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[REDACTED] Nysid# [REDACTED] Din# [REDACTED]

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In The Matter of

[REDACTED]

NYSID# [REDACTED]

DIN# [REDACTED]

TYPE OF INTERVIEW: Initial

LOCATION: Cape Vincent Correctional Facility
Video-conferenced to:
NYS Department of Corrections and
Community Supervision
333 East Washington Street
Syracuse, New York 13202

DATE: August 6, 2013

BEFORE: COMMISSIONER LUDLOW
COMMISSIONER COPPOLA

ALSO PRESENT: LORI GREENIZEN, Offender
Rehabilitation Coordinator

PAT BENNETT, Offender Rehabilitation
Coordinator

AT CAPE VINCENT: LESLIE MOORE, Offender Rehabilitation
Coordinator

[REDACTED] Inmate

HEARING REPORTER: GRETCHEN A. KUPIEC,
Hearing Reporter

NYS DIVISION OF PAROLE
RECEIVED

AUG 2 2 2013

CAPE VINCENT CORR. FAC

DURR COURT REPORTING

315 735 7429

1 BY COMMISSIONER LUDLOW:

2 Q Good afternoon, sir.

3 A Good afternoon.

4 Q Sir, you are

5 A Yes.

6 Q Mr. I'm Commissioner Ludlow. With me Commissioner Coppola.

7 COMMISSIONER COPPOLA: Hello, sir.

8 Q Mr. this is your initial appearance before the Board of Parole, sir. You're now 47
9 years old, is that correct?

10 A Yes.

11 Q You were found guilty by verdict to each of the following: murder second, attempted
12 robbery first, criminal possession weapon second, controlling substance, 25 to life.

13 You've been in 25. Long period of time. We're certainly cognizant, sensitive to that fact.
14 Do you have any appeals pending or do you anticipate filing any appeals on the verdicts?

15 A No. I came to grips with my situation and all the appeals is exhausted and this is it right
16 here.

17 Q Nonetheless, I call your attention to the fact that we have a certified stenographic reporter
18 in the room with us. Every word we discuss is being reduced to a written transcript. It's
19 possible that that transcript could find its way into public forums and we caution you
20 about what you may say regarding the terms and circumstances of these crimes so as to
21 not impede, limit or jeopardize any future opportunity you may have for an appeal. You
22 may decline to discuss the terms and circumstances of these crimes if you wish. We will
23 not hold that against you. Do you understand that?

24 A Yes.

25 Q Are you maintaining your innocence as to the verdicts?

1 A No, sir.

2 Q Prior to the case going to verdict, did the district attorney in Brooklyn extend any kind of
3 a plea offer to you?

4 A No. Never once got offered a plea.

5 Q These are your only felonies of record. You do have six misdemeanors in your
6 background as well, is that correct?

7 A Yes, sir.

8 Q We have sentencing minutes on file from State Supreme Court, [REDACTED] County, June fifth,
9 1990 before Judge [REDACTED]. You at the time were represented by Miss
10 [REDACTED], traditional spelling, is that correct?

11 A Yes.

12 Q The minutes are on file --

13 A I believe Miss [REDACTED] was the prosecutor.

14 Q Miss [REDACTED] is listed as your counsel on the face of the sentencing minutes. The prosecutor
15 was [REDACTED].

16 A That's actually backwards. [REDACTED] was my attorney and [REDACTED] was the
17 prosecutor.

18 Q Okay. You certainly should know. We'll certainly amend that. Your attorney at the time
19 was [REDACTED], [REDACTED]?

20 A Yes.

21 Q Thank you for that clarification. The minutes are on file and are part of the record. We
22 also have the COMPAS risk assessment on file. Have you had the benefit of reviewing
23 your COMPAS risk assessment instrument?

24 A Yes, I have.

25 Q We draw upon the COMPAS as a tool, as a resource in an advisory way to assist us in

[REDACTED] Nysid# [REDACTED] Din# [REDACTED]

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1 complying with Executive Law 259-C4 which requires the Board of Parole to conduct a
2 risk and needs assessment as a measure of your rehabilitation for re-entry into the
3 community. In your case, the computer-generated assessment has you at a low risk for
4 felony violence, arrest or absconding, taking off from parole. Do you agree with that
5 assessment, that if on parole, you would be a low risk?

6 A Yes, I do.

7 Q Thank you, sir. Underlying offense, you were 23 at the time. Goes back to
8 Christmas/New Years 1988 in [REDACTED]. You and another individual approached a cab
9 driver at a gas station, [REDACTED] and [REDACTED], [REDACTED]. Apparently, there was
10 a physical confrontation. You and the other individual left the scene, retrieved a shotgun,
11 returned, a shot was fired, 12-gauge shotgun, and supposedly the shot killed the cab
12 driver, is that the case?

13 A Yes, it is.

14 Q Who did the shooting, you?

15 A Yes, I did.

16 Q As you look back 25 years, any thoughts to share with the Board of Parole today?

17 A When I look back at it, I see exactly what the influence of being on drugs can do to a
18 person, have a person do things that he normally wouldn't do and realizing that any time
19 that you're involved with a gun or pick up a gun, that actually nothing good can happen
20 by that. If you can see from my past, this is like the first violent offense that I ever had.
21 It seems like the more I was getting involved with drugs, the more things started
22 escalating. Through the course of my incarceration, I have tried to cure myself of the
23 addiction where getting involved with different programs that can help me to avoid ever
24 doing drugs again and that helps me tremendously and I have not been involved with
25 drugs in the 25 years I've been incarcerated. There's not a day that goes past that I don't

1 think about this incident that happened.

2 Q You told the -- you were stopped by the police and you told the police you were actually
3 hurrying back to your job on Wall Street. Was that true?

4 A I was supposed to go to work that day, yes, but actually I was not hurrying back to the
5 job. But I was working at the time and I was supposed to be in at 5:30 in the morning
6 because I was working early in the mail room. The incident happened and I couldn't get
7 there.

8 Q I see. What was the drug that you were involved with at the time?

9 A I was using cocaine at the time, went from beer to marijuana and then to cocaine.

10 Q And what was the intent, to rob the cab driver, was that it?

11 A Yes, it was.

12 Q If that was the case back then, why would you leave and return to the scene with a
13 shotgun?

14 A Because it wasn't going to be an easy, as you say, an easy robbery. And when I went and
15 got the shotgun, I felt that once I pulled the gun, it would be no more resistance and I
16 would be able to get the funds that I came to get.

17 Q Wasn't the cab driver able to drive away once you left to get the shotgun? Why didn't the
18 driver flee or call the police?

19 A I can't really answer that. I guess he was there to get the gas. I'm not sure whether he had
20 already got his gas or not. I don't know if he figured that we was gone.

21 Q He was fueling up the cab while you roughed him up, is that it?

22 A Yes.

23 Q Where was the shotgun initially? Where was it that you had to retrieve it from?

24 A The shotgun was hidden, like, in a grassy area where it was dark and out of view if
25 somebody would walk past that area.

[REDACTED] Nysid# [REDACTED] Din# [REDACTED]

6

1 Q You left that there in case you needed it. It was a short distance away, is that it?

2 A Yes.

3 Q Okay. Have you ever shot anyone else?

4 A No, sir.

5 Q Ever wounded anyone else?

6 A No, sir.

7 Q These are your only felonies of record. We do note misdemeanors, unauthorized use of a
8 vehicle, criminal mischief, drug, stolen property -- we'll amend that. Yes, there was a
9 drug conviction 1987, a drug misdemeanor, is that all correct, sir?

10 A Yes, sir.

11 Q Over 25 years, you've done a number of things program-wise. We certainly want to
12 acknowledge and recognize that for the record. You have completed ART and ASAT.
13 You worked in the sign shop at Eastern, also in food service. You've had a commendable
14 behavior report in the past. You have participated in delinquency intervention program at
15 Eastern. Any other programs over the years, sir, over 25 years that we should be
16 apprised of, AVP, GED?

17 A Yes, sir. I have AVP, GED. I also volunteered in AA programs that was available at
18 Eastern Correctional Facility as well as NA programs. I was the facilitator of the
19 program trying to explain to people that's coming up as I was coming up about the pitfalls
20 of using drugs, to that nature.

21 Q Over 25 years, you've incurred 18 Tier II and six Tier III tickets, the most recent Tier IIIs,
22 there was an issue June 2013, urinalysis. Was that an inability to provide a urine sample?

23 A Yes. I was called to provide a urine and I was unable to urinate in the three-hour time
24 allowance. And while in SHU, I consulted with the medical department to find out
25 whether this is a problem or not because nothing like this ever happened before. I was

[REDACTED] Nysid# [REDACTED] Din# [REDACTED]

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1 diagnosed as a shy bladder which now if I take urine now, I will be able to go in a private
2 room and take it unobserved. Once I was diagnosed with a shy bladder, I wrote the
3 deputy superintendent of this facility and he immediately gave me a time cut and I was
4 released from SHU.

5 Q The same day in question, June 24, you received a Tier II, Cape Vincent, unhygienic act.
6 What was that?

7 A The unhygienic act was straining very hard to give urine and while straining, you know,
8 stuff, instead of coming out the front, stuff came out the back.

9 Q I see. Okay. You can live your with mother in [REDACTED], possibility of work at [REDACTED]
10 [REDACTED] with your brother's assistance. That's certainly beneficial. We do note letters on
11 file. We have a letter all the way from [REDACTED], [REDACTED]. Your niece [REDACTED]
12 [REDACTED], very nice letter of support from Miss [REDACTED]. We appreciate that.
13 Additionally, your niece [REDACTED] from [REDACTED], [REDACTED], very nice letter of
14 support. We are grateful for that. Were you aware of those letters?

15 A Yes, I was.

16 Q We appreciate that very much.

17 COMMISSIONER LUDLOW: Commissioner Coppola?

18 COMMISSIONER COPPOLA: Nothing additional. Thank you very much.

19 Q Mr. [REDACTED] anything additional, sir, that is important to you that perhaps we haven't
20 covered?

21 A. I'd just like to say if I was able to get another chance, that I'm not the same person that I
22 was 25 years ago when I became incarcerated. I have tried hard to work on the things
23 that had led me in here so I would never have to come back to a place like this again. I
24 would like for you to take that into consideration.

25 Q Okay. Thank you. I also note we have no letters or statements from either the judge,

[REDACTED] Nysid# [REDACTED]

8

1 district attorney or defense attorney who participated in your case. Although they were
2 invited to do so, we did not receive any such letters or statements and as a result, we do
3 not have the benefit of any commentary in that regard. Mr. [REDACTED] you're still a young
4 man at 47. We hope that you can get your life turned around in a positive, constructive
5 way. We certainly wish you good luck in that regard. We will advise you in writing. We
6 have attempted to give you a full, fair and accurate interview today. In your opinion,
7 have you received that?

8 A Yes, I have.

9 Q Good luck to you, sir. We will advise you in writing.

10 A Thank you.

11 (Inmate was excused.)
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CERTIFICATION

I, Gretchen A. Kupiec, 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 10 pages, is a true and correct copy of same and the whole thereof.

Dated: August 15, 2013

*Gretchen A. Kupiec,
Court Reporter*