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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

HELD AT: Franklin C.F.
(Video-conferenced to Albany, NY)

HELD ON: August 5, 2015

BEFORE: Commissioner Ferguson
Commissioner Ludlow
Commissioner Elovich

STAFF PRESENT
IN ALBANY: Kathy Heading-Smith, SORC
Elizabeth Laramay, ORC
Cristine Fiore, ORC

IN FACILITY: Mike Hugaboom, ORC
Jill Cassini, ORC

REAPPEARANCE

REPORTER: Anthony R. D'Ambrosio
Certified Shorthand Reporter

DIN# [REDACTED]

NYSID# [REDACTED]

2

1 BY COMMISSIONER ELOVICH:

2 Q. Hi. Are you [REDACTED] [REDACTED]

3 A. Yes.

4 Q. Hi, Mr. [REDACTED] I'm Commissioner Elovich, with me
5 today is Commissioner Ferguson and Commissioner Ludlow.
6 How are you?

7 COMMISSIONER FERGUSON: Hello.

8 COMMISSIONER LUDLOW: Good morning.

9 INMATE: Good morning. Good morning,

10 Commissioners.

11 Q. You are serving 25 to life as a controlling sentence
12 for murder second, attempted robbery first, and criminal
13 possession of a weapon second; is that correct?

14 A. Yes.

15 Q. And this was by verdict after trial?

16 A. Say that again.

17 Q. This was by verdict after trial?

18 A. Yes.

19 Q. Do you currently have any pending appeals?

20 A. No. I terminated all my appeals when I came to the
21 rationalizations of my actions.

22 Q. Okay. The reason I ask you that is because we have a
23 stenographer taking down everything that you say, so if
24 you did have an appeal, I just wanted to make you aware
25 of that. Now, was there ever a plea offer in this case?

DIN# [REDACTED]

NYSID# [REDACTED]

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1 A. No. A plea was not an option. I was too caught up
2 with rationalizing my actions.

3 Q. Okay.

4 A. I finally came to grips with what I've done and
5 stopped blaming drugs for my actions.

6 Q. Okay. Good. And I do see in the sentencing minutes
7 at the time of the crime, after you and another shot the
8 cab driver during the course of a robbery, you had --
9 prior to shooting Mr. [REDACTED], he resisted the robbery,
10 according to page seven of the sentencing minutes, the
11 prosecutor said you returned back with the shotgun,
12 because you wanted to complete the robbery and you shot
13 him at that point, and then after the robbery, you
14 changed your appearance by changing your clothes and
15 running from the scene -- or removing your clothing and
16 running from the scene. So, back then, it appears, as
17 you were saying, you minimized your responsibility or
18 evaded responsibility at that time. I see that
19 Mr. [REDACTED]'s family was in court at the time of
20 sentencing, they were there every day during the trial,
21 and that the prosecutor said their interest was strong.
22 So, prior to this murder, you had some misdemeanors, so
23 you were living somewhat of a criminal lifestyle and this
24 was a severe escalation of any of that. Is there
25 anything you want to say about your history or about the

DIN# [REDACTED]

NYSID# [REDACTED]

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1 crime before we move on to your efforts toward
2 rehabilitation, and I know you've been in for over
3 26 years, almost 27 years?

4 A. Yes. When I look back, I'm horrified that I could
5 take a life, that I was that kind of person that could do
6 that. The crime I committed in 1988 will haunt me
7 forever. You know, I wish I could go back and change
8 that day. I was irresponsible and made terrible choices
9 and a life was lost at my hands. Nothing can excuse what
10 I have done. I'm fully responsible for my choices and
11 the consequences of my choices, but I have dedicated
12 myself to make sure I will never be that person I was
13 that day.

14 Q. Okay. Let's talk about that. What would you say is
15 your most significant effort toward rehabilitation, in
16 terms of programming or reflections or anything else that
17 you have done in here?

18 A. My programming was an opportunity to reflect on the
19 crime and the wrong decisions. I've bettered myself so
20 that I would never make those decisions I made in the
21 past, and in the past I was always blaming, you know,
22 drugs or something for the choices that I made, and when
23 I came to realize that it wasn't drugs, it was me who was
24 making them choices, then I was able to start working on
25 becoming a better person. And I utilized a lot of the

DIN# [REDACTED] NYSID# [REDACTED]

5

1 programs and a lot of the programs that I have volunteer
2 for really help me also with like the intervention
3 programs dealing with youth that are heading down a
4 similar path I was.

5 Q. Is that the YAP program?

6 A. Similar to YAP, but it was called the intervention
7 program at the time when I was at Eastern Correctional
8 Facility, you know, that was one of the programs that
9 really helped me, because I seen that so many people that
10 was headed down, you know, the same path that I was, you
11 know, and I was also working on dealing with the AA and
12 NA, you know, because even though I have not done drugs
13 in many years, I still want to make sure that I, you
14 know, do not do drugs.

15 Q. Okay. Good. And I see you also completed ASAT and
16 A.R.T.?

17 A. Yes.

18 Q. Okay. And you also had vocational, you were promoted
19 in industries and you also did food service for a while?

20 A. Yes, I'm also presently in food service as we speak
21 also.

22 Q. Okay. I see you did well with your vocations, so
23 you've done well with your programming, you were promoted
24 when you did do vocations, and we will take that into
25 consideration. I see since your last board appearance,

DIN#9 [REDACTED]

NYSID# [REDACTED]

6

1 you got a Tier III at Cape Vincent for violent conduct
2 and fighting, you got about three months S.H.U. time for
3 that. Anything you want to share with us regarding that
4 ticket?

5 A. Yes. You know, looking back at that, I can't do
6 nothing but blame myself for that, because I should have
7 walked away sooner before the argument escalated and then
8 when I decided to walk away and I turned my back, I was
9 hit while I was walking away and at that time I was
10 basically forced to defend myself.

11 Q. Okay. This was another inmate that hit you?

12 A. Yes.

13 Q. Okay. All right. I see that you have some letters
14 in the file from people that care about you and they want
15 to see you come home. [REDACTED], she's your niece?

16 A. Yes.

17 Q. She wrote a very nice letter on your behalf. So did
18 [REDACTED].

19 A. Yes, that's also a niece of mine.

20 Q. Okay. And also your brother [REDACTED].

21 A. Yes.

22 Q. He wrote a very nice letter for you as well. And he
23 talked about your mom.

24 A. Yes. My family has always been there for me.

25 Sometimes I feel I do not deserve their support, but I

DIN# [REDACTED]

NYSID# [REDACTED]

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1 continue to see the effects of that day in their eyes,
2 the shame they have for my actions, and my vow to myself
3 is to turn that shame and to one day make them proud.

4 Q. Okay. Well, they still care about you, you know, and
5 you have friends that wrote in letters too. So, that's
6 something that we will consider, that you have support on
7 the outside if you are released. Support always helps.

8 We have your COMPAS. It scores you as a low overall risk
9 of future felony violence, arrest, and absconding.

10 Highly probable for re-entry substance abuse and that is
11 mostly probably related to what you did on the outside
12 before you came in. Did you do any drugs on the inside?

13 A. No, because I came to realize early on that once you
14 go down that path, you will continue the path that led
15 you up in here, so that was one of the things that I
16 tried to refrain from.

17 Q. Okay. Good. If you are released, how would you
18 spend your time, where would you live, how would you
19 support yourself and what would you do in your free time?

20 A. If I was to be released, I would, you know, things
21 have changed, because I was going to be released to my
22 mother, but in the last two years since my last parole
23 hearing, my mother has caught a few strokes and was not
24 able to live on her own.

25 Q. I'm sorry, and I see she's about 90 years old; right?

DIN# [REDACTED] NYSID# [REDACTED]

8

1 A. Yes. So now if I was to be paroled, I would be
2 paroled to my niece in [REDACTED], which is closer to where
3 I would be able to visit my mother.

4 Q. Okay. So, you need to speak to your counselor or
5 your parole officer about getting an interstate transfer
6 to [REDACTED]?

7 A. Yes.

8 Q. And you would probably be able to do that if you had
9 a job and a place to live there.

10 A. Yes.

11 Q. So, you said your niece lives there. Would she be
12 able to help you find employment?

13 A. Yes. Her and her husband also own their own
14 business, so they will be willing to help me find
15 employment and also they have a lot of different agencies
16 in that area that cater to people that have been
17 incarcerated for a while to get reacquainted back into
18 society.

19 Q. Okay. Good. Commissioners, any questions?

20 COMMISSIONER FERGUSON: Nothing

21 additional. Thank you.

22 COMMISSIONER LUDLOW: Nothing further.

23 Thank you.

24 Q. Sir, is there anything that I have not mentioned that
25 you think would be important for us to know?

DIN# [REDACTED]

NYSID# [REDACTED]

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1 A. You know, despite what the panel's decision may be, I
2 will refrain steadfast in my recovery from drugs and
3 crime, and I will continue to work on becoming a better
4 man every day. Like I said, I took a man's life. That
5 day will haunt me forever. I will never be able to make
6 amends to the family for their loss. I accept full
7 responsibility for the crime I committed. I know words
8 alone will not change the outcome of my past, my past
9 behavior and poor choices, however, I pray that -- first
10 step towards showing that my remorse is genuine. I do
11 not know whether today you was able to see the sincerity
12 in my words or how remorseful I am, but I know I can
13 never be that person I once was. The day I stopped
14 rationalizing my actions is the day I started working on
15 becoming a better human being. I know this can never be
16 an easy decision for the panel, but I believe the
17 decision will be justified.

18 Q. All right. Thank you. That was well stated and you
19 did present yourself well today. We have a lot to think
20 about here and I don't know what we are going to do. We
21 will have a long discussion after you leave the room.
22 This is a tough case. You do come before us with a Tier
23 III, which, you know, isn't helpful, but overall your
24 discipline has not been that bad and as I stated before,
25 you have support on the outside, so we have a lot to

DIN# [REDACTED] NYSID# [REDACTED]

10

1 think about, we will get back to you in a couple of days
2 and I'm not sure what we are going to decide, but we wish
3 you well.

4 A. Okay. Thank you, Commissioner, for your time.

5 Q. You're welcome. Thank you.

6 (After due deliberation by the Parole Board
7 Panel, the following decision has been rendered:)

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DIN# [REDACTED]

NYSID# [REDACTED]

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DECISION

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4 Denied 24 months. Next appearance 7/2017. After a
5 review of the record and interview, the panel has
6 determined that if released at this time, your release
7 would be incompatible with the welfare of society and
8 would so deprecate the serious nature of the crime as to
9 undermine respect for the law. The Board has considered
10 your institutional adjustment including discipline and
11 program participation. Required statutory factors have
12 been considered, including your risk to society,
13 rehabilitation efforts, and your needs for successful
14 re-entry into the community. Your release plans have
15 also been considered. More compelling, however, is the
16 extreme violence you exhibited in the instant offense
17 when you and another individual shot and killed a cab
18 driver during the course of a robbery. After the victim
19 was shot, you attempted to change your appearance and
20 flee the scene. This crime was a continuation and severe
21 escalation of a long pattern of illegal conduct. Since
22 your last board interview, you incurred a Tier III
23 disciplinary infraction for violent conduct and fighting.
24 The Board suggests that you follow the rules of DOCCS so
25 that you can successfully re-enter the community.

[REDACTED] DIN# [REDACTED]

NYSID# [REDACTED]

12

1 Continue to address your impulse control issues. The
2 Board notes your completion of ASAT, A.R.T., vocational
3 accomplishments, educational accomplishments, and letters
4 of support. The Board also notes your participation in
5 the intervention program for crime prevention. All
6 factors considered, your release at this time is not
7 appropriate.

8 (All Commissioners concur.)
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