I would have to say ART.

- Q. What did you learn in that?
- 2 A. I had a problem with violence. I had a problem
- 3 with gambling. I had a problem with violence, and I
- 4 understood my problem, that I had with violence. There
- 5 were times when I'd get mad.
- 6 Q. The Office of Mental Health has you classified as
- 7 a Level 6, and that suggests you do not need any mental
- 8 health services; is that correct?
- 9 A. No.
- 10 O. That's not correct?
- 11 A. No, I don't need services.
- 12 Q. Now, as far as your discipline, you have remained
- 13 discipline free since 2005, that was your last ticket, a
- 14 Tier III at Sing Sing. Is that also correct?
- 15 A. Yes.
- 16 Q. What do you do to keep yourself busy these days?
- 17 A. I read, I go to the law library, I exercise, I
- 18 meditate.
- 19 Q. We do have your COMPAS Case Plan. I see you use
- 20 your free time productively. One of your tasks was, "to
- 21 pursue my appeal."
- 22 Did you have an appeal, on your conviction, at
- 23 that point?
- 24 A. Yes.
- Q. But that's since over?

- 1 A. Yes.
- Q. You said you read during your free time, which
- 3 you are doing. You wanted to be the for the
- Are you doing that, too?
- 5 A. I am the
- Q. Very good. You want to participate in the YAP
- 7 Program?
- 8 A. Yes.
- 9 Q. How about the asbestos removal, were you able to
- 10 do that?
- 11 A. I'm still waiting for that.
- 12 Q. Legal research class, you wanted to get on the
- 13 waiting list for that. You said you are in the law
- 14 library now, correct?
- 15 A. Correct.
- 16 Q. You wanted to obtain a letter, from family
- 17 members, regarding employment. We do have a letter,
- 18 here, from your brother
- 19
- 20 A. Yes.
- Q. That business is what?
- 22 A. It's a trucking business.
- 23 Q. It's kind of ironic that you're going to a
- 24 trucking business. I'm sure they have a dispatch there,
- 25 and they probably have some money there. You're

- probably going back to the same environment; is that
- 2 right?
- 3 A. Yes.
- 4 O. The COMPAS Risk Assessment has you as a low risk
- 5 of violence and arrest. It does show a medium history
- 6 of violence, and that is evidenced by your criminal
- 7 history.
- No concerns for drugs or alcohol; is that
- 9 correct?
- 10 A. Yes.
- 11 Q. That's good.
- Now, we do have a number of letters of support
- 13 contained within the file for you, as well as your own
- 14 personal statement.
- 15 We have a letter from

who

- 16 was a teacher in the public school system.
- 17 A. Yes.
- 18 Q. As I mentioned previously, Harbor Breeze
- 19 Logistics. We have letters dating back to your prior
- 20 Board appearances, and we receive them, into the record,
- 21 as well.
- 22 Even though they are dated from a few years ago,
- 23 we, nonetheless, will take a look at them, as well;
- 24 including a letter of support from a
- 25. supporting your release, and that

- 1 was two years ago, in July of 2014.
- 2 There are multiple letters in here, and we
- 3 receive them all into the file.
- We also have your Parole Packet, and it is dated
- 5 July of 2010. Again, nonetheless, we still have that
- 6 here.
- 7 Is there anything, in particular, you would like
- 8 to call our attention to within this Parole Packet?
- 9 A. Other than the personal statement, in terms of me
- 10 expressing my remorse to the family and the victim,
- 11 that's about it.
- 12 Q. You are proposing to live with your cousin in
- 13
- 14 A. Yes.
- 15 O. right?
- 16 A. Yes.
- 17 Q. She is your cousin, and she is your support for
- 18 housing, at this point in time.
- 19 What do you think, all of these years later?
- 20 A. I think that it was a terrible thing for me to
- 21 do, very terrible. I regret it to the fullest. I wish
- 22 I could rewrite that history, but I can't.
- 23 I'm just saddened for the family, as well as the
- 24 victim. If I could do anything, if I was to get out of
- 25 here, then I would try to deter people from doing some

- of the stupid things I've done, in the past; especially,
- 2 the younger generation.
- 3 Q. Did you speak at sentencing, yourself?
- 4 A. No.

4

- 5 Q. Did you take the stand in your own defense?
- 6 A. No.
- 7 COMM. SMITH: Commissioner Stanford?
- 8 COMM. STANFORD: I don't have any questions.
- 9 Thank you.
- 10 BY COMMISSIONER SMITH:
- 11 Q. The last word is yours. What else should we
- 12 know, today, that we have not discussed, but you feel
- 13 might be important for us to consider?
- 14 A. Again, I have a deep and sad remorse for the
- 15 family and the victim. I wish I could turn back the
- 16 hands of time, but I can't.
- 17 As time moves on I continue to develop, because
- 18 if I don't develop, I will decay. No matter where I
- 19 would be in life, I always try to develop, so I don't
- 20 make no mistakes like this, again, in my life.
- 21 Q. Do you think justice has been served for taking a
- 22 man's live?
- 23 A. That's a difficult question. You can't put a
- 24 time limitation on life. Even though I have had almost
- 25 thirty-one years in jail, if I was to do fifty-one

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1 years, justice would not be served.
          You can't put a time limitation on a person's
 2
    life, so in terms of that question, it's very difficult
 3
    for me to answer.
                COMM. SMITH: Well said. All right,
 5
      we will let you know our decision. We wish you
 6
    well. Thank you for coming in. Have a good day.
                THE INMATE: Thank you.
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9
                (Interview concluded.)
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1	
2	(After due deliberation by the Parole Board Panel
3	the following Decision was rendered:)
4	
5	DECISION
6	
7	parole denied. Hold 24 months. Nex
8	appearance 7/18.
9	Parole is denied. This decision is based on the
10	following factors: The Instant Offense of Murder
11	Second, Manslaughter, First, Criminal Possession of a
12	Weapon, Second, and Attempted Robbery, First, wherein
13	when acting in concert, you robbed a dispatch garage,
14	shooting and killing an approximately sixty-year-old
15	victim. The selfless act left a family undoubtedly
16	shattered.
17	After a review of the record and interview, the
18	Panel has determined that if released, at this time,
19	there is a reasonable probability that you would not
20	live at liberty without, again, violating the law.
21	The record dates back to approximately 1978. It
22	includes felonies and misdemeanors, as well as prior
23	jail.
24	You have failed to benefit from prior efforts at
25	rehabilitation. Note is made by this Board of your

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lack of Sentencing Minutes, COMPAS Case Plan, COMPAS
   Risk Assessment, which indicates a low risk of felony
2
   violence, rehabilitative efforts, letters of support
    and/or reasonable assurance, disciplinary record, and
    all other required factors.
         Additionally, your release, at this time, would be
6
    incompatible with the welfare of society, and would so
    deprecate the serious nature of the crime as to
8
    undermine respect for the law.
9
                (All Commissioners concur.)
10
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2	CERTIFICATION
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 proceedings, took stenographic
7	notes of the same, and that the foregoing, consisting of
8	15 pages, is a true and correct copy of the same and
9	whole thereof.
10	
11	Lori Ciofalo
12	Lori Ciofalo, Court Reporter
13	Dated: September 27, 2016
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22	7 a
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O	