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August 2021

### Parole Interview Transcript/Decision - FUSL000014 (2016-04-19)

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Name: [REDACTED] Facility: UPSTATE  
DIN: [REDACTED] Interview Date: 07/29/2014  
Nysid: [REDACTED] Interview Type: INITIAL

Earned Eligibility Certificate : INELIGIBLE  
Supervision Fee: ELIGIBLE  
Certificate of Relief from Disability: INELIGIBLE

Parole Decision:  
DENIED - HOLD FOR 24 MONTHS, NEXT APPEARANCE DATE: 04/2016

Conditions of Release/Staff Instructions/Reasons for Denial:

AFTER CAREFULLY REVIEWING YOUR RECORD, A PERSONAL INTERVIEW AND DUE DELIBERATION, THIS PANEL CONCLUDES THAT DISCRETIONARY RELEASE IS NOT PRESENTLY WARRANTED AS THERE IS A REASONABLE PROBABILITY YOU WOULD NOT LIVE AT LIBERTY WITHOUT AGAIN VIOLATING THE LAW AND FURTHERMORE, YOUR RELEASE WOULD BE INCOMPATIBLE WITH THE WELFARE OF SOCIETY. YOU STAND CONVICTED OF THE SERIOUS OFFENSE OF MURDER AND ROBBERY.

THIS IS YOUR 1ST NEW YORK STATE INCARCERATION. YOUR CRIMINAL HISTORY SHOWS A MULTISTATE PATTERN OF ROBBERY AND DRUGS, AND AN ESCALATING PATTERN OF VIOLENCE WHICH HAS BEEN UNDETERRED BY PRIOR COURT INTERVENTIONS.

THE PANEL TAKES NOTE OF ALL STATUTORY FACTORS INCLUDING YOUR REHABILITATIVE EFFORTS AND PROGRAMMING, RISK AND NEEDS ASSESSMENT, RE-ENTRY PLANS, LETTERS OF SUPPORT, SENTENCING MINUTES AND YOUR POOR DISCIPLINARY RECORD. YOU RECEIVED A TIER III FOR VIOLENT CONDUCT ON MARCH 18, 2014.

THE PANEL NOTES THE FACT THAT YOU HAVE COMPLETED YOUR COLLEGE EDUCATION AND YOUR OTHER COMPLETED PROGRAMMING.

AT THIS TIME, THE PANEL HAS DETERMINED AFTER WEIGHING ALL REQUIRED FACTORS, YOUR DISCRETIONARY RELEASE IS DENIED.

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
\*\*\*\*\*

Parole Board Interview  
In the Matter  
-of-

[REDACTED]

DIN # [REDACTED]  
NYSID # [REDACTED]

\*\*\*\*\*

TYPE OF INTERVIEW: Reappearance

LOCATION: Shawangunk Correctional Facility  
Video-conferenced to NYS DOCCS  
20 Manchester Road  
Poughkeepsie, New York

DATE: April 19, 2016  
DECISION DATE: April 19, 2016

BEFORE: COMMISSIONER ALEXANDER  
COMMISSIONER COPPOLA  
COMMISSIONER HALLERDIN

ALSO PRESENT: SORC A. Tomlin  
ORC C. Denniston

AT FACILITY: ORC M. Robles

HEARING REPORTER: Lori Ciofalo

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1           COMM. COPPOLA: Good morning, sir.

2           THE INMATE: Good morning. How are you  
3 doing, sir?

4           COMM. COPPOLA: Good, good. Thank you for  
5 asking. Sir, your name, please?

6           THE INMATE: [REDACTED] [REDACTED].

7           COMM. COPPOLA: Mr. [REDACTED]. I am  
8 Commissioner Coppola. Joining me today are Commissioner  
9 Alexander and Commissioner Hallerdin.

10          COMM. HALLERDIN: Hello, sir.

11          COMM. ALEXANDER: Hello.

12          THE INMATE: Good morning, Ms. Hallerdin.  
13 Good morning, Ms. Alexander. How you doing?

14          COMM. ALEXANDER: Good morning, sir.

15 INTERVIEW BY COMMISSIONER COPPOLA:

16         Q. Sir, this is a reappearance for you today.

17                 You continue to serve a sentence of twenty-five  
18 to life for Murder in the Second Degree, and five to  
19 fifteen for Robbery, First, two counts, running  
20 concurrently, and those were both by verdict, out of New  
21 York; is that correct?

22         A. Yes, sir, is it.

23         Q. All right, sir. We want to caution you that we  
24 have a reporter present, taking everything down, and if  
25 you have any appeals pending, or you plan on any appeals

[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 regarding your verdict, what is said here today can be  
2 used against you.

3 For example, if you say I was there, I did it,  
4 well, if you appeal and say you didn't do it, the  
5 prosecutor, at that time, can pull this transcript and  
6 say, well, you said something different at the Parole  
7 Board. Okay?

8 A. Yes, sir.

9 Q. And we caution people who went to trial, just in  
10 case that's the course of action.

11 Now, do you deny your guilt in this offense?

12 A. No, sir, not at all.

13 Q. Was there a plea offer to you? Why did you go to  
14 trial?

15 A. I went to trial because I was involved with  
16 regards to the murder, and I engaged in robbery. I felt  
17 bad about the matter, but I didn't believe that I would  
18 be sentenced for intentional murder, which I wasn't  
19 charged with intentional murder. I had been charged  
20 with felony murder, which is what they had found me  
21 guilty of. The underlying offense is what they brought  
22 for the guilty verdict.

23 Q. Did they offer you a plea?

24 A. Yes, sir.

25 Q. Do you remember what that was?



██████████ DIN # ██████████ NYSID ██████████

1 A. It was fifteen to life.

2 Q. It was fifteen to life, okay. Still with the  
3 life, but it would have been ten years earlier for you.  
4 In this case, I think twelve.

5 Now, the description of the instant offense --  
6 and we don't have the Sentencing Minutes. I know you  
7 were told this before. We do have a correspondence from  
8 the court, saying that the Sentencing Minutes are  
9 unavailable.

10 We wish we had them, but we don't, so we cannot  
11 benefit from anything that may or may not have been  
12 said. However, sir, we do have a description of the  
13 offense.

14 It states that police responded -- it doesn't say  
15 for a call or anything, just that the police responded  
16 and found the deceased victim with a slit throat.

17 During the investigation it was determined that  
18 the subject and co-defendant knew the victim.

19 After the victim was killed the subject and  
20 co-defendant entered the apartment, on three separate  
21 occasions, and took a television, money, a VCR, and the  
22 police recovered the knife that killed the victim.

23 Where did they recover the knife, sir?

24 A. I believe they had recovered the knife in the  
25 room where ██████████ was murdered at. As far as I know,

[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 that was it, on the scene.

2 Q. Who was the co-defendant?

3 A. [REDACTED] (ph).

4 Q. Do you know whatever happened to him?

5 A. Well, I know that he pleaded guilty, telling them  
6 that he was the actual murderer, and I was an accessory  
7 to it.

8 He had been released, to my knowledge. He was  
9 given a lesser sentence of eight and-a-third to  
10 twenty-five. To my knowledge, Commissioner, he has been  
11 let go.

12 Q. So you're saying that he actually said he  
13 committed the murder, himself, and yet he got eight  
14 and-a-third to twenty-five, and your best offer was  
15 fifteen to life?

16 A. Right. Correct. They initially gave him fifteen  
17 to forty-five. The courts modified it to eight  
18 and-a-third to twenty-five, and then he had been let go,  
19 as far as I know.

20 Q. Why weren't you not offered the eight and-a-third  
21 to twenty-five, then, if he admitted he committed the  
22 crime?

23 A. I have no clue. I don't know.

24 Q. Maybe he was cooperating before you were, he got  
25 the jump on you.

[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 A. I don't know, I really don't. I wasn't privy to  
2 any of that information, Commissioner. We had separate  
3 trials.

4 When I went to trial, they had pretty much said,  
5 well, you're going to trial, and this is what you're  
6 gonna get, if you choose to roll the dice.

7 I said I was just, you know, in on the matter. I  
8 said we both knew the person, we both knew [REDACTED].

9 Q. Explain that to me. Because I have documents  
10 here that said you knew him. I don't know about the  
11 co-defendant, but that you did know him.

12 A. Right.

13 Q. There is some mention in here, somewhere, that he  
14 was actually trying to help you with giving you advice  
15 on some programs to benefit from, and things like that;  
16 is that right?

17 A. Yes. I had met [REDACTED] in the early '80s.

18 I ran away from home a couple of times. A person  
19 that he knew had picked me up, and they tried to help me  
20 out, get me in a program inside of [REDACTED] [REDACTED] (ph)  
21 [REDACTED] [REDACTED].

22 When I starting engaging in these programs, it  
23 helped me to reconcile with my family, whatever the case  
24 may be. But he didn't want any part of that, because he  
25 didn't want it to seem like he helped kidnap a kid off



[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 the street or anything.

2 Q. So how do you go from him helping you, to him  
3 being murdered, and his apartment being burglarized?

4 A. That was due to us being involved in recreational  
5 drugs. We were all involved in utilizing drugs, PCP and  
6 alcohol, and things of that nature.

7 At the time of this crime, we were all under the  
8 influence of that. Myself, was under the influence of  
9 that. My co-defendant was under the influence of that.

10 When the murder took place, because of my  
11 addiction, at the time, I was so ignorant and stupid,  
12 that I allowed myself to go and start grabbing property,  
13 and everything else, and not even paying attention to  
14 the carelessness or the deprecation of life.

15 Q. When the murder took place, was there an  
16 argument?

17 If [REDACTED] was helping out, what was the point of  
18 the murder? What was the point of killing him? Was  
19 there a fight that took place?

20 A. No. When I came in, it was already going on,  
21 prior to me walking right in the door.

22 Q. Were they arguing about something?

23 A. Not that I know of. But I know the night before  
24 that they had words, and they had been drinking. Then  
25 the next day, when I came from my job, and I walked

██████████ ██████████ DIN # ██████████ NYSID # ██████████

1 inside the house, it was already going on.

2 Once it was going on, me being already high, not  
3 paying attention, drinking, I smoked some Andel Dust,  
4 and everything else, I didn't even think about the  
5 carelessness or my actions or anything else.

6 Once I did that, everything just went up in a  
7 muck, and then for the next couple of days the stuff had  
8 already taken place.

9 You know, I felt bad because ██████████ was a friend  
10 of mine. I realize how much utilizing drugs and  
11 everything else had allowed me to not pay attention to  
12 what life was at that point. I had just turned  
13 eighteen.

14 Q. You went down a really dark place.

15 A. Yes.

16 Q. I want to let you know that we do have your  
17 parole packets. I have been taking a look, and I will  
18 take a further look at them.

19 I did go through them, and we're going to go  
20 through them some more, but is there anything in here  
21 that you want to highlight for us? Because we can't go  
22 through every document during the interview.

23 Is there anything that you want to highlight and  
24 bring to our attention, that you think is more  
25 important, that you want us to focus on, in addition to

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 the rest of the packet?

2 A. Mainly, there are several things I would like to  
3 focus on. The fact that I've changed greatly, from the  
4 teenager that was arrested twenty-eight years ago.

5 From the time I was eleven-years old, all the way  
6 to eighteen, I've been utilizing narcotics. This was  
7 one of the things that people was trying to help me get  
8 off of.

9 I could say now, for over twenty-three years,  
10 I've had clean sobriety. I haven't used, at all. I've  
11 worked on myself, continuously.

12 My education at that time was low. I was a  
13 manual laborer, but then I graduated from college, since  
14 I've been inside prison.

15 That's one of the things I would like you, also,  
16 to look at and the fact that I have changed drastically,  
17 my behavior, my mannerisms, my respect for human life.

18 I feel bad because I took away from someone, a  
19 life that probably could have helped someone else, as  
20 well.

21 Now I try to do whatever I can to help other  
22 people, because I realize that addiction is serious. A  
23 lot of people don't look at addiction for what it is,  
24 but addiction is really a serious matter, so when I  
25 graduated from the substance-abuse program, I said let

[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 me help others.

2 Q. Do me a favor, sir. You are kind of talking  
3 without any breath in between, for our reporter.

4 You are the second interview for the day, we have  
5 a long two days ahead of us, and I don't want her to  
6 burn out all in one interview, so just slow it down,  
7 just a teeny bit. Okay?

8 A. Yes.

9 Q. I'm looking at your accomplishments. You have  
10 done a lot, there is no doubt about that. I will say,  
11 though, I would disagree with the dramatic change; only  
12 because, throughout your sentence, you've had periods of  
13 what I like to call potholes. You have had disciplinary  
14 issues.

15 Your last Tier III, I think was in March of 2014,  
16 so it is going beyond your last interview; but when you  
17 get a twenty-five-year sentence, there is some sense  
18 that you do at least a good ten or fifteen, but your  
19 behavior definitely has gotten better.

20 We don't take it away that you have improved, but  
21 if you say "drastically," I would disagree with the word  
22 drastic and say that it's improved.

23 As far as the discipline goes and some of your  
24 issues, they were ongoing all the way up until 2014.

25 A. I believe that when I came to prison, I believe



██████████ ██████████ DIN # ██████████ NYSID # ██████████

1 each day is a progressive growth of myself, or anybody  
2 that is human, actually, but for myself, more so.

3 In 2014, I agree that there was a wrong, and I  
4 believe that was based on a total difference of opinion  
5 between myself and the person who wrote the infraction;  
6 but prior to that, I did not have any infractions for  
7 over five, six years.

8 I came to prison, and I don't make excuses for  
9 the environment that the prison is in, or the situation  
10 that it's in, because I know better, and I need to do  
11 better.

12 What I try to do every day is work to show that  
13 this is the person I am today, and not the person I was  
14 yesterday. Every day I try to make a different day for  
15 myself, to be better and show change.

16 Q. You're right. And I'm glad you said that about  
17 not making an excuse for prison or any of the things  
18 that happen, because it's hard. We all know it's hard.

19 I have never been incarcerated, and we know it's  
20 hard, but we see so many inmates, who have no discipline  
21 in twenty-five years.

22 I saw a guy the other day, and he had one Tier II  
23 ticket his first year in. He had been in forty years.  
24 And that Tier II was being out of place, because he  
25 didn't know where he was supposed to go.

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID [REDACTED]

1 My point is that some young guys, especially, are  
2 like, oh, you can't do it. Well, it's not impossible,  
3 because I've seen many who have.

4 I'm glad you, at least, acknowledge that, hey, we  
5 all have our issues. Me, I might have a bad day and say  
6 the wrong thing to a C.O., and get a Tier II or a Tier  
7 III; but that also speaks to how you respond to  
8 pressures on the outside.

9 Because there are a lot of pressures on the  
10 outside, that you may not recognize, that could trigger  
11 you, whether it's depression, drugs use, whatever.

12 Now, getting to that, I want to mention your  
13 plans to go to the [REDACTED] [REDACTED]. Now, for you, would  
14 the [REDACTED] [REDACTED] be both a residence and  
15 opportunities for work?

16 A. Yes. [REDACTED] wrote me January 20th,  
17 2016. She had stated that she would assist me in making  
18 sure that I had a residence.

19 If I am granted parole from the Commissioners,  
20 yourselves, they will assist in that, as well as  
21 substance abuse, as well as any kind of violence  
22 program, as well as any kind of student aid.

23 The City University of New York has stated that  
24 they would also assist me with job placement and job  
25 readiness, if I apply with them. They wrote me a letter

[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 of assurance.

2 I want to further my education. That was one of  
3 the things I felt that I lacked a lot, education, and I  
4 felt that was something I needed to grow in.

5 Q. I'm not trying to be rude, when I go like this.  
6 I'm saying just slow down a little bit. (Indicating.)

7 If we take a look at your COMPAS Risk Assessment,  
8 that was put together in March of this year. It does  
9 state that you are a low risk for felony violence,  
10 arrest and absconding. Highly probable, 7 out of 10,  
11 for re-entry substance abuse. Low family support was 4  
12 out of 10.

13 Do you have any family that is still left out  
14 there, that are willing to assist you in re-entry?

15 A. Yes. I have my wife. I have, also, my son.

16 She recently wrote a letter to the Parole Board,  
17 which I have here. I believe you should have a copy,  
18 also.

19 Q. What's her first name, again?

20 A. [REDACTED] (ph).

21 Q. I saw it somewhere. I have to look for it.

22 A. She is a director of a facility that helps people  
23 who are disabled, and they are willing to assist me in  
24 any employment.

25 My son is a manager of a trucking company out in

██████████ DIN # ██████████ NYSID # ██████████

1 New Jersey, as well, and they have spots here in New  
2 York, so they are willing to assist me, also.

3 She wrote a letter stating as far as clothing,  
4 finances, they are willing to help me.

5 As far as anybody else, I don't have anyone. My  
6 mom just passed last month.

7 Q. I'm sorry to hear that.

8 A. As far as parental-wise, I don't have no one. My  
9 grandfather has passed, my mom, my dad.

10 Q. How long have you been married?

11 A. I have been married over ten years.

12 Q. How old is your son?

13 A. My son, he should be 29, now.

14 Q. So he was born before you went in?

15 A. Yes.

16 Q. Any other children?

17 A. No, only step-children.

18 Q. Looking at your Case Plan, as well, the last one  
19 I have here is from March 28th, 2013. It is an ongoing  
20 document. There are some entrees here in 2015.

21 It looks as though, as far as your programming  
22 goes, your certificates, I see them. Your Case Plan  
23 shows that you are progressing to complete your goals,  
24 your tasks, and your initiatives inside.

25 COMM. COPPOLA: Let me turn, quickly, and



[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 ask my colleagues, if they have any questions?

2 COMM. HALLERDIN: I have no questions.

3 Thank you.

4 COMM. ALEXANDER: No questions for me.

5 Thank you.

6 CONTINUED BY COMMISSIONER COPPOLA:

7 Q. Sir, you have answered all of my questions.

8 Again, I have a lot of stuff in here that we are going  
9 to continue to review.

10 Is there anything that we did not discuss, that  
11 you want to mention, before we finish?

12 We are going to review your packet a little bit  
13 more, but is there anything that we did not mention,  
14 that you want to say, before we close?

15 A. Well, I would only say that I would hope that  
16 each Commissioner will take time out to understand that  
17 I seek forgiveness for what I've done. I do not deny  
18 anything.

19 I don't think you have not covered anything  
20 that's inside my parole plan, and my parole package.

21 I appreciate you giving me a chance to come in  
22 front of you. I'm sorry that so much has happened in my  
23 life, and I want to show that there is a change now into  
24 who I am today, from who I was twenty-eight years ago.

25 The only way I can show that, is if you give me a

[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 chance to show that I will never deprecate life, I won't  
2 deprecate society, if you allow me to go out there.

3 This is why I put down for the program at the  
4 [REDACTED] [REDACTED]. I have addresses that are secondary  
5 addresses, but I would rather go there, because that is  
6 where I can actually go forward with a direct focus to  
7 do something for myself, and that way society can see me  
8 for who I have become now, which is a totally better  
9 person than I was.

10 Q. That's very well said, and we appreciate that.

11 By the way, the last question: Did you put all  
12 of this together yourself, your packet?

13 A. Yes, sir.

14 Q. Good for you. A lot of people spend a lot of  
15 money, and their families spend an awful lot of money  
16 hiring people to do this, and it's good that you are  
17 able to do it on your own. It shows a lot of initiative  
18 there.

19 COMM. COPPOLA: Okay, sir, we are going to  
20 deliberate, and we will let you know, in writing, in a  
21 couple of days. Okay?

22 THE INMATE: Thank you. If there is  
23 anything else that you could let me know I could do to  
24 be granted parole, so that I don't be denied, I would  
25 hope that you would let me know. I would appreciate it.

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1           COMM. COPPOLA: If there is, I will try to  
2 seek guidance in any type of decision, whether it is a  
3 release or a hold, but I could not answer that now.  
4 It's so premature. We haven't even discussed it yet.

5           THE INMATE: Yes, thank you.

6           COMM. COPPOLA: Thank you for coming in,  
7 sir. Have a good day.

8           THE INMATE: Thank you.

9           (Interview concluded.)

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[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

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2 (After due deliberation by the Parole Board Panel,  
3 the following Decision was rendered:)

4

5

DECISION

6

7 [REDACTED], parole is denied. Hold 24  
8 months. Next appearance 4/2018.

9

10 After a review of the record, interview and  
11 deliberation, the panel has determined that your release  
12 would be incompatible with the welfare and safety of  
13 society, and would so deprecate the serious nature of  
14 the crime as to undermine respect for the law. Parole  
15 is denied.

16 Required statutory factors have been considered,  
17 together with your institutional adjustment; including  
18 discipline and program participation, your risk and  
19 needs assessment, and your needs for successful re-entry  
20 into the community.

21 More compelling, however, are the following:  
22 Your serious Instant Offenses of Murder Second and  
23 Robbery First, two counts, Degrees, which involved you  
24 taking part in the murder of the victim, and then  
25 entering his apartment, on multiple occasions, and  
stealing his property.



[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1           The records reflect and you admit that the victim  
2 was a friend of yours and, in fact, he was assisting and  
3 aiding you in your life. It is unfortunate that his  
4 good nature was used against him.

5           Your positive programming and accomplishments to  
6 date are both noted, however, neither of which diminish  
7 the seriousness of your actions or the senseless loss of  
8 life caused by you actions.

9           You claim that you did not commit the murder of the  
10 victim, but walked in while it was happening. If that  
11 is the case you, apparently, did nothing to stop the  
12 crime, yet used his death as a means to steal his  
13 property.

14           The panel also notes your disciplinary record,  
15 which shows signs of improvement (your last Tier III for  
16 violent conduct, being 3/2013), but can be even better.

17           Therefore, based on all required factors, in the  
18 file considered, discretionary release, at this time, is  
19 not appropriate.

20                           (All Commissioners concur.)

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[REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

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CERTIFICATION

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

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: April 19, 2016