

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

September 2021

Parole Interview Transcript/Decision - FUSL000010 (2009-11-03)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

Recommended Citation

"Parole Interview Transcript/Decision - FUSL000010 (2009-11-03)" (2021). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/69>

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

ORIGINAL

In the Matter of

██████████ ██████████

Attica Correctional Facility

DIN # ██████████

NYSID # ██████████

TELECONFERENCED FROM: Rochester Area Office
Rochester, New York

Attica Correctional Facility
Parole Board Hearing

November 3, 2009

BEFORE: COMMISSIONER CHRISTINA HERNANDEZ
COMMISSIONER MARY R. ROSS

PRESENT: JEFFREY HELF, Facility Parole Officer II
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, NY 14614

█ █ - NYSID # █ - DIN # █

1 EXAMINATION BY COMMISSIONER ROSS:

2 Q Good morning; are you █ █

3 A Yes.

4 Q Hi, my name is Commissioner Ross. With me today is
5 Commissioner Hernandez.

6 You are serving a sentence of twenty-five years to
7 life for two counts of murder in the second degree. A six to
8 twelve year sentence on a robbery, four counts of robbery in
9 the first degree. Four and a half to nine on two counts of
10 burglary in the second. And two to four on grand larceny
11 charge; is that right?

12 A Yes, ma'am.

13 Q And this crime involved you with two codefendants
14 killing, basically two women by shooting them. It looks like
15 your codefendants also raped them. And you were basically the
16 lookout on this?

17 A Yes, ma'am.

18 Q Did you know these victims?

19 A No.

20 Q Did either of the codefendants know them?

21 A I have no idea, I don't think so.

22 Q Did you know they were going to get killed?

23 A No.

24 Q Now it says there were four children in the house
25 when this happened, where were they when all this was taking

█ █ - NYSID # █ - DIN # █

1 place?

2 A From my knowledge, after I came out of the van and
3 entered the house, when I entered the house, the kids was
4 standing near the front door. And during the time when
5 everything was taking place, the kids were standing with me at
6 the front door.

7 Q So they didn't see what was going on, basically?

8 A From the time that I left the van and entered the
9 home and saw the children standing at the door, they saw as
10 much as I saw from the time that I had gotten there, from the
11 van.

12 Q So this was supposed to be a robbery or burglary
13 that went bad?

14 A To my knowledge, yes.

15 Q And did you know the codefendants pretty well?

16 A I knew one of them.

17 Q Had you committed similar offenses with them before
18 this?

19 A I knew █ (phonetic) back in the early '60's it
20 was; I met him in the 1960's, early 1960's sometime.

21 Q Prior to this you had had a couple of misdemeanors
22 basically, is that all?

23 A Yes.

24 Q No felonies, right?

25 A No. I think I had one felony back in the --

█ █ - NYSID # █ - DIN # █

1 Q Violation of a child and you got six years?

2 A No. Maybe six months.

3 Q Six years probation?

4 A In that sense, yes.

5 Q Was that basically failure to pay child support?

6 A So the mother claims.

7 Q Since you have been incarcerated, you have completed
8 all your programs?

9 A Yes, ma'am.

10 Q What are you doing now?

11 A I am a porter in the B Block housing unit.

12 Q You had a Tier III back in 2007?

13 A Yes.

14 Q That was for a weapon; what was that?

15 A They wrote it up as a weapon, but it was an
16 instrument that I used to tighten my eyeglasses, they used --
17 wrote it up as a weapon. It was a very, very small object
18 that I used to tighten the screws on my eyeglasses and they
19 wrote it up as a weapon.

20 Q I see back in '07 you refused ART and ASAT; what was
21 the reason for that?

22 A It was, to my understanding, it was dealing with a
23 person that was affiliated with drugs. I don't have a drug
24 problem, I never had a drug problem. I thought it was all
25 about being addicted to drugs and one thing led to another.

█ █ - NYSID # █ - DIN # █

1 And before I got more information about the program, that is
2 when I decided to take it.

3 Q Now, if you were to be released, where would you go?

4 A Where I would go, as far as living accommodations?

5 Q Yes.

6 A My mother's home.

7 Q Where is that?

8 A It's in █ █

9 Q What would you do for work, what kind of work could
10 you do?

11 A Well, automotive. I went to trade school back in
12 the late '60's, early '70's, I went through a training process
13 of automotive. And, you know, since being incarcerated, I
14 have been reading and trying to keep up-to-date with the
15 current technology of automotive, as a mechanic.

16 Q Right, right. Okay; I have no further questions.

17 COMMISSIONER ROSS: Commissioner?

18 COMMISSIONER HERNANDEZ: I have no questions;
19 thank you.

20 Q Sir, anything you would like to add?

21 A Yes. If I could possibly change what happened in
22 the past, I would definitely, definitely wouldn't have made
23 the mistake that I made of being in the wrong place at the
24 wrong time, with the wrong people; as far as the outcome of
25 this crime.

█ █ - NYSID # █ - DIN # █

1 I have to say that I am guilty to participation of
2 what took place in this crime. As far as the murdering and
3 the rapes, I am sorry that that happened; I had no knowledge
4 of said crimes that were taking place until after the fact. I
5 just regret, I regret what happened. If I could change what
6 happened in the past, I would do it in the split second.

7 I thought that by saving the children's lives I
8 thought I did something really, really major in saving those
9 children's life. Because after I found out what had happened
10 to their mothers, I couldn't stand there to see any harm being
11 brought to those children. And that is why I stayed with
12 those children.

13 COMMISSIONER ROSS: We will get back to you in
14 a couple of days.

15 INMATE █ Thank you.

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

18 * * *

19

20

21

22

23

24

25

█ █ - NYSID # █ - DIN # █

1 DECISION

2 COMMISSIONER ROSS: Parole denied twenty-four
3 months; next appearance will be 11/11.

4 Parole is denied.

5 After a careful review of your record, your
6 personal interview and due deliberation, it is the
7 determination of this Panel that, if released at this time,
8 there is a reasonable probability that you would not live at
9 liberty without violating the laws.

10 Your release at this time is incompatible with
11 the welfare and safety of the community, and will so deprecate
12 the seriousness of this crime as to undermine respect for the
13 law.

14 This Decision is based upon the following
15 factors: You stand convicted of the instant offenses of
16 murder in the second degree, robbery in the first degree,
17 burglary in the second degree and grand larceny auto in the
18 third degree; in which you, along with two codefendants,
19 murdered two women by shooting them. You then burglarized
20 their home and stole personal property. These crimes occurred
21 while there were four children, ages three to seven in the
22 residence. These were heinous and violent crimes and
23 demonstrated complete lack of respect for human life and lack
24 of regard for the health and welfare of vulnerable, innocent
25 victims.

Midtown Reporting Service
501 Times Square Building
Rochester, NY 14614

█ █ - NYSID # █ - DIN # █

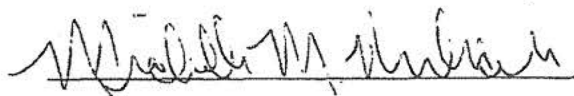
1 Consideration has been given to your program
2 completion and satisfactory behavior; however, your release at
3 this time is denied.

4 (Whereupon Commissioner Hernandez concurred.)

5 * * *

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

7
8 I, MICHELLE M. NARDECCHIA, a Shorthand Reporter in the
9 State of New York, do hereby CERTIFY that the foregoing record
10 taken by me at the time and place noted in the heading hereof
11 is a true and accurate transcript of the same, to the best of
12 my knowledge and belief.

13 

14 MICHELLE M. NARDECCHIA

15 DATED AT: Rochester, New York
16 this 17th day of November 2009.