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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

2 *****

3 Parole Board Interview

4 In the Matter

5 -of-

6 [REDACTED]

7 DIN# [REDACTED]
8 NYSID# [REDACTED]

9 *****

10 TYPE OF INTERVIEW: Initial

11 LOCATION: Woodbourne Correctional Facility
12 Video-conferenced to
13 Poughkeepsie Area Office
30 Manchester Road
Poughkeepsie, New York 12603

14
15 BOARD MONTH: March 2017
16 HEARING DATE: April 11, 2017
17 DECISION DATE: April 11, 2017

18 BEFORE: COMMISSIONER STANFORD
19 COMMISSIONER W. SMITH
COMMISSIONER COPPOLA

20 ALSO PRESENT: P. Essex, SORC
21 R.J. Colon, SORC
E. VanEtten, APA

22 AT FACILITY: K. Gordon, ORC
23 S. Davila-Pietri, ORC

24 HEARING REPORTER: Roberta O'Rourke

25

██████████ DIN ██████████ NYSID ██████████

1 INTERVIEW BY COMMISSIONER COPPOLA:

2 Q Good morning, sir. Your name, please?

3 A Good morning. My name is ██████████ ██████████ ██████████

4 Q I'm sorry, how do you pronounce your last
5 name, sir?

6 A ██████████.

7 Q ██████████.

8 A Yes, sir.

9 Q Mr. ██████████ I am Commissioner Coppola. With me
10 today Chairwoman Stanford and also Commissioner
11 Smith?

12 COMMISSIONER W. SMITH: Hello.

13 A Hello. How are you doing?

14 COMMISSIONER STANFORD: Good morning.

15 Q Sir, this is an initial appearance for you
16 today and you are serving a sentence of 25 to
17 life for murder second degree two counts, five to
18 15 for attempted robbery first degree and five to
19 15 for criminal possession of a weapon second,
20 all running concurrently with an aggregate term
21 25 to life. These were convictions by verdict
22 out of New York County, is that correct?

23 A Yes, sir.

24 Q All right, sir. I want to caution you that
25 we have a reporter on this side of the camera

██████ ████████ DIN ████████ NYSID ████████

1 making a transcript of this proceeding, anything
2 that you say can be used either for or against
3 you at any post proceeding matter you may have
4 with regard to your verdict. So, for instance,
5 if you're appealing your verdict they can use
6 whatever is said here today at that time. Do you
7 understand that?

8 A Yes, I do.

9 Q All right, sir.

10 A Thank you.

11 Q Do you claim your innocence in this crime?

12 A No, I'm actually taking responsibility as I
13 stated in my personal statement.

14 Q In the beginning you said that you weren't
15 even there, is that right?

16 A In the beginning I was trying to do what
17 everybody else seems to do which is take a chance
18 with the system and plead innocence. It's not
19 easy at 18 to say oh I want to go to trial and
20 face 25 to life as if it's nothing.

21 Q Well, let me ask you this, let's see. You
22 have a birthday coming up 4/25?

23 A Yes, sir.

24 Q So at the time of this crime ████████ 1992
25 you were just over 18, about three months, a

██████████ ██████████ DIN ██████████ NYSID ██████████

1 little less than three months --

2 A A little less than three months, yes.

3 Q -- when you committed the crime?

4 A Yes, sir.

5 Q So what I'm saying is you originally did not
6 take responsibility. You said that you did not
7 commit the crime. I believe you said you weren't
8 even there, you were in ██████████, is that
9 right?

10 A Yes, that's what I said.

11 Q How long after the crime did you get caught?

12 A Two weeks.

13 Q Two weeks.

14 A ██████████ I was incarcerated.

15 Q Okay.

16 A I was apprehended ██████████.

17 Q There was a co-defendant but he was
18 unidentified, he was never tried and convicted?

19 A There's two co-defendants and they're both
20 deceased, ██████████ and ██████████
21 (phonetic spellings) they are both deceased.
22 They weren't apprehended at the time.

23 Q They weren't apprehended. Were they ever
24 apprehended?

25 A No.

██████████ ██████████ DIN ██████████ NYSID ██████████

1 Q No, okay, for this crime. Can we turn up the
2 volume a little bit on his side? Hang on one
3 second, we're going to turn up the volume a
4 little bit. All right, sir, were you ever
5 offered a plea?

6 A I wasn't offered a plea. I was told that if
7 I wanted to plea I can plead to the charge, the
8 minimum of the charge murder two is 15 to life.
9 I didn't think, I didn't think it was something I
10 wanted to do for more than selfish reasons. It
11 was my daughter was just born a month prior to
12 the trial beginning and I thought you know what
13 let me take a chance with the system. I really
14 honestly believed that I was going to get over
15 and that's what my mentality was and that's why I
16 chose not to accept the plea. I didn't want to
17 accept responsibility.

18 Q So what evidence did they have that linked
19 you to this crime?

20 A Confidential information from a confidential
21 informant basically. I have no DNA.

22 Q But there was a witness, right?

23 A There were two witnesses, if I am not
24 mistaken. Two witnesses.

25 Q It says here that, and I'm not reading it
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██████████ *DIN* ██████████ *NYSID* ██████████

1 verbatim, but apparently you and your
2 co-defendants approached one victim, Mr., I don't
3 know if it's pronounced ██████████ ██████████ if I
4 am saying it correctly, and demanded money from
5 him. I guess you used a gun and demanded money
6 from him. And there was a struggle. He went,
7 this is what it says, he went inside the
8 apartment. And then the victim who was killed,
9 Mr. ██████████ he was coming up the stairs and I
10 guess there must have been a struggle or
11 something happened with him and he's the one that
12 was shot dead, is that correct?

13 A Yes, sir.

14 Q So prior to the incident with Mr. ██████████
15 Mr. ██████████ he saw all of this, he knew it was you
16 guys, right? He knew what happened in the
17 hallway?

18 A No, Mr. ██████████ was, he had two names, I don't
19 know if we are using his name at trial. We was
20 actually using both. We don't know if it was
21 ██████████ or ██████████, they used both names.
22 They said he had an a/k/a. But since you have
23 ██████████ we'll deal with ██████████ Mr. ██████████ was
24 the initial person that was grabbed.

25 Q He was grabbed?

██████████ ██████████ DIN ██████████ NYSID ██████████

- 1 A He was grabbed.
- 2 Q Grabbed?
- 3 A Right. Mr. ██████████ came, afterwards he was
- 4 carrying an exercise machine, a rowing machine.
- 5 And he had it in on a bike -- excuse me, he had
- 6 it in a box and he launched that at me and
- 7 another guy, the other guy. And that's how
- 8 Mr. ██████████ got into the apartment. They grabbed
- 9 Mr. ██████████ Mr. ██████████ was my victim.
- 10 Q Who shot him, you did?
- 11 A I did, I did. I committed the crime.
- 12 Q Did the others have guns?
- 13 A Yes.
- 14 Q Did you shoot him as he threw the box at you
- 15 guys or?
- 16 A No, no. I grabbed him, ██████████ grabbed him
- 17 and he was struggling. As we grabbed him he
- 18 asked him, you know he asked him not to shoot
- 19 him, to let him go and that's when I shot him.
- 20 Q And I think it reflects that in the
- 21 sentencing minutes that he --
- 22 A Yes.
- 23 Q -- did plead not to be shot?
- 24 A Yes.
- 25 Q As a matter of fact the judge had said, I'm
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██████████ DIN ██████████ NYSID ██████████

1 looking at your sentencing minutes from page one,
2 you were sentenced by the Honorable ██████████.
3 At sentencing he said Mr. ██████████
4 ██████████ said this is not simply a murder
5 case, it is the execution of a young man who had
6 the misfortune to be present when the Defendant
7 and at least one accomplice, they say at least
8 one, put into action a plan to commit a robbery
9 with one loaded gun, nor is this simply a robbery
10 that went bad and someone got hurt. By the time
11 that Mr. ██████████ was killed it was all but clear
12 that the robbery of Mr. -- well it does say in
13 the sentencing minutes by the way Mr. ██████████, the
14 original intended victim, was not successful.
15 And although ██████████ would not open the apartment
16 door and despite the fact that he and his wife
17 and this -- and his young son had seen the
18 Defendant outside the door the jury found and the
19 court agrees that the Defendant proceeded
20 senselessly to kill Mr. ██████████ as he was
21 pleading for his life. Now this is what it says.
22 I know it doesn't make sense, but I'm reading it
23 word for word, pleading for his life with the
24 contact shot the wound to the head that the
25 Defendant is literally a danger to the rest of

██████████ ██████████ DIN ██████████ NYSID ██████████

1 society is apparent. Now, the judge was
2 identifying what you just said, that he had asked
3 not to be shot. So somebody must have heard him
4 say that unless you had offered that at trial
5 which I doubt that you did, right?

6 A I didn't testify at trial. I didn't give any
7 testimony, I didn't give testimony for myself or,
8 I didn't speak to anyone concerning the evidence
9 at all.

10 Q Maybe Mr. ██████████ or somebody inside or
11 somebody in the hallway heard him basically
12 begging not to be shot. So somebody must have
13 heard that.

14 A That was the conclusion.

15 Q Why did you shoot him? You guys overpowered
16 him already, he didn't have a gun.

17 A We went there with the purpose of committing
18 a crime. It wasn't that we were trying to do a
19 good samaritan, we weren't doing good samaritan
20 deeds. We went there for the specific purpose to
21 rob him.

22 Q Why rob him? All right, so let's go right
23 from there, why him, why was he a target?

24 A At the time Mr. ██████████ and Mr. ██████████ they
25 both worked for another bigger drug dealer. Mr.

██████████ ██████████ DIN ██████████ NYSID ██████████

1 ██████████ said that Mr. ██████████ set him up to get
2 robbed, therefore he wanted to pay him back in
3 turn.

4 Q So they were involved, they were involved in
5 criminal activity --

6 A Yes.

7 Q -- as far as you knew? Did you know them at
8 all?

9 A I ran away from home when I was 14 and
10 Mr. ██████████, he took me in.. So I felt that I knew
11 him well enough to consider him a friend if
12 nothing else, you know, a surrogate family
13 member. I went with him because I felt I owed
14 that.

15 Q I'm talking about the victim and Mr. ██████████
16 or ██████████ whatever his name, did you know them?

17 A I didn't know Mr. ██████████ at all but I knew
18 Johnny ██████████ I went to school with ██████████

19 ██████████

20 Q He was also involved with this other --

21 A Yes, yes.

22 Q -- criminal behavior? Okay. So did you know
23 he was going to be there?

24 A I had no idea who was going to be there. We
25 just went for the specific purpose of robbing

██████████ ██████████ DIN ██████████ NYSID ██████████

1 Mr. ██████████ At the time the technology is not
2 what it is now, we had pagers. So we were told
3 when ██████████ friend pages him he was
4 going to be out of town in other words Dan he
5 will was going home. The system they had they
6 worked in shifts so they knew that ██████████,
7 Mr. ██████████ they knew his shift was over and he
8 was going home. They paged ██████████ and we got
9 there before he did. That was the extent of that
10 communication.

11 Q . And there's a reason that, you know, we get
12 in-depth about this. This isn't just so we could
13 retry your case, that's not what we're doing.
14 The reason is because you did under the statute,
15 under the law, we need to consider many things
16 and within every crime there may be certain
17 details whether aggravating details, making it
18 worse, right or mitigating details that show
19 something a little bit less, a little bit
20 different, right? So that's why I'm asking you
21 the details about this so that we understand what
22 was going on in this hallway, you know. Are you
23 a sadistic person, you walk up to a total
24 stranger and say let's see if I can shoot this
25 person in the head, or did something happen that

██████████ ██████████ DIN ██████████ NYSID ██████████

1 erupted into this. Now it doesn't make it any
2 better that you took someone's life he asked not
3 to be shot. You shot him anyway. It doesn't
4 take that away but I'm trying to figure out why
5 were you guys in this hallway, do you know what I
6 mean? That's what I was trying to figure out,
7 what brought you to this. Now you're a young man
8 at the time. You were still an adult under the
9 eyes of the law. But you were definitely not
10 living a good life and you had a couple family
11 court contacts by then. You had a controlled
12 substance violation in ██████████ ██████████. So was it
13 since the age of 14 when you ran away that you
14 were engaged in criminal activity?

15 A To the extent that I could attend school and
16 try to live as productive as I could I attended.
17 The family court cases were actually, I don't
18 even know why they are on the record but the
19 family court cases were actually PINS petitions.
20 Even though I was arrested my mother chose to put
21 a PINS which is a person in need of supervision.

22 Q I know. We have it.

23 A It doesn't say it on my paper. I don't even
24 know if it mentioned the PINS. So because I was
25 held for a year I tried to straighten my life

██████████ *DIN* ██████████ *NYSID* ██████████

1 out. It didn't quite work out. It wasn't
2 necessarily that it got any worse but it didn't
3 get any better. When I went to ██████████ I went
4 to ██████████ for the sole purpose of leaving ██████████
5 ██████████. My brother had enlisted in the Marines and
6 that's what he wanted me to follow. I tried to
7 do the things that I thought were necessary to
8 lead a better life but I didn't accomplish all
9 the things I set out to do. I didn't set out
10 to --

11 Q Why didn't it work out?

12 A I didn't have, I didn't have a regard for
13 anyone else. I was selfish. I wanted to be, I
14 wanted to do things I wanted to do. I wanted to
15 be what I wanted to be. I was trying to find
16 myself as I saw fit, not as my family needed me.

17 Q What did you want to be?

18 A As a child you mean?

19 Q Well, no, at this time. I mean you were
20 obviously dabbling in drugs, hanging out with
21 these bad guys, people who were involved in
22 criminal behavior. Were you trying to be a
23 gangster? Do you know were you trying to live up
24 to their level of reputation or what?

25 A I can't say I was trying to live up to their

██████████ ██████████ DIN ██████████ NYSID ██████████

1 level of reputation because we're talking about
2 if you are looking at it from a context of law
3 some of these guys were sort of a serial killer.
4 I didn't want to kill anyone. I wanted to be my
5 brother, I looked up to my brother. I wanted to
6 be in the Marines I didn't want to be convicted
7 of murder. I didn't think this would have, I
8 didn't think I would be the person that's sitting
9 in front of you today.

10 Q That's what I'm saying, why did you then even
11 agree to go and rob the victim on behalf of
12 somebody else?

13 A Because I felt that I owed the debt. I felt
14 that I owed ██████████ who took me in and he
15 took me in I felt that I had to, I had to be
16 responsible. I didn't have a --

17 Q Who gave you the gun?

18 A ██████████ gave me the gun.

19 Q He gave you the gun?

20 A Yes, sir.

21 Q Was he ever implicated in this as a
22 conspirator?

23 A No, ██████████ was murdered by ██████████
24 ██████████ brother.

25 Q After all of this happened?

██████████ DIN ██████████ NYSID ██████████

1 A Yes.

2 Q This didn't turn out good for anybody.

3 A It didn't turn out good for anyone. That's
4 not even -- the most important thing is we -- I'm
5 sitting here, I'm convicted of a crime and I'm
6 two and a half decades later I'm telling you it
7 didn't turn out good for me but I'm really
8 developing an equation. If you look at it the
9 most important person, the most important person
10 ██████████ and ██████████ because they
11 were the victims. We went to do someone harm.
12 It wasn't a debatable issue. We went there for
13 the sole purpose of robbing Mr. ██████████.

14 Q Now, you ran away but your mother, she never
15 gave up on you. I was reading your mother's
16 letter. Your mother came, your mother, she wrote
17 a really nice letter. She came to this country,
18 right, from ██████████?

19 A Yes, sir.

20 Q To escape a bad leader she says, you know.

21 A ██████████ (phonetic spelling) was the dictator
22 at the time.

23 Q A dictatorship, and she came here for a
24 better life. Your brother joined the Marines.
25 How did he die?

██████████ ██████████ DIN ██████████ NYSID ██████████

1 A My brother died for his service of this
2 country. An improvised explosive device blew up
3 his leg and he had complications with the
4 medication. And my brother's medication,
5 something with the blood thinners and my brother
6 just didn't wake up one day.

7 Q Well, I'm sorry for your loss. And your
8 mother, you know, she lost another son all these
9 years but she said she didn't lose you
10 completely. And she's still standing by you, so
11 that's good, that's good. You have a daughter
12 that's 24 years old?

13 A My daughter is 24 years old. My son is 13.

14 Q So you have family members that are standing
15 by you and that's all good for support out in the
16 community. As I'm looking through your packet
17 you have programs that you've reached out to.
18 Your packet presents a different person, someone
19 who's thoughtful and you have engaged and
20 completed a lot of certificate courses and that's
21 all good. I've got to tell you I'm a little
22 surprised that this packet here, right, and what
23 we are talking about really doesn't match your
24 disciplinary record overall, especially now at
25 your initial appearance. Look at this, you know,

██████████ *DIN* ██████████ *NYSID* ██████████

1 lengthy disciplinary record, first of all it was
2 really bad in the beginning. But overall you've
3 had a real lot of Tier IIs, a handful of Tier
4 IIIs. The last Tier III was just in December for
5 contraband, what was that about?

6 A The contraband was the watch that my brother
7 had bought for me and I expressed my remorse for
8 my actions. But the hearing officer Captain
9 ██████████, he wrote in his disposition which I have
10 here, he wrote in his disposition that I had the
11 watch for numerous years and up to the moment
12 that it wasn't challenged. I didn't think that
13 it would become what it was. I just, I asked to
14 speak to a supervisor and I didn't want to lose
15 the watch. Unlike some people because they have
16 the freedom I don't have a gravesite to visit. I
17 don't have, you know, ashes. I had a watch.
18 This is the last thing that I had of my
19 brother's. I understand what it's like to lose.
20 At the moment I was dealing with my sister's
21 death which was her anniversary a month before
22 the watch. I understand about the misbehavior
23 reports because that's why I included the denial
24 of the LCTA. I understand my actions, and I can
25 deal with the denial of that. A month after the

██████ ████████ *DIN* ████████ *NYSID* ████████

1 incident with the watch is my brother's birthday.

2 I didn't understand what, I didn't think it was
3 going to become what it was. I was just simply
4 trying to keep the watch, something that I had.

5 Q All right, and that's understandable. But
6 overall, overall, we're going all the way back --

7 A Yes, sir.

8 Q -- overall you still had issues inside. You
9 have several pages of disciplinary history going
10 back from, you know, right when you came in.

11 A Right back to the beginning, I understand.

12 Q I'm saying it doesn't completely match the
13 person that you're describing in here, there's a
14 little bit of a disconnect there.

15 A It's a dichotomy that exists for me for you
16 to see I'm this person, I'm this person. I took
17 the time out to make sure that I involved myself
18 and participated in programs that would make me
19 challenge myself. I had to build my
20 self-respect. I have to build my self-worth. I
21 went through emotions of going to accept
22 responsibility or write to the Victim's Letter
23 Bank because in the beginning and throughout my
24 sentence I didn't want to accept responsibility.
25 I didn't want to deal with that. I have

██████ ████████ *DIN* ████████ *NYSID* ████████

1 nightmares. I understand that I had been
2 responsible for killing someone. I didn't do it
3 honorably. I didn't serve this country as my
4 brother did. I didn't do the things that you can
5 say like you can look at right now and say you
6 know what, you've made a mistake and we can be
7 proud of you. I did everything that I could
8 possibly do to show that I can be selfless, to
9 show that I can be a civic minded individual. To
10 show that my release would be compatible with
11 society even though I have all of those
12 misbehavior reports. At the time and for most of
13 the time I was rebelling against accepting
14 responsibility. And that's the whole point, I
15 was rebelling against accepting responsibility
16 for having killed someone. So in my mind I was
17 saying you know what I'm going to justify this to
18 myself, this is the system that's holding me
19 captive as if it was okay.

20 Q And one of the reasons that discipline, even
21 the Tier IIs believe it or not, Tier IIIs are
22 almost, they're not understandable but they are
23 more explainable sometimes than Tier IIs. Let me
24 tell you what I mean by that. Tier IIIs might be
25 a fight, right, with another inmate. Sometimes

██████████ ██████████ DIN ██████████ NYSID ██████████

1 you have to protect yourself, you know, we don't
2 like it but we understand it. Drug use,
3 somebody's depressed, they have a habit, whatever
4 it may be. Assault on staff, say you get in a
5 fight with an officer and you don't cooperate and
6 it becomes an assault on staff. Tier II tickets
7 a lot of times make you appear uncooperative.
8 And I don't mean uncooperative like you're going
9 to fight with an officer, but just simply you
10 know this is a rule, it might be silly, you might
11 think it's silly or whatever the reason may be
12 but they're there for a reason, right? No
13 different than rules of society. And it just
14 makes some people look uncooperative like I'm
15 smarter, you know. I've done my time, I've
16 completed my programs. You're not going to tell
17 me what to do or talk to me like that or tell me
18 to, you know, that I can't take this pepper back
19 to my cell or cube. And it makes us sometimes
20 wonder how you would do out in the street because
21 even if you are paroled there are a lot of rules
22 on parole. A lot of rules. You're an adult now.
23 You're an older man. You have a child that is 24
24 years old.

25 A Yes, sir.

██████ ████████ *DIN* ████████ *NYSID* ████████

1 Q You have children that are much older than
2 you when you committed this crime. And yet you
3 may be told you have to be home before the street
4 lights come on.

5 A I have no --

6 Q Well, listen, to be free of course you have
7 no problem with it, what I'm saying is your
8 parole officer and the conditions that are set
9 may seem to you to be overbearing or unfair or
10 whatever they may be but at the end of the day,
11 the end of the day there's no debate. There may
12 be an avenue to pursue to get rid of some of
13 those conditions, demonstrate over six months or
14 a year or whatever it may be that you don't need
15 the curfew, that you can get a travel pass, that
16 you can do certain things. But at the end of the
17 day starting on day one if the parole officer
18 tells you whenever you walk in this office you're
19 physically able I want you to jump over that red
20 line, you just do it. It's just that simple.
21 You're on life parole. It's just that simple.

22 A I understand that. I understand the
23 restrictions that will be imposed upon me. I
24 want to reiterate that I didn't care, it's as
25 simple as that. If I'm going to be honest you

██████████ *DIN* ██████████ *NYSID* ██████████

1 you're going to see dozens of people today, the
2 vast majority will be lying to you to get home.
3 I'm not here for that, I'm not here to lie, I
4 simply didn't care.

5 Q I understand what you're saying.

6 A Some more recent than others.

7 Q That's what I was going to say.

8 A And I accept that.

9 Q Some are more recent.

10 A I had a Tier II for a disturbance charge
11 which was approximately two and a half years ago
12 and for me it was minor. For the hearing officer
13 it was minor. But still a Tier II and I
14 understand, I understand the point you were
15 making, they are not comparable to traffic
16 violations.

17 Q Exactly.

18 A I understand that. I have to live with it in
19 certain parameters. I'm taking full
20 responsibility and I'm not a perfect person. If
21 you're looking at it from a perspective of just
22 being reports, I'm not a perfect candidate for
23 parole.

24 Q I know.

25 A But I've done much more than just catch

██████ ████████ *DIN* ████████ *NYSID* ████████

1 misbehavior reports.

2 Q I know that.

3 A I've committed myself to doing better for
4 others before myself. There's a reason why I
5 have these certificates and they are not just for
6 show. I didn't say I'm going to get certificates
7 and I'm going to participate in programs because
8 25 years, two and a half --

9 Q Slow down just a little bit. Slow down a
10 little bit, we have to get everything down on the
11 record.

12 A Okay, okay. I didn't say to myself I'm going
13 to participate in programs because two and a half
14 years down the line I was going to see a Parole
15 Board. No, I did this for the betterment of
16 myself. I understood I just owe just myself but
17 I owe society. I decided to commit a crime, I
18 decided to put a gun in my hand. No one forced
19 that on me. And I understand that, you know, I
20 suffer but my suffering doesn't bring back ████████

21 ████████ It doesn't bring back the loss that the
22 family has incurred because of that. So I try
23 and I understand misbehavior reports show there's
24 a certain balance with what I'm saying to you and
25 my experience in prison. But in between those

██████ *DIN* ██████ *NYSID* ██████

1 misbehavior reports I have done these programs,
2 I'm nine credit shy of a Bachelor's degree.

3 Q I know.

4 A I've done everything, I've done everything
5 that I've set out to do for myself except, except
6 fall in line with certain behavior guidelines and
7 I'm working on myself too. I'm not saying I'm
8 perfect.

9 Q What are you going to attain your Bachelor's
10 in, what area of study?

11 A I have an Associate's in criminal justice.
12 My Bachelor's is in organizational management
13 from Myriah College(phonetic spelling).

14 Q Let's move on to that. What do you propose
15 to do for work?

16 A Well my mom, my mother decided that she
17 wanted me to be a home attendant. So through her
18 medical plan she wants me to enroll in the CDPAP
19 which is a consumer directed personal assistance
20 program. Meaning that if I'm released I can live
21 with my mom, I can live with my wife and I could
22 be my mother's home attendant which is a home
23 health aide, I can do that.

24 Q Does she need assistance, is she ill?

25 A Yes, my mother's ill. My mother has
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██████ ████████ *DIN* ████████ *NYSID* ████████

1 diabetes. She has high blood pressure and she
2 has her own mental health issues to deal with
3 right now. She's buried two children so.

4 Q That's very, that's admirable and helpful. I
5 would just say that it may, and you can't take
6 this the wrong way, it may not be healthy. If
7 you were to go home, you spent 25 years in
8 prison, right, and then?

9 A Yes.

10 Q You're kind of stuck in the house all the
11 time it might be more mentally beneficial to you
12 to get out into the working world and society and
13 interact with others, do you know what I'm
14 saying, so just keep that in mind.

15 A I understand.

16 Q You may be able to provide that help for your
17 mother but that may not be the best thing if
18 you're stuck at home eight, ten hours a day plus
19 you live there. So mentally for you after all
20 these years it may help you to get out after a
21 little while into the real world and start
22 focusing on, you know, you know, society the way
23 it is today. Things have changed since you came
24 to prison.

25 A Believe me I know this. I kind of stay

██████ ████████ *DIN* ████████ *NYSID* ████████

1 abreast of things. I read. I try to speak to my
2 family, my children. And I know I don't even
3 know how to work a telephone, but I'm aware of,
4 you know, I try to be aware of reading magazines
5 and see what's new. And I consider myself a
6 little computer literate.

7 Q First of all, first of all, I don't even know
8 what a telephone is. And number two is pagers
9 are in the museum now so those things are gone.

10 A Yes.

11 Q Now it's all about cellphones, you don't have
12 to worry about working the cellphone, it's
13 working a smart phone.

14 A That's what I meant a cellphone.

15 Q Exactly.

16 A I understood what you were saying. I also,
17 I'm also just because they don't do it in the
18 department anymore, I'm just basically waiting
19 for release because I can get certified for
20 CASAT. I included in my packet all the
21 certificates from the Oasis Office of Alcohol and
22 Substance Abuse Services for New York State. So
23 I have other avenues to pursue as far as
24 employment, but I wanted to strengthen my family
25 ties that is my mother, this is the woman that

██████████ *DIN* ██████████ *NYSID* ██████████

1 gave birth to me. I need to be there for the
2 people that have been there for me.

3 Q And you don't have to, you don't have to jump
4 out into the work force immediately, sometimes
5 you need a few months for transition and maybe
6 staying at home with your mother you know she can
7 benefit from that too. Now, according to your
8 COMPAS risk assessment it was done in February.
9 Did you see the results from that?

10 A Yes, I have them.

11 Q So everything was low and unlikely which is
12 positive except for prison misconduct and nine
13 out of 10 we are going to get into it because we
14 already discussed it in length.

15 A Okay.

16 Q The case plan is a description your goals,
17 your tasks and activities while you've been
18 inside. You've done a lot and I know that you've
19 reached probably most of your goals if not all so
20 far. I mean I know you have to finish some other
21 things but I don't want to, I'm not going to go
22 through each one of those categories because you
23 actually have a lot of programming. We can spend
24 another half an hour talking about that. But all
25 of your certificates and, you know, things like

██████████ *DIN* ██████████ *NYSID* ██████████

1 that. So those are things that we consider. Let
2 me ask my colleagues if they have any questions.

3 COMMISSIONER STANFORD: You've covered
4 everything thoroughly, I don't have any
5 additional questions, thank you.

6 COMMISSIONER W. SMITH: No questions, thank
7 you.

8 Q All right, sir.

9 A Okay, thank you.

10 Q So at the end of the day like I said we
11 talked about your disciplinary, we talked about
12 the good stuff. I like to say the good, the bad
13 and the ugly. The ugly is the crime. We talked
14 about that.

15 A Yes.

16 Q And then we have a lot more to discuss after
17 we're off camera. I want to give you an
18 opportunity to give us any last word or comment.
19 And I do want to note that we do have your letter
20 of apology to the victim's bank. So I saw that.
21 We don't know if the victim's family or anybody
22 ever sees it but we know that you wrote it, so I
23 saw that as well. I just wanted to let you know
24 that I saw it. So what do you want to tell us
25 lastly, something that we did not already cover

██████████ *DIN* ██████████ *NYSID* ██████████

1 before we finish?

2 A Well, I wanted to say to you that I've
3 decided to embark on a journey which would
4 basically relay the impact and the effects of
5 crime victimization. And I wanted to be able to
6 say that I will be an asset to society. I
7 understand that my actions can't bring, my
8 actions now can't bring ██████████ ██████████ back. And
9 I understand words are not sufficient for the
10 suffering his family has incurred because of my
11 actions. My attitude towards life now is that I
12 have to be better, I have to do better. To live
13 up to a legacy. I need to be held accountable
14 for what I've done and I accept accountability
15 for that. I'm not denying that. I didn't come
16 in here to say to you oh just look at my programs
17 and, you know, I'm the best candidate because on
18 paper I look great. I'm flawed, I understand
19 that. But I want to be able to do more, that's
20 why I wanted to enroll, put my efforts towards
21 helping the ██████████ (phonetic spelling),
22 work in the community. They are an organization
23 that's based ██████████ where
24 I grew up. They're geared towards, their mission
25 is geared towards teen gun prevention and the

██████ ████████ *DIN* ████████ *NYSID* ████████

1 consequences thereof. I fit that category. I
2 understand what it's like. I don't know that
3 I've had anyone say to me I committed murder and
4 I served 25 years to life in prison by the grace
5 of God I'm free. What are you going to do? No
6 one said that to me. No one made that impact on
7 my life. And I want to be able to say that
8 because of the changes and the attitude that I
9 have the selflessness that I've demonstrated with
10 my help toward others and my enrollment in these
11 programs that I would be, my release would not be
12 incompatible with society's goals and I would
13 remain at liberty and free from crime. I'm not
14 going to take away the seriousness of your
15 decision, I understand that you have to make a
16 very, very hard decision. This is not a one,
17 two, three let's say. This is not a minimum type
18 crime or drug use crime. I understand the
19 severity of it. But I want you to understand
20 also that I was a teenager. I'm 43 in a couple
21 of weeks. I've changed to the extent that I can
22 change in prison and I continue to work on that
23 change, the metamorphosis that occur for me and
24 around me are not easy. They're not with us
25 every day. You're not congratulated, you're not

██████ ████████ *DIN* ████████ *NYSID* ████████

1 patted on the back for it. I want to be able to
2 show you guys with what I've demonstrated to you,
3 with the packet I submitted to you that I'm ready
4 for society. I'm ready for my release and I'm
5 hoping that if you can take that into
6 consideration and I understand the severity of
7 the thought process that goes into this for you.

8 Q Well, you don't have to hope we take it into
9 consideration, we absolutely do. And lastly
10 before we finish, I'm not sure if you know this,
11 but I think you have read the statute because
12 you've quoted it a couple of times, we also are
13 required to consider any statements by the judge,
14 the sentencing judge, district attorney or the
15 defense attorney. In your case we invited them
16 to do so in writing and they never responded, so
17 we don't have the benefit of their opinion either
18 way, okay?

19 A Okay.

20 Q All right, sir?

21 A I just wanted to let you know, can I just say
22 one thing to you? I just wanted to let you know
23 I'm not going to be the person who's done nothing
24 because he can only do a little bit. I'm going
25 to do everything I can, if you release me I'm

██████ ████████ *DIN* ████████ *NYSID* ████████

1 going do everything I can to never come back and
2 my little bit would be a lot.

3 Q Okay. All right, well said.

4 A Thank you.

5 Q Well said. Thank you. We'll let you know in
6 writing in a couple of days.

7 A Thank you very much, I appreciate it.

8 Q You're welcome.

9 (After due deliberation by the Parole Board
10 panel, the following Decision was rendered:)

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1 D E C I S I O N

2 BY COMMISSIONER COPPOLA:

3 Denied 18 months, next appearance September 2018.

4 After a review, interview, and deliberation,
5 the panel has determined that your release would be
6 incompatible with the welfare and safety of society
7 and would so deprecate the serious nature of the
8 crime as to undermine respect for the law, Parole is
9 denied. Required statutory factors have been
10 considered, together with your institutional
11 adjustment including discipline and program
12 participation, your risk and needs assessment, and
13 your needs for successful re-entry into the
14 community. More compelling, however, are the
15 following. Your serious and violent instant
16 offenses of murder second two counts, attempted
17 robbery first and CPW second degrees which involved
18 you during an attempted robbery shooting a male
19 victim and causing his death. Your criminal history
20 report reflects prior contacts with the law and
21 unlawful behavior yet the IO represents a severe
22 escalation of such behavior and remains a concern to
23 this panel. Your positive programming and
24 educational achievements as well as your letters of
25 support and release plans contained in your parole

██████████ *DIN* ██████████ *NYSID* ██████████

1 packet are all noted. Also weighed and considered
2 are the results of your risk assessment and the low
3 scores indicated therein with the exception of high
4 for prison misconduct. However, none of which
5 outweighs the gravity of your actions or the
6 senseless loss of life you caused. In committing
7 this offense you demonstrated a callous disregard
8 for human life. The victim did not possess a weapon
9 and even pleaded for you not to shoot him.

10 Therefore, based on all required factors in the file
11 considered discretionary release at this time is not
12 appropriate. Use this time to continue positive
13 programs and your educational goals and do not
14 receive any additional tickets, Tier IIs or Tier
15 IIIs.

16 (All commissioners concur.)

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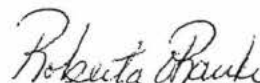
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CERTIFICATION1
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I, ROBERTA O'ROURKE, Court Reporter and Notary Public in and for the State of New York, do hereby certify that I attended the foregoing proceedings, took stenographic notes of the same, that the foregoing, consisting of 35 pages, is a true and correct copy of same and the whole thereof.

Dated: April 20, 2017



Roberta O'Rourke, Court Reporter