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ORIGINAL

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

In the Matter of

██████████ ██████████

Attica Correctional Facility

DIN # ██████████

NYSID # ██████████

HELD AT: Attica Correctional Facility
Attica, New York

Parole Board Hearing

January 15, 2008

BEFORE: COMMISSIONER PATRICK M. GALLIVAN
COMMISSIONER GERALD J. GREENAN, III
COMMISSIONER MICHAEL A. HAGLER

PRESENT: JEFFREY HELF, Facility Parole Officer II
BARBARA CUDNEY, Facility Parole Officer I
NANCY OSTERTAG, Agency Program Aide

REPORTER: MIDTOWN REPORTING SERVICE
MICHELLE M. NARDECCHIA, Hearing Reporter
(585) 325-2130

*Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614*

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1 EXAMINATION BY COMMISSIONER HAGLER:

2 Q Are you █ █

3 A Yes, I am.

4 Q I'm Commissioner Hagler; this is Commissioner
5 Gullivan and Commissioner Greenan.

6 COMMISSIONER GALLIVAN: Hello.

7 COMMISSIONER GREENAN: Good day.

8 INMATE █ Good day; how are you doing.

9 Q You are appearing before the Parole Board, this is
10 your fourth appearance?

11 A Yes, it is.

12 Q You are in State prison, as a result of being found
13 guilty at trial back in 1978, of two counts of murder second,
14 which you received a sentence of 25 to life; robbery first,
15 four counts, you received a six to 12; burglary second, four
16 and a half to nine; and grand larceny third, two counts, two
17 to four; is that correct?

18 A Yes, it is.

19 Q The offense for what you are in, is quite honestly,
20 a very terrible crime.

21 From my reading here, it was you along with two
22 other individuals entered someone's home. Why did you enter
23 their homes, with the intent to steal property?

24 A Yes, sir.

25 Q And things went bad, correct?

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1 A Yes, they did.

2 Q I have read your sentencing minutes and you, at the
3 time of sentencing, denied killing anybody or raping anybody?

4 A Yes, yes.

5 Q You believe that your two codefendants were
6 responsible for those acts?

7 A Yes.

8 Q And it says that you loaded valuables from the home
9 into the van?

10 A Yes, I did.

11 Q And you also were watching the four children that
12 were in the home?

13 A Yes, I was protecting them, after I heard the shots.
14 After I realized there was children in the house, I was
15 protecting them, after I found out what had happened. I was
16 assuring them that I was not going to allow anything to happen
17 to them, after I found out about the shootings, from me
18 hearing them outside.

19 Q Where were the children in the house, in
20 relationship to where the females were?

21 A When I entered the home, the children were standing
22 by the front door. And after I realized from the shootings,
23 from what they was saying as they was coming down the stairs,
24 I realized there was children there. I told the children, I
25 wasn't going to let them harm them.

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1 Q So, the victims, the two females were upstairs, the
2 children were downstairs?

3 A Yes, as far as I know.

4 Q Were you outside, did you initially go inside, all
5 three of you?

6 A Yes.

7 Q You stayed in the van?

8 A Yes.

9 Q Your two codefendants went in. Did you know the
10 house was occupied?

11 A Yes, yes I did. The woman came to the door, one
12 woman came to the door.

13 Q Did you know your codefendants had weapons?

14 A Not at the time, I didn't.

15 Q So, after the codefendants -- you heard gun shots,
16 you assure the four children that they are not going to be
17 harmed; you continued to take property out of the house?

18 A No, not at that time. As I saw the codefendants
19 come running down the stairs, they were saying something about
20 they was going to take certain objects out of the home. At
21 that time, I was still with the children for about maybe, 10
22 or 15 minutes. Then I took a couple objects out of the house
23 and put it into the van. I came back inside and realized that
24 one of them wanted to put -- to shoot one of the children. I
25 heard that and I said, no; I could not let that happen. I

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1 stayed with the children until we all came out of the house
2 for the very last time to get into the van, to be in pursuit
3 back to Connecticut.

4 Q How did you get hooked up with these two guys?

5 A In the wrong place, at the wrong time, on a city
6 street.

7 Q In █ that is where you met them?

8 A Yes, in █

9 Q What type of property did you take from the house,
10 sir?

11 A I believe, it was a stereo. I believe it was a
12 stereo, a stereo, a television and I think there was an old
13 rifle, I think it was.

14 Q When you were picked up by the police, you were in
15 possession of a .32 caliber revolver; is that true?

16 A Yes, I was.

17 Q Was that one of the weapons used in this murder?

18 A No.

19 Q Where did that weapon come from?

20 A If came from -- █ had given it to me. They
21 didn't find the gun on my person, they found it on the place I
22 was living; after I was interrogated, I told them where it was
23 at.

24 Q Prior to that arrest, I see that you have had some
25 charges in, was it █ Your criminal history goes

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1 back to 1967?

2 A Sixty-seven.

3 Q And there is a few burglaries in here, some
4 larcenies, using a vehicle without permission, assault,
5 battery. Any other criminal arrests in █ █ State,
6 besides this one?

7 A No.

8 Q What are you doing for programing here?

9 A Well, I'm a porter here; that is the only thing that
10 they claim that they could give me. I wanted to take on
11 electrician, they told me I had to wait; they said I had to
12 wait nine months or something of that sort. They have me down
13 as a block porter.

14 Q Okay. So in here you got your GED in prison?

15 A Yes, I did.

16 Q Any other additional education that you have
17 received?

18 A Well, I was in Sing Sing back in '87, I went to
19 Mercy College for two courses of that. And then when I was in
20 Clinton, I did a course in Clinton Community College, I didn't
21 complete, but I did do -- I want through, like I said, one
22 course in accounting, in accounting and sociology.

23 Other than that, I have been an auto mechanic, I
24 have been going through that engine -- I did the ASAT, I did
25 the workshops of alternative to violence, I have been trying

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1 to do one day at a time, trying to keep my nose clean.

2 Q That brings me to the next thing here. You have a
3 couple Tier 3 violations since the last time you saw the
4 Board.

5 A Yes, I did.

6 Q Drug possession and a weapon?

7 A Yes.

8 Q What was the weapon?

9 A Something I had made to tighten my eyeglass screws
10 and they put it down as a weapon. The thing was so small, I
11 had problems with these eyeglasses that I buy from the State
12 and the screws are constantly walking away. I made something
13 on top of a pin to keep the screws tight. They found it in my
14 property when I got a ticket for this drug issue thing, that
15 somebody planted in my cube.

16 Q And both of those Tier 3's were while you were at
17 Wyoming?

18 A Yes, sir, same day.

19 COMMISSIONER HAGLER: Commissioners, any
20 questions?

21 COMMISSIONER GALLIVAN: No.

22 COMMISSIONER GREENAN: No questions.

23 Q Anything further you would like to say, Mr. █
24 to the Board?

25 A Yes. I know that the crime is very, very serious

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1 and I know two women lost their lives. But it is like I
2 thought I was doing the right thing by understanding that to
3 save those children and if I had known that things were going
4 to blow up the way they did, as far as this burglary, robbery
5 issue, believe me, my participation in this crime would not
6 have gone as far as it did, as far as me -- it was taking the
7 things that I did take after I did realize what was going on
8 and what had happened to these women. You know, after hearing
9 those shots, I was in a state of shock, you know. With the
10 understanding that from me hearing the shots and hearing how
11 these guys were laughing and saying the things that they had
12 and saying what they did to these women and realizing they had
13 children their in the house. I was in a state of shock, I
14 froze and I am very, very sorry for what happened to those
15 women.

16 Even though I didn't shoot them, I didn't initially
17 have the guns in my hand to kill them. Through time and
18 understanding now, maybe if I had ran away or flagged a police
19 officer or next door neighbor or something, maybe, I don't
20 know if I could have saved those women or not. Maybe if I had
21 my better judgements, if I had used better judgement and not
22 been there altogether I would not have been a part of the mess
23 that I got myself into, you know what I am saying.

24 I am very sorry that things happened the way they
25 did toward these women. You know how the old saying -- you

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1 live and you learn. You got to understand reality by really
2 being wide-eyed and not hanging out with the wrong people, at
3 the wrong time, in the wrong place. Now I have to suffer --
4 for me going through the years of incarceration, I tell myself
5 at this time, I'm just as bad as the guy behind the gun.
6 Maybe I could have prevented some of what happened.

7 Q Yeah, these four children have to live with the fact
8 that their mothers are gone.

9 A I realize that.

10 Q They have to live that for life.

11 A I understand that. I am very sorry that that
12 happened. I'm admitting to the, as far as my participation in
13 the crime and if there was something I could do to bring these
14 women back, believe me, I would do it, I would do it.

15 Q If paroled, where would you live?

16 A I have relatives, my sister has been with me ever
17 since I have been incarcerated, my sister and mother.

18 Q Where is that?

19 A █ █

20 Q Any place in █ █ █ that you could live; I
21 don't know if they would parole you to another state.

22 A Well, I don't understand that; I don't have any
23 relatives in █ █ Because all my life -- I was born in
24 █ and from my best recollection, all my people were
25 in █ and I have one sister that lives in █

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1 █ that is about it, as far as my recollection. I
2 never had any relatives that lived in █ █

3 Q It has been a long time since you have been in the
4 street?

5 A Yes, it has.

6 Q What kind of work do you think you can do?

7 A I was schooled for auto, car, trucks diesels. I
8 have been in various facilities that I have been through, I
9 forced myself to stay abreast of the technologies that are
10 changing, the different computers and the metric system
11 changes and the different things that are changing in the
12 time. I read a lot of books, as far as the automotive field.

13 COMMISSIONER HAGLER: All right, we will
14 consider everything and give you a decision in a few days;
15 thank you.

16 INMATE █ Okay, thanks a lot.

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

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DECISION

COMMISSIONER HAGLER: Denied 24 months; next appearance 1/2010.

After careful review of your record, personal interview and deliberation, parole is denied.

Your institutional accomplishments and release plans are noted.

This Panel remains concerned, however, with the seriousness of the instant offense for which you, acting in concert with two others, caused the death of two females. These victims were raped and shot to death in their home. The victims' four children were present in the house during the time of these murderers.

Also noted are two Tier 3 infractions, which when considered with other required and relevant factors, leads to the conclusion that your discretionary release is inappropriate at this time.

If released at this time, there is a reasonable probability that you would not live and remain at liberty without violating the law. Your release at this time is incompatible with the welfare and safety of the community.

(Whereupon Commissioner Gallivan and Commissioner Greenan concurred.)

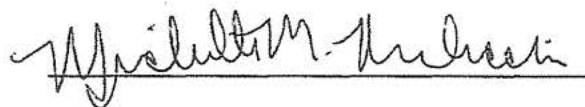
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C E R T I F I C A T I O N

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 30th day of January 2008.