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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 Town Square Building
Rochester, New York 14614
EXAMINATION BY COMMISSIONER CASEY:

Q Good afternoon, Mr. [Name].
A Good afternoon, sir.
Q I'm Commissioner Casey; next to me is Commissioner Ludlow and Commissioner Ortloff.

COMMISSIONER LUDLOW: Good afternoon, sir.
COMMISSIONER ORTLOFF: Commissioner Casey, can I interrupt for a second. Can I ask the staff at the facility to -- if you can find something to shade that window with, there is such a back light around the inmate's head that we can not see his face at all. Either that or maybe move the inmate, so only the wall is behind him. I don't know.

(Whereupon a pause is had in the proceeding.)

COMMISSIONER CASEY: Much better; thank you.

EXAMINATION BY COMMISSIONER CASEY CONTINUED:

Q You are here on a reappearance?
A Yes, sir.
Q You pled guilty to burglary in the first degree and was sentenced ten to life; is that right?
A Yes, sir.
Q Tell us about that crime?
A We went to collect some money and there was a female and a little boy there. And after that I feel sorry for what I did. I pled guilty to -- I got arrested inside the midtown R.\...
What did you do?
A I had -- I got charged with what I did in the crime.
Q Yeah. What did you do when you were inside the apartment?
A I went inside; we went through the door and I went all the way to the living room; that is where the boy was. And we went in there and we were watching -- I was in the living room with the boy.
Q Did you terrorize the woman and the boy and threatening them with death, if they didn't cooperate?
A No, sir.
Q Were you armed with a handgun?
A No, sir.
Q You were not.
A You pled guilty to that.
Q Did you terrorize the woman and the boy and threatening them with death, if they didn't cooperate?
A No, sir.
Q Were you armed with a handgun?
A No, sir.
Q You were not.
A You pled guilty to that.
Q All right. What was it that you were looking for in that apartment, drug money?
A Somebody owed me drug money.
Q You have a couple youthful offender crimes, burglary and robbery. And you show a couple more robberies and burglaries after you became an adult; are you aware of that?
A Yes, sir.
Q: How is your disciplinary record in prison?

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

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

A: Yes, sir.

Q: Was that a Tier 2 or Tier 3?

A: Tier 2.

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

A: Yes, sir.

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

A: Yes.

Q: What happened?

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

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

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

Q: You have been programing?

A: Yes, sir.

Q: What did you take so far?

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

Q If you were put on Parole, where would you live?
A With my sister.
Q Where does she live?
A In .
Q What would you do to earn a living, what kind of work?
A Electrical, plumbing, repairing houses.
Q Do you have anything you want to ask the Board or say to the Board?
A No, sir.
I would like to say, that I regret what I did, the crime that I commit. And I feel sorry for the person that I put through all his pain.

COMMISSIONER CASEY: Commissioners?
COMMISSIONER ORTLOFF: Nothing further; thank you.
COMMISSIONER LUDLOW: How old are you now?
INMATE Forty. 
COMMISSIONER LUDLOW: How many bids is this for you?
INMATE: The fired one.

COMMISSIONER LUDLOW: When does it end?

INMATE: It end with my last one; this is the end.

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

INMATE: 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: 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: Thank you, sir.

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

* * *

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Poughkeepsie, New York 12603
COMMISSIONER CASEY: Denied 24 months; next appearance August 2010.

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

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

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

(Whereupon Commissioner Ludlow and Commissioner Ortloff concurred.)

CERTIFICATION

I, MICHELLE M. NARDECCHIA, 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.

DATED AT: Rochester, New York this 26th day of August 2010.

MICHELLE M. NARDECCHIA

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Rochester, New York 14610