

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

September 2021

Parole Interview Transcript/Decision - FUSL000058 (2010-08-03)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

Recommended Citation

"Parole Interview Transcript/Decision - FUSL000058 (2010-08-03)" (2021). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/82>

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.



1 STATE OF NEW YORK
2 EXECUTIVE DEPARTMENT
3 DIVISION OF PAROLE

4 *****

5 PAROLE BOARD HEARING

6 In the Matter of



8 DIN # [REDACTED]

9 NYSID # [REDACTED]

10 *****

11 TYPE OF HEARING: Reappearance
12 LOCATION: Collins I Correctional Facility
13
14 DATE: Tuesday, August 3rd, 2010
15 BEFORE: COMMISSIONER JOSEPH P. CRANGLE
16 COMMISSIONER W. WILLIAM SMITH, JR.

19 ALSO PRESENT: KATHERINE EVANS, FPO
20 KAREN HOTH, FPO
21 KARI GENS, FPO
22 BETSY STEFF, APA

23 HEARING REPORTER: Megan E. Pelka

25

1 BY COMMISSIONER SMITH:

2 Q Your name, sir?

3 A [REDACTED] [REDACTED]

4 Q Mr. [REDACTED] I am Commissioner Smith. This is
5 Commissioner Crangle with me here today. You are
6 reappearing before the Parole Board, serving a 10 to
7 life sentence based on a plea of guilty to burglary in
8 the first degree; is that right?

9 A Yes, sir.

10 Q We reviewed your records. You have been held three
11 time, 24 months on each of those; is that correct?

12 A Yes, sir.

13 Q So you've now served about 16 years; is that correct?

14 A Yes, sir.

15 Q This burglary first, did you commit the crime?

16 A Yes.

17 Q And, of course, we have had a chance to review the
18 presentence report that described what apparently was an
19 in concert burglary in the first degree. You had some
20 individuals who committed this crime with you; is that
21 true?

22 A Yes, sir.

23 Q Whose idea was it to burglarize the residence?

24 A All three of us.

25 Q Did you know somebody would be home?

- 1 A No.
- 2 Q What were you trying to steal?
- 3 A Money.
- 4 Q Why did you pick this particular place?
- 5 A Because the owner, he used to sell drugs.
- 6 Q Okay. Well, unfortunately, as what occurs often and
7 makes burglaries so unpredictable is there was a woman
8 and her eight-year old son there; is that correct?
- 9 A Yes, sir.
- 10 Q Was she the drug dealer?
- 11 A No.
- 12 Q Was the eight-year old?
- 13 A No, sir.
- 14 Q So they were pretty much innocent, right?
- 15 A Yes, sir.
- 16 Q They were threatened at gun point; is that right?
- 17 A Yes.
- 18 Q Were they forced into a bedroom and there was attempts
19 made to bind the female?
- 20 A Yes, sir.
- 21 Q Tie her up? Once you saw somebody was there, why didn't
22 you and your co-defendants leave?
- 23 A The police got there in two minutes.
- 24 Q I mean, as soon as they discovered you, why didn't you
25 just leave? Why stay?

- 1 A We was about to, but everything happened so fast.
- 2 Q Now, at the time of this crime you were still on parole
3 from a prior state sentence; is that right?
- 4 A Yes, sir.
- 5 Q And that parole actually expired prior to the sentencing
6 for the burglary first, but you were on parole; is that
7 right?
- 8 A Yes, sir.
- 9 Q I am looking back in the record. How many times in
10 state prison does this make?
- 11 A Third.
- 12 Q It looks like you had a sentence, was it in '86? And
13 that sentence was a 91 number; is that right?
- 14 A Yes, sir.
- 15 Q You also had probation in '83 as a youthful offender.
16 Looks like you got jail for a youthful offender in '84
17 for a robbery. In '86, that was the first time in
18 prison?
- 19 A Yes.
- 20 Q And then, '89 was the burglary second which you still
21 were on parole for when this -- you absconded from
22 parole -- strike that. You absconded from temporary
23 release and violated parole in the past; is that true?
- 24 A Yes, sir.
- 25 Q That's a pretty bad record. On a positive note you had

1 some struggles earlier in this sentence, but have no
2 disciplinary problems since the Board saw you last?

3 A Yes, sir.

4 Q Why the improvement? That's good, but what's the
5 difference? How have you been able to stay away from
6 trouble? Any particular reason?

7 A Yes. I -- right now I learned how to control my temper
8 and my behavior.

9 Q Okay. Impulse control. It looks like you have been
10 able to be involved in some general maintenance. You
11 did a little bit of that throughout your sentence,
12 right?

13 A Yes.

14 Q What programs have you done in addition to that that you
15 would like to tell us about?

16 A ART. They would not give me any vocational because I
17 took vocational courses. They wouldn't give me this --

18 Q ART is Aggression Replacement Therapy, anti-violence
19 program.

20 A Anti-violence program, anger replacement therapy. And
21 also minute Nancy the plumbing.

22 Q If you were released at this time there's apparently a
23 pace in [REDACTED], [REDACTED] you could live?

24 A Yes, sir.

25 Q Who would you live with?

- 1 A It would be [REDACTED] and his wife.
- 2 Q How do you spell the name?
- 3 A [REDACTED].
- 4 Q And I see from a letter that you forwarded, you sent it,
5 sort of an update in the end of July and I think we also
6 have a copy from Back to Basics of their programing,
7 which I am familiar with. That's a letter of reasonable
8 assurance; is that right?
- 9 A Yes, sir.
- 10 Q They help ex-offenders in a number of ways and you
11 reached out to them; is that true?
- 12 A Yes, sir. I also have a letter from employment that I
13 couldn't forward that because it's too late.
- 14 Q Who is the letter from? Give it to the officer.
- 15 A It's right here.
- 16 Q What is this? One letter here is from Back to Basics;
17 is that right?
- 18 A The one from Back to Basics is the one --
- 19 Q Do you want this one back?
- 20 A You should have this copy.
- 21 Q I have a different copy, right, one with the letterhead
22 on it. Yes. Since contracting out of [REDACTED]
23 you'd be a laborer there; is that right?
- 24 A Yes, sir.
- 25 Q How is your physical and mental health?

1 A Excellent.

2 Q There's a lot to look at, not just what's in the folder
3 in front of us, but certainly we take into account your
4 comments as well.

5 COMMISSIONER SMITH: I don't know if Commissioner
6 Crangle had any questions?

7 COMMISSIONER CRANGLE: No, thank you.

8 BY COMMISSIONER SMITH:

9 Q Mr. [REDACTED] is there anything else we haven't talked
10 about?

11 A I really would like to say that I take full
12 responsibility for what I done and the pain that I
13 caused all the people, especially the boy and his mom.

14 Q We'll discuss what you said and give you a decision in
15 writing in a few days.

16 A Thank you, sir.

17 HEARING CONCLUDED

18

19

20


21

22

23

24

25


DECISION

1
2
3 Parole denied to 8/2012.

4 This panel has concluded that your release to
5 supervision is not compatible with the welfare of society and
6 therefore parole is denied. This finding is made following a
7 personal interview, record review and deliberation. Of
8 significant concern is your lengthy criminal record that
9 previously led to probation, local jail as well as two prior
10 state sentences. You committed the instant offense of
11 burglary first while you were on parole. Parole expired prior
12 to sentencing for this instant offense.

13 Positive factors considered include improved behavior
14 since last seen by a Parole Board and program accomplishments.
15 In addition, your instant offense involved the in concert
16 burglary of a residence where a woman and her minor-aged son
17 were threatened at gunpoint. To grant your release at this
18 time would so deprecate the seriousness of your offense as to
19 undermine respect for the law.

20 (All Commissioners concur.)
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION

I, Megan E. Pelka, 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 8 pages, is a true and correct copy of same and the whole thereof.

Dated: Tuesday, August 3rd, 2010

Megan E. Pelka

Megan E. Pelka, Court Reporter