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ORIGINAL

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

In the Matter of

██████████ ██████████

Attica Correctional Facility

DIN # ██████████

NYSID # ██████████

TELECONFERENCED FROM: Rochester Area Office
Rochester, New York

Attica Correctional Facility
Parole Board Hearing

August 12, 2008

BEFORE: COMMISSIONER G. KEVIN LUDLOW
COMMISSIONER CHRIS ORTLOFF
COMMISSIONER WILLIAM M. CASEY

PRESENT: JEFFREY HELF, Facility Parole Officer II
NANCY OSTERTAG, Agency Program Aide

REPORTER: MIDTOWN REPORTING SERVICE
MICHELLE M. NARDECCHIA, Hearing Reporter
(585) 325-2130

Midtown Reporting Service
501 Times Square Building
Rochester, New York 14614

C. [REDACTED] - NYSID # [REDACTED] - DIN # [REDACTED]

1 EXAMINATION BY COMMISSIONER CASEY:

2 Q Good afternoon, Mr. [REDACTED].

3 A Good afternoon, sir.

4 Q I'm Commissioner Casey; next to me is Commissioner
5 Ludlow and Commissioner Ortloff.

6 COMMISSIONER LUDLOW: Good afternoon, sir.

7 COMMISSIONER ORTLOFF: Commissioner Casey, can
8 I interrupt for a second.

9 Can I ask the staff at the facility to -- if
10 you can find something to shade that window with, there is
11 such a back light around the inmate's head that we can not see
12 his face at all. Either that or maybe move the inmate, so
13 only the wall is behind him. I don't know.

14 (Whereupon a pause is had in the proceeding.)

15 COMMISSIONER CASEY: Much better; thank you.

16 EXAMINATION BY COMMISSIONER CASEY CONTINUED:

17 Q You are here on a reappearance?

18 A Yes, sir.

19 Q You pled guilty to burglary in the first degree and
20 was sentenced ten to life; is that right?

21 A Yes, sir.

22 Q Tell us about that crime?

23 A We went to collect some money and there was a female
24 and a little boy there. And after that I feel sorry for what
25 I did. I pled guilty to -- I got arrested inside the

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501 Times Square Building
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C. [REDACTED] - NYSID # [REDACTED] - DIN # [REDACTED]

1 apartment.

2 Q What did you do?

3 A I had -- I got charged with what I did in the crime.

4 Q Yeah. What did you do when you were inside the
5 apartment?

6 A I went inside, we went through the door and I went
7 all the way to the living room; that is where the boy was.
8 And we went in there and we was watching -- I was in the
9 living room with the boy.

10 Q Did you terrorize the woman and the boy and
11 threatening them with death, if they didn't cooperate?

12 A No, sir.

13 Q Were you armed with a handgun?

14 A No, sir.

15 Q You were not.

16 You pled guilty to that.

17 A I never was found guilty, there was no gun in the
18 courtroom.

19 Q All right. What was it that you were looking for in
20 that apartment, drug money?

21 A Somebody owed me drug money.

22 Q You have a couple youthful offender crimes, burglary
23 and robbery. And you show a couple more robberies and
24 burglaries after you became an adult; are you aware of that?

25 A Yes, sir.

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C. [REDACTED] - NYSID # [REDACTED] - DIN # [REDACTED]

1 Q How is your disciplinary record in prison?

2 A I have two Tier 2 and one Tier 3.

3 Q You picked up another ticket on 7/28/08 for
4 smuggling?

5 A Yes, sir.

6 Q Was that a Tier 2 or Tier 3?

7 A Tier 2.

8 Q Did you also have an assault on another inmate,
9 since your last Parole hearing?

10 A Yes, sir.

11 Q What was that about? You had possession of a weapon
12 too; is that right?

13 A Yes.

14 Q What happened?

15 A It happened in Wyoming Correctional Facility. When
16 I was working out at the farm, the inmate was abusing the
17 animal, the cow and the calf; after that he killed two little
18 cats. At first I pushed the guy and he pushed me and I had to
19 defend myself.

20 Q What was the penalty you got on that one?

21 A I went to the box for six months and I did four
22 months for good time.

23 Q You have been programing?

24 A Yes, sir.

25 Q What did you take so far?

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C. [REDACTED] - NYSID # [REDACTED] - DIN # [REDACTED]

1 A Right now I was working on, I think, my ART. I just
2 finished ART last week. I was working in the facility with
3 the garbage and before that electrical trade. I got
4 electrical trade, small engine, floor covering that I complete
5 all.

6 Q If you were put on Parole, where would you live?

7 A With my sister, [REDACTED].

8 Q Where does she live?

9 A In [REDACTED].

10 Q What would you do to earn a living, what kind of
11 work?

12 A Electrical, plumbing, repairing houses.

13 Q Do you have anything you want to ask the Board or
14 say to the Board?

15 A No, sir.

16 I would like to say, that I regret what I did, the
17 crime that I commit. And I feel sorry for the person that I
18 put through all his pain.

19 COMMISSIONER CASEY: Commissioners?

20 COMMISSIONER ORTLOFF: Nothing further; thank
21 you.

22 COMMISSIONER LUDLOW: How old are you now?

23 INMATE [REDACTED] Forty.

24 COMMISSIONER LUDLOW: How many bids is this for
25 you?

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C. [REDACTED] - NYSID # [REDACTED] - DIN # [REDACTED]

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INMATE [REDACTED]: The fired one.

COMMISSIONER LUDLOW: When does it end?

INMATE [REDACTED] It end with my last one;

this is the end.

COMMISSIONER LUDLOW: Why wasn't the first one
the last?

INMATE [REDACTED] I was stupid, ignorant.

COMMISSIONER LUDLOW: A lot of stupid people in
the world, but they don't serve three bids in State prison.
Something different with you; any clue?

INMATE [REDACTED] I was selfish, I was just
thinking about myself and nobody else.

COMMISSIONER LUDLOW: That could be.

Thank you, Commissioner.

COMMISSIONER CASEY: Okay. We will let you
know of our decision.

INMATE [REDACTED] Thank you, sir.

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

* * *

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C. [REDACTED] - NYSID # [REDACTED] - DIN # [REDACTED]

DECISION

1
2 COMMISSIONER CASEY: Denied 24 months; next
3 appearance August 2010.

4 After review of the record and interview,
5 Parole is denied.

6 The Panel has concluded that your release at
7 this time is incompatible with the public welfare, as there
8 exists a reasonable probability that you would not live and
9 remain at liberty without again violating the law.

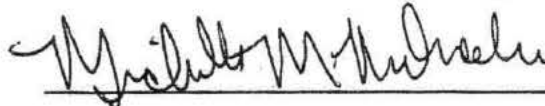
10 This decision is based on the following
11 factors: Your past criminal history involving numerous
12 robberies and burglaries and your apparent lack of remorse for
13 these crimes. One of which involved your terrorizing a female
14 and eight-year-old son during a burglary.

15 (Whereupon Commissioner Ludlow and Commissioner Ortloff
16 concurred.)

* * *

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

17
18
19
20 I, MICHELLE M. NARDECCHIA, a Shorthand Reporter in the
21 State of New York, do hereby CERTIFY that the foregoing record
22 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.

23 

MICHELLE M. NARDECCHIA

24
25 DATED AT: Rochester, New York
this 26th day of August 2008.

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