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STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

In the Matter of

██████████ ██████████

DIN # ██████████

NYSID # ██████████

HELD AT: WYOMING CORRECTIONAL FACILITY
Attica, New York

Parole Board Hearing

October 6, 2004

BEFORE: COMMISSIONER W. WILLIAMS SMITH, JR.
COMMISSIONER VERNON C. MANLEY
COMMISSIONER LIVIO LAZZARI

PRESENT: ANTHONY MOLIK, Facility Parole Officer II
JANET CIOCIOLA, Agency Program Aide

REPORTER: MIDTOWN REPORTING SERVICE
SHAUNA C. CHAMBERS, Hearing Reporter
(585) 325-2130

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14612

██████████ - NYSID NO. ██████████

1 EXAMINATION BY COMMISSIONER MANLEY:

2 Q ██████████ ██████████

3 A Yes, sir.

4 Q I am Commissioner Manley. Commissioner Smith,
5 Commissioner Lazzari.

6 COMMISSIONER SMITH: Hello.

7 COMMISSIONER LAZZARI: Hello.

8 A Hello.

9 Q Sir, this is your initial appearance before the
10 Parole Board. You are here for a burglary first degree. You
11 got ten to life, you pled guilty. And here you are, ten years
12 later. Did you ever think you would spend this much time at
13 one stretch in prison?

14 A No.

15 Q No. Well, you know why you got hit like this, is
16 because of your record. In this case, the instant offense,
17 you, in concert with two others, entered ██████████'s
18 apartment, you were armed with pistols, and forcibly stole the
19 victim's property. During the course of the offense, you
20 struggled with the victim, you dragged her and her
21 eight-year-old son into the bedroom, attempted to tie her hands
22 with the bed sheet, put a pistol to her head, cocked it, and
23 said you were going to kill her. That's what the record says.
24 Anything you want to add to that?

25 A Well, I never was tried, charged with no pistol. I

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1 did went to the apartment, yes.

2 Q You did go to the apartment. Who had the pistol?

3 A We went to the apartment.

4 Q Who had the pistol?

5 A ██████████.

6 Q What part did you play in this?

7 A I went and I was right there by the door. And like
8 five minutes later, the police came.

9 Q You never touched her, never touched the children?

10 A No.

11 Q She fabricated all that?

12 A She didn't fabricate all that. The statement when we
13 went to court, she specify everything everyone, every single
14 person, was doing. And like, ██████████ was holding the kid,
15 playing with the kid, playing the video. She went to the back
16 room with ██████████ to get the money.

17 Q How old were you when this happened, when you did
18 this?

19 A When, now?

20 Q No, then.

21 A Ten years ago.

22 Q How old are you now?

23 A Thirty-six.

24 Q Then you were 26, that's good math. I look at your
25 record, it goes back to '83. Y.O. attempted petit larceny, got

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1 a year of probation. Before the probation was up, you were
2 adjudicated as Y.O. for robbery first degree, you got a year in
3 jail. You were also adjudicated for Y.O. rob two, and you got
4 another year in jail, just running consecutive, I mean
5 concurrent. This is in '84. You get out, and you got
6 convicted of rob two in '86, you get 18 to 54 months. Got
7 paroled, your parole was revoked. Criminal trespassing. You
8 have additional attempted burglary in '89, time served, five
9 years probation. You violated, they resentenced you to 30
10 months to five years prison. They give you a break and put you
11 in a work release program, and you abscond. And you were
12 returned as an absconder, you get paroled, and you max out.
13 Get on parole and you -- well, given this kind of record, why
14 would you think that we should give you a break? Do you think
15 that, I mean, the record says that you are going to get out
16 there and do what you have been doing, because this is what you
17 know how to do. That's what it says. Despite all the
18 influences of the justice system, despite the prison sentences,
19 despite parole, despite probation, you are going to do what you
20 want to do, when you want to do it, and if it hurts other
21 people, so what? Is that the case?

22 A That's what my record says.

23 Q That's what your record says. What do you say?

24 A I think I, what I really say, that I know I hurt some
25 people, I know that. It's my conscience, in my heart, I know

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1 that I did that. And if I could stop the time, go back, it
2 would never happen. But I know I made bad choices, and right
3 now I am paying the consequences.

4 Q Right, you certainly are. Ten years is not chump
5 change. How many years have you spent in prison all together,
6 if you added it all up?

7 A That's close to twenty.

8 Q Twenty years. You have spent more years in prison
9 than you have in the larger community. Mr. ██████████, do you
10 have any support out there?

11 A I got work, like work.

12 Q For support?

13 A Family?

14 Q Family.

15 A I have my sister, my mother.

16 Q Sister and mother. What kind of work can you do?

17 A Electrical.

18 Q Electrical work? You have some skills in that area?

19 A Yes, sir.

20 Q Did you have it before you came to prison?

21 A Mm-hmm.

22 Q Yeah? I see that you were a general mechanic in
23 maintenance. You completed ART, right?

24 A Yes, sir.

25 Q You are working as electrician right now?

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1 A Mm-hmm.

2 Q All right. You have one Tier II infraction. Is that
3 one Tier II in ten years?

4 A Yes, sir.

5 Q That's impressive. And that's for creating a
6 disturbance. How did you manage to do that? It takes some
7 skills to stay away from getting tickets. How did you do that?

8 A Being most of the time reading. Go to the work in
9 the morning, I go to work at 7:30 in the morning, I come back
10 at 3:30.

11 Q Somebody jump in your face and want to take something
12 from you, how do you deal with that?

13 A Now, these days?

14 Q Yeah.

15 A Now, most of the time, just talk about it, and walk
16 away from it.

17 Q Mm-hmm. What are you going to do with your life,
18 sir, when you get out there?

19 A Get my job, I got to get a job, support myself, get
20 work. And first of all, I got to live with my sister. I
21 can't, I don't have no other place to go. I got to save to get
22 my apartment. And I really want to renew with my son, my son
23 is going to be 20 years old now.

24 Q All right. Did you have a drug problem?

25 A No, sir. No drugs.

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1 COMMISSIONER MANLEY: Commissioners, any
2 questions?

3 COMMISSIONER LAZZARI: No questions.

4 COMMISSIONER SMITH: No questions.

5 Q All right. Sir, what you have going for you, you
6 spent a lot of time in prison. What's against you is your
7 record, because you have had repeat offenses. What you also
8 have going for you is the fact that you only have one ticket in
9 ten years, it shows some skills, it shows you can be focused.
10 So we'll consider all of that and get back to you. Thank you.

11 A Thank you, sir. Have a good day.

12 (Whereupon the Commissioners deliberated off the
13 record.)

14 * * *

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

I, SHAUNA C. CHAMBERS, a Shorthand Reporter in the State of New York, do hereby CERTIFY that the foregoing record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of the same, to the best of my knowledge and belief.

Shauna C. Chambers

SHAUNA C. CHAMBERS

DATED AT: Rochester, New York
this 19th day of October, 2004.

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