

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 (2015-11-18)

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

Recommended Citation

"Parole Interview Transcript/Decision - FUSL000010 (2015-11-18)" (2021). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/73>

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.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

----- X

Parole Board Interview

In the Matter
of

[REDACTED] [REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

----- X

TYPE OF INTERVIEW: Reappearance

LOCATION: (Video conference)
Otisville Correctional Facility

DATE: November 18, 2015

BEFORE: COMMISSIONER CHRISTINA HERNANDEZ
COMMISSIONER ELLEN ALEXANDER

ALSO PRESENT: SORC Glebocki
ORC Brooks
ORC Raimondo

REPORTER: Lori Ciofalo, Hearing Reporter

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

1 COMM. ALEXANDER: Good morning.

2 THE INMATE: Good morning.

3 COMM. ALEXANDER: Could you state your name,
4 sir?

5 THE INMATE: My name is ██████████ ██████████

6 COMM. ALEXANDER: Mr. ██████████ my name is
7 Commissioner Alexander. I am joined today by
8 Commissioner Hernandez.

9 COMM. HERNANDEZ: Hello, sir.

10 BY COMMISSIONER ALEXANDER:

11 Q. We are here for your reappearance; is that
12 correct, sir?

13 A. Yes, it is.

14 Q. I know that you have had seven full interviews;
15 is that correct?

16 A. Yes.

17 Q. I don't believe I've ever met you. I believe
18 Commissioner Hernandez might have been on an earlier
19 panel of yours. I don't believe she has ever
20 interviewed you. I could be wrong. I've tried to read
21 most of that material.

22 In any event, I am not bound, nor is she bound,
23 by anything that was said in the past. Our job here,
24 today, is to evaluate whether you are a good candidate
25 for parole.

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

1 Unfortunately, or fortunately, as the case might
2 be, we need to re-examine some of the issues that you
3 have been asked about many times.

4 I want to give you an opportunity to explain the
5 crime which brought you here, the changes in
6 rehabilitation that you have worked on, since you have
7 been in prison, and what would be your plans, if you
8 were released. Okay?

9 A. Yes.

10 Q. Now, my records indicate that you are here for
11 the crimes of Murder, Second, two counts; Robbery,
12 First, four counts; Burglary, Second; as well as Grand
13 Larceny, Auto, Third. I believe there was a plea and
14 you were resentenced.

15 A. Yes. I had a reversal. They tried me over the
16 second time, same from the first.

17 Q. So when you were re-sentenced, that was by
18 verdict?

19 A. Yes.

20 Q. And why did you get the reversal?

21 A. They claimed that they obtained a confession from
22 me outside of my lawyer, that I didn't have at the time.
23 I didn't have a lawyer.

24 They held me incommunicado for a certain amount
25 of hours, and they claimed that the original confession

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

1 was given by me, but it wasn't.

2 Q. The Sentencing Minutes that I have in your file
3 are dated ██████████ ██████████, 1981, and they were before ██████████
4 ██████████ Was that the sentencing judge?

5 A. Yes.

6 Q. And that was the judge who presided over that
7 retrial; is that correct?

8 A. Correct.

9 Q. My records indicate that you, and your two
10 co-defendants, entered a house. Two females were
11 discovered dead. They had been raped, not by you.
12 There were four children in the house. There were a
13 number of gunshots and victims' property was taken.

14 You were arrested in ██████████ ██████████
15 You had a revolver and you had a suitcase, which
16 belonged to a neighbor of the victim, who had been
17 burglarized prior to this crime.

18 What was your role in this crime?

19 A. I was supposed to have been an accomplice, being
20 picked up off the streets, to a crime.

21 I didn't know that anybody was going to get
22 killed. I didn't have any knowledge of rape. I didn't
23 know that children were involved, until I got out of the
24 van, and went into the house, after I heard shots.

25 Q. Let's back up a minute. I want to make sure I

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

- 1 understand this.
- 2 Mr. ██████████ Mr. ██████████ did you know them?
- 3 A. I knew one of them.
- 4 Q. Which one?
- 5 A. ██████████
- 6 Q. How did you know him?
- 7 A. We went to school together, back in elementary
8 time, back in the '60s.
- 9 Q. So what did Mr. ██████████ tell you about this house
10 in ██████████ New York?
- 11 A. He didn't tell me anything. It was supposed to
12 have been a random house, as to my understanding.
- 13 Q. So you were going to go into a random house and
14 rob it. What sort of weapon did you have?
- 15 A. I didn't have a weapon.
- 16 Q. And did you know that Mr. ██████████ and Mr. ██████████
17 the other gentlemen, did you know whether they had guns?
- 18 A. Yes.
- 19 Q. So you knew they had guns. Who was driving the
20 car?
- 21 A. ██████████ was driving the car at the time.
- 22 Q. What was your role supposed to be?
- 23 A. I was supposed to have been the lookout.
- 24 Q. So were you supposed to enter the house?
- 25 A. No.

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

1 Q. Did you enter the house?

2 A. After I heard the shots.

3 Q. So you heard gunshots, you entered the house, and
4 what did you do?

5 A. At the time I realized, at the front door, the
6 entrance of the house, there were four children there.

7 At that time I heard ██████████ and the other guy
8 come down the stairs. They was laughing and yelling
9 about what had happened.

10 My understanding, from the gunshots, I asked them
11 did they shoot somebody? They said, yes, they shot two
12 women.

13 I said to them that I couldn't allow them to
14 shoot these kids, that were standing at the door, so I
15 protected the kids.

16 I rounded up the kids with me, and I went to the
17 back of the house, and I sat down and held the children
18 with me.

19 Q. Did you ever use a knife?

20 A. Yes, I did.

21 Q. What did you use the knife for?

22 A. I used the knife to disable a vehicle that was in
23 the garage.

24 Q. What do you mean you disabled them?

25 A. I struck one of the tires.

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

1 Q. Why did you do that?

2 A. To disable the vehicle, in case somebody was
3 coming after us.

4 Q. Did the kids see you with the knife?

5 A. I don't know. I can't remember, offhand, if they
6 saw me or not.

7 I picked up the knife, after I sat the children
8 down. I left them in the kitchen area. I went through
9 the garage area, and I disabled the tire.

10 I put the knife down, and I came back to the
11 kids, and I told the kids that I wasn't gonna let nobody
12 harm them.

13 The other two were going through the house, doing
14 whatever they was doing, and then they told me it was
15 time to leave.

16 I told the kids I wasn't gonna let them harm you,
17 and I told them to sit here until somebody comes to
18 their aid.

19 Q. So did you leave with ██████████ and the other guy?

20 A. Yes, I did.

21 Q. Where did you go?

22 A. I went to ██████████

23 Q. So did you call the police, or you allowed four
24 young kids to discover their two mothers dead?

25 A. No, I didn't call the police. I wanted to get

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

1 back to ██████████ so I could notify my fiancée what
2 I was involved in, and I was going to turn myself in.

3 Q. Did you turn yourself in?

4 A. No, I didn't. They came to our home and arrested
5 me.

6 Q. What do you think about this crime, so many years
7 later?

8 A. It was a very brutal crime, a heinous crime,
9 something that should never have happened.

10 It's been a long time. I lost a lot of years out
11 of my life. I was in the wrong place, at the wrong
12 time, with the wrong people. I think about this every
13 day, of every year, I can possibly think of this.

14 I was willing to admit to some crimes, but as far
15 as killing and shooting people, raping people, I can
16 never admit to something I didn't do.

17 I've always admitted to having knowledge, that's
18 all I can give forth, as far as the information that I
19 partake in this crime.

20 Q. Prior to the original plea, I know you were
21 resentenced, but were you ever offered a different plea
22 arrangement?

23 A. Yes.

24 Q. What was that?

25 A. Fifteen years to life.

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

1 Q. And why didn't you take that?

2 A. Because they wanted me to copout to shooting the
3 people. I told my lawyer that I couldn't copout to
4 that, because I had no knowledge of what took place at
5 the time of the people getting raped and the gunshots,
6 because I wasn't inside.

7 I was outside in the van, so I can't say who
8 killed who or who shot who. I just witnessed that I
9 heard shots, and what I heard, from what they were
10 saying, when they came down the stairs.

11 Q. I'd like to move on to what efforts you have made
12 towards your rehabilitation. As we discussed, you have
13 been in prison a very long time.

14 I see that your discipline record is good. You
15 have not had a ticket since 2007, but in 2007 you did
16 have some serious issues. You had a weapon, as well as
17 drug possession.

18 Was there something about Wyoming, which was
19 problematic for you?

20 A. I wouldn't say that I had a problem. The weapon
21 that they claimed was a weapon, was not a weapon. As
22 far as the drug issue, it wasn't mine.

23 I was living in an open setting. I wasn't there.
24 I never saw the substance. I never had a drug problem.

25 They wanted me out of the dorm, because I guess

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

1 it was one of those things that the dorm officer and I,
2 we didn't get along. We didn't see eye to eye.

3 Q. Since that point you have had no issues; is that
4 correct?

5 A. Correct.

6 Q. Prior to this crime, how many burglaries did you
7 commit?

8 A. Two.

9 Q. You committed two or you were convicted on two?

10 A. I was convicted of one back in the early '60s. I
11 got arrested for being in a stolen car.

12 Q. Have you ever committed any other burglaries,
13 where you hadn't gotten caught?

14 A. No.

15 Q. If you were released, what are your plans? Where
16 would you live? What would you do for work?

17 A. As far as living, I can live with my sister. She
18 lives in ██████████ ██████████

19 Job issues would be, I'm an auto mechanic by
20 trade. I went to a couple of trade schools back in the
21 '60s and '70s.

22 My issue is to get back into a dealership,
23 working on cars and trucks and bikes.

24 Q. Now, I did relate that we have the Sentencing
25 Minutes from your retrial. We will take those into

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

1 account. I believe we also have the indictment from
2 1978.

3 I do want to go over your COMPAS Risk Assessment
4 with you, which we use as a tool to see what your needs
5 might be out in the community if you were released.

6 The COMPAS shows your risk levels are low. I
7 don't foresee any problems, based upon the COMPAS. It
8 shows your financial prospects are good, and that you
9 have good family support. We will take that into
10 account.

11 In terms of your Case Plan, it did say that your
12 goals were to prepare for your Parole Board and develop
13 anger management strategies. I believe that we will
14 take this into account, as well.

15 You said you were going to read books on the
16 subject of -- I'm not sure what. Did you mean you were
17 going to read books on auto mechanics?

18 A. Yes.

19 Q. How has that been going for you?

20 A. It's been going well. I just need to get more
21 material, so I can understand the electronic issues of
22 today's product.

23 Q. Do you have an alternative residence, if you're
24 not accepted for interstate transfer?

25 A. Yes, I do. It's not at the same residence. It's

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

1 the next town over from ██████████ ██████████,

2 ██████████

3 Q. No. What I'm saying is ██████████ has to accept
4 you. If you are not accepted, what would be your plans
5 in New York?

6 A. I would have to go to a shelter.

7 Q. Have you contacted any programs in the New York
8 City area?

9 A. I contacted the Osborne Association. They are
10 willing to place me in a housing unit, as well as
11 Exodus.

12 Q. I see a letter from Osborne, as well as Fortune
13 Society. I also see a letter from Network Support
14 Services. Correct, sir?

15 A. Yes, ma'am.

16 COMM. ALEXANDER: Commissioner Hernandez, do
17 you have any questions?

18 COMM. HERNANDEZ: I do not.

19 BY COMMISSIONER ALEXANDER:

20 Q. Mr. ██████████ anything else we should know about
21 you, that could help us with our parole decision, that
22 we have not talked about today?

23 A. I just want you to understand that I'm not
24 twenty-four-years old anymore. I'm not that dumb kid
25 that was in the wrong place, at the wrong time, with the

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

1 wrong individuals.

2 I have a high amount of remorse towards this
3 crime I was involved in. I just want you to understand
4 that I'm admitting my guilt to some of the crime that
5 took place, after the immediate crime, and I'm very
6 sorry for that.

7 Q. What does remorse mean to you?

8 A. It means that I feel sorrow within my heart that
9 these little children had to witness this crime towards
10 their mother being killed, and me being in a place I
11 wasn't invited, and for these kids to grow up and feel
12 what I haven't felt, as my mother being killed by a
13 bunch of clowns.

14 I'm suffering as well as they are. I know
15 they're suffering a great deal more than I am. It's
16 something I can't change.

17 I feel very, very belittled by being involved in
18 this situation. As far as these children having to grow
19 up without their mother, that's a feeling I could never
20 feel, as far as somebody killing my mother.

21 COMM. HERNANDEZ: I do have a question.

22 BY COMMISSIONER HERNANDEZ:

23 Q. Have you ever had any contact with any of those
24 children?

25 A. Yes, I have.

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

1 Q. When was that?

2 A. I believe it was 2003 or 2004, ██████████ ██████████ came
3 to visit me.

4 Q. And what happened?

5 A. He came to visit me to see if he could seek
6 information on why ██████████ and ██████████ killed his mother.
7 I told him I couldn't answer that, because I had no idea
8 of the reason why.

9 Q. What do you think about him coming to visit you?

10 A. It took a lot of courage for him to come in to
11 see me again, from him being so small.

12 He was a little kid. I didn't identify with him,
13 until he brought things back to my recollection. He
14 told me he was the little boy standing by the door.

15 Q. Yes. How tragic.

16 A. Yes.

17 Q. And I agree with you, it took a lot of courage.

18 A. Yes, it did.

19 Q. You have no further contact with him?

20 A. No. I haven't seen him since 2004. He stopped
21 coming to see me, after I told him I couldn't give him
22 anymore information towards what I thought the reason
23 was why ██████████ and ██████████ killed his mother.

24 Q. Did you say anything else to him?

25 A. No, I didn't. I told him I was very sorry.

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

1 I can't understand the reason why they did that
2 to his mother. I couldn't give him the answers that he
3 asked me, the reason why things happened the way they
4 did.

5 COMM. HERNANDEZ: Thank you.

6 BY COMMISSIONER ALEXANDER:

7 Q. Where did you get the knife, that you used to
8 disable the tires?

9 A. It was on the counter in the kitchen.

10 Q. Anything else you want to say, sir?

11 A. No, I don't.

12 COMM. ALEXANDER: We are going to look at
13 everything and get back to you in writing in a couple of
14 days. Thank you for coming in.

15 THE INMATE: Thank you.

16 (Interview concluded.)

17

18

19

20

21

22

23

24

25

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

DECISION

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COMM. ALEXANDER: [REDACTED] [REDACTED] parole is denied, 24 months. Next appearance, 11/17.

This Panel notes your growth and productive use of time, however, discretionary release shall not be granted merely as a reward for good conduct or efficient performance of duties while confined.

After carefully reviewing your record and conducting a personal interview, parole is denied.

You stand convicted of the serious offense of multiple counts of Murder Second, Robbery First, and Burglary Second, and Grand Larceny-Auto, Third, in connection with your actions, wherein two women were raped and shot, with four children in the home.

You described your role as a lookout during a robbery, which went terribly wrong, and you fled the scene, and was arrested out of state.

This offense represents a continuation of your criminal history, which includes a prior burglary.

The Panel makes note of your program goals and accomplishments; including your completion of vocational, A-SAT, and ART, risk and needs assessment, and your improved disciplinary record, which has been clean since 2007.

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

1 Also your release plans, letters of assurance,
2 shallow expression of remorse, and Sentencing Minutes,
3 have been reviewed and considered.

4 During the interview you minimized your
5 responsibility for your actions and the harm that you
6 caused these families, which shall ever be impacted by
7 your actions that day.

8 After deliberating, reviewing your overall record
9 and statutory factors, discretionary release is not
10 presently warranted, as your release would trivialize
11 the tragic loss of life, and harm, and furthermore would
12 be incompatible with the welfare of society, and would
13 so deprecate the serious nature of your crime as to
14 undermine respect for the law.

15 (All Commissioners concur.)

16

17

18

19

20

21

22

23

24

25

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

1

2

CERTIFICATION

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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
18 pages, is a true and correct copy of the same and
whole thereof.

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: November 18, 2015