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STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

ORIGINAL

In the Matter of

██████████ ██████████

Wyoming Correctional Facility

DIN # ██████████

NYSID # ██████████

HELD AT: Wyoming Correctional Facility
Attica, New York

Parole Board Hearing

January 18, 2006

BEFORE: COMMISSIONER W. WILLIAM SMITH, JR.
COMMISSIONER R. GUY VIZZIE
COMMISSIONER WILLIAM CROWE

PRESENT: ANTHONY MOLIK, Facility Parole Officer II
JANET CIOCIOLA, Agency Program Aide

REPORTER: MIDTOWN REPORTING SERVICE
MICHELLE M. NARDECCHIA, Hearing Reporter

█ █ - NYSID # █ - DIN # █

1 EXAMINATION BY COMMISSIONER CROWE:

2 Q Is your name █ █

3 A Yes, sir.

4 Q Mr. █ my name is Commissioner Crowe. This is
5 Commissioner Smith and Commissioner Vizzie.

6 COMMISSIONER VIZZIE: Hi there.

7 Q You are making a reappearance, Mr. █ You are
8 here serving a life sentence. You have been convicted of two
9 counts of murder second, four counts of robbery first,
10 burglary second and grand larceny auto third, two counts; is
11 that correct, so far?

12 A Yes, sir.

13 Q Were those by plea or by verdict?

14 A By verdict.

15 Q Because I was a little confused, as I reviewed the
16 file initially, it looks like it was by verdict. I saw later
17 on, it might have been by plea.

18 It is by verdict after trial?

19 A Yes.

20 Q We are making a record of this proceeding, so be
21 aware with that, with regard to anything that you say.

22 Our record says that in █ (phonetic)

23 █ you were involved in an in concert robbery of a
24 residence. There were two women in the house and some
25 children. During the course of the robbery, the two adult

█ █ - NYSID # █ - DIN # █

1 women were raped, they were shot in the head and killed. One
2 of the women was shot nine times, the other one was shot three
3 times, according to the record before me. Personal property,
4 checks and credit cards were stolen. And you, along with
5 others, were participants in this crime. That is what the
6 record says.

7 Do you want to talk about it?

8 A Yes, I do.

9 Q Did you participate in this terrible crime?

10 A Partial.

11 Q You were there?

12 A I wasn't inside the dwelling.

13 Q Why don't you tell me what you did; you drove the
14 car?

15 A No, I didn't.

16 Q Tell me what you did.

17 A I was in the van, there was two other people
18 involved. They entered the house, I stayed in the van.

19 Q What was your purpose in going?

20 A The issue was a burglary.

21 Q You were going to commit a crime?

22 A Yes.

23 Q Okay.

24 A As far as rape and murders; in order for me to do
25 that, I would have to be on the weapon, with a gun, with

█ █ - NYSID # █ - DIN # █

1 whatever caliber the woman was shot in. I did not do the
2 killing, I did not do the rapes. I was not inside the
3 dwelling, when all this took place.

4 Yes, things all happened in there; from what the
5 arresting officers told me. It was after the fact that shots
6 were fired, when everyone was raped; I don't know. I didn't
7 have any knowledge of that, until after the fact.

8 Q How did you get convicted then, because you didn't
9 do anything?

10 A I aided and abetted and acted in concert of some
11 part of the crime.

12 Q Okay. Now we are getting someplace; aren't we?

13 A Yes.

14 Q You are guilty of the crimes because you aided and
15 abetted. It doesn't mean you pulled the trigger; it doesn't
16 mean you were the person participating in the sexual assault;
17 you were there, you were participating in a crime and here you
18 sit.

19 A Yes. But I'm bringing forth to the Board members, I
20 had no knowledge of a crime taking place prior to what I
21 participated in.

22 Q That is the chance you take when you associate with
23 people that you were associating with.

24 A I realize that now.

25 Q When you agree with fellow felons to go commit a

█ █ - NYSID # █ - DIN # █

1 burglary, the chips fall where they may. If somebody dies,
2 here you sit, life sentence, right? That is basically the sum
3 and substance of it; isn't it?

4 A Yes, it is.

5 Q All right. You are fifty-four years old, correct?

6 A Yes, I am.

7 Q You have been in prison now twenty-nine years?

8 A Yes.

9 Q Long time. You came in your early twenties. But
10 your history actually started as a teenager in █
11 didn't it?

12 A Yes, it did.

13 Q I don't know if these are felonies or misdemeanors,
14 they look relatively minor in terms of when you compare them
15 to these convictions, but a series of little violations that
16 caused you to do some local time in █

17 You never did any State time, or did you?

18 A Never.

19 Q Never, okay.

20 Where is it do you think, Mr. █ that you took
21 the wrong turn in life and became a criminal?

22 A Being in the wrong place at the wrong time, with the
23 wrong people.

24 Q Since 1967; that is when your criminal history
25 started. You were, what, sixteen years old when you started

█ █ - NYSID # █ - DIN # █

1 breaking the law, right?

2 A Yes.

3 Q So, from the age of sixteen up to the age of, what,
4 twenty-three, why so much bad behavior? You may not think it
5 was bad behavior, I guess. I think any crime is bad behavior,
6 you got a few of them.

7 So, I guess, tell me what was going on with your
8 life. I don't know for you; I'm trying to get a flavor for
9 who you were back then and where you took the wrong turn in
10 life and became a criminal?

11 A My goodness.

12 Q Were you using drugs?

13 A No, not at that time, I wasn't. After I came out of
14 trade school, I started using drugs.

15 Q Were you working?

16 A Sure.

17 Q What kind of job did you have?

18 A At the time, I was a blacksmith; I went to school
19 for mechanics, I graduated from auto mechanics and I started
20 working dealerships.

21 Q How did you end up in █ County?

22 A Being with the wrong people at the wrong time. I
23 never new I did, until after all the smoked cleared.

24 Q You were born and raised in █

25 A Yes, I was.

█ █ - NYSID # █ - DIN # █

1 Q Everything in your life was in █ and you
2 venture over the State border into █ County and this
3 happens?

4 A Yes.

5 Q All right. Where are you at today; age fifty-four,
6 long time in prison. What are you doing; what have you been
7 doing since the last Board?

8 A I have been in ASAT program, I have been working
9 that ever since the last Board.

10 Q I see you completed that in October?

11 A Yes, I did.

12 Q Good.

13 A I am an aid in that now, working with the --

14 Q Facilitator?

15 A Yes, I am.

16 Q Good.

17 A Working with the younger kids, giving them my
18 experience over making bad decisions, foolish mistakes and
19 time waits for no one.

20 Q What job do you do in the prison?

21 A I am a rec aid, I assist in that, as well.

22 Q If you were to be -- I notice you haven't had a
23 ticket in almost three years now, since April of '03, that was
24 a Tier 2; you haven't had a Tier 3 in almost five years; good
25 work.

■ ■ ■ - NYSID # ■ ■ ■ - DIN # ■ ■ ■

1 If you were to be released, where would you go?

2 A Live with my sister; ■ ■ ■

3 Q ■ ■ ■ ■ ■ ■ ■ Is that where you were
4 from originally, ■ ■ ■

5 A No, I was living in ■ ■ ■

6 Q I know you have been out of circulation, a long time
7 out of society; what would you like to do? Auto mechanics;
8 you think you can get a job in?

9 A Sure.

10 Q Do you have any children?

11 A Two.

12 Q How old are they?

13 A Thirty-two and thirty-six.

14 Q Do you maintain any contact with them?

15 A Yes, I did.

16 Q Where do they live?

17 A They live in ■ ■ ■ ■ ■ ■ ■

18 Q You mention you have a sister.

19 Let me ask you this: Do you feel you have been
20 treated fairly by the system?

21 A Fairly?

22 Q Yes.

23 A Yes.

24 Q You do. You think you got what you deserved?

25 A Yes.

█ █ - NYSID # █ - DIN # █

1 COMMISSIONER CROWE: All right. Commissioners,
2 any further questions of Mr. █

3 COMMISSIONER SMITH: I have no questions, thank
4 you.

5 COMMISSIONER VIZZIE: No.

6 Q Anything further you would like to say, Mr. █

7 A I lost a lot of years out of my life.

8 Q Two women lost their lives.

9 A I know that.

10 Q We know you were not the shooter, but you bear
11 responsibility under the law; you know that.

12 A Yes.

13 Q We will certainly consider everything and we will
14 give you a fair look, I promise you that.

15 We will let you know in a few days.

16 A Thank you.

17 (After due deliberation by the Parole Board, the
18 following Decision was rendered:)

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DECISION

COMMISSIONER CROWE: Denied, twenty-four months. Next appearance 1/08.

Upon a review of the record, personnel interview and due deliberation, it is the determination of the Panel that parole is denied.

You are presently incarcerated upon your conviction of murder second, two counts; robbery first, four counts; burglary second and grand larceny auto third, two counts.

You participated in an in concert robbery, during the course of which, two female victims were raped and shot in the head; resulting in their death.

Your history of criminal justice involvement, dates to 1968 and includes multiple convictions spanning multiple jurisdictions.

Your programing and disciplinary record since your last Board appearance are noted. All factors considered the Panel concludes that discretionary release must again be denied. You participated in vicious and violent crimes, evidencing a callous disregard for human life.

Your lengthy history of criminal justice involvement and negative response to past correctional influences makes your continued incarceration warranted. Your release at this time is incompatible with public safety and

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welfare and so deprecate the severity of your conduct as to
undermine respect for the law.

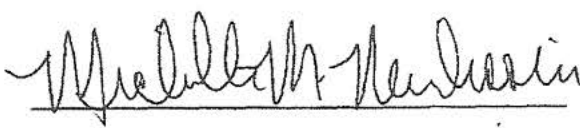
Guidelines are unspecified.

(Whereupon Commissioner Crowe and Commissioner Vizzie
concurred.)

* * *

C E R T I F I C A T I O N

I, MICHELLE M. NARDECCHIA, a Shorthand Reporter in the
State of New York, do hereby CERTIFY that the foregoing record
taken by me at the time and place noted in the heading hereof
is a true and accurate transcript of the same, to the best of
my knowledge and belief.



MICHELLE M. NARDECCHIA

DATED AT: Rochester, New York
this 31st day of January 2006.