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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
2 BOARD OF PAROLE

3 *****

4 PAROLE BOARD INTERVIEW

5 In the Matter of

6 [REDACTED]

7 DIN NUMBER [REDACTED]

8 NYSID NUMBER [REDACTED]

9 *****

10 TYPE OF INTERVIEW: Reappearance

11 LOCATION: Collins I Correctional Facility

12 Videoconferenced from the Buffalo Metro Parole Office

13
14
15
16

17 DATE: Wednesday, August 15th, 2012

18

19 BEFORE: COMMISSIONER ELLEN ALEXANDER
20 COMMISSIONER JOSEPH P. CRANGLE
COMMISSIONER W. WILLIAM SMITH

21 ALSO PRESENT: BRENDA BARRETT, ORC
22 KATHERINE EVANS, ORC
23 TIM GALLAGHER, ORC
KIMBERLY MANGUS, SORC

24 HEARING REPORTER: Megan E. Pelka

25

DEPAOLO-CROSBY REPORTING SERVICES, INC.
170 Franklin Street, Suite 601, Buffalo, New York 14202
716-853-5544

1 EXAMINATION BY COMMISSIONER CRANGLE:

2 Q Hello, sir. Can you state your name for the record?

3 Mr. [REDACTED], can you state your name? Is that right?

4 A Yes.

5 Q What's your first name?

6 A [REDACTED].

7 Q I am Commissioner Crangle. Along with me is
8 Commissioner Smith and Commissioner Alexander.

9 COMMISSIONER SMITH: Hello.

10 BY COMMISSIONER CRANGLE:

11 Q Sir, this is a reappearance for you today. You're in
12 state prison for burglary in the first degree. You were
13 sentenced to ten years to life and you pled guilty,
14 right?

15 A Yes, sir.

16 Q How old are you now, sir?

17 A 44.

18 Q And you've been in since what, 1997?

19 A Yes, sir.

20 Q Okay. The record states that back in December, 1994
21 you, in concert, went into a residence in [REDACTED],
22 [REDACTED] armed with a pistol, right?

23 A Yes, sir.

24 Q And dragged a woman and her eight-year old son into a
25 bedroom, made an attempt to tie her hands up with the

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- 1 bed sheet, pointed a pistol at her and told her to shut
2 up, that you were getting -- that she was getting you
3 nervous. Did you tell her you were going to kill her as
4 well?
- 5 A Excuse me?
- 6 Q Did you do this, sir?
- 7 A Yes, sir.
- 8 Q You did go into a residence with some others and
9 demanded -- you were taking property from them, right?
- 10 A Yes, that's the charges.
- 11 Q Well, did you have a gun and did you point the gun at
12 the woman?
- 13 A I didn't point no gun at the woman.
- 14 Q What did you do?
- 15 A We went inside the place, supposed to take the money and
16 the drugs.
- 17 Q So, you knock on the door and say can we please come in
18 and have money or what did you do?
- 19 A No, we didn't knock on the door.
- 20 Q Well, what did you do wrong? Why are you sitting in
21 state prison right now?
- 22 A Because I committed the crime.
- 23 Q And the crime is what?
- 24 A Burglary.
- 25 Q I want you to describe to me what you did to these

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1 people.

2 A We knocked on the door and when she opened the door we

3 went in.

4 Q Forcefully?

5 A No.

6 Q Okay. So, you walked in and then what?

7 A A male was supposed to be there, but he wasn't there.

8 Q And eight-year old boy was there, right?

9 A A little boy, yes.

10 Q Do you think you scared him?

11 A Yes.

12 Q Do you have kids?

13 A Yes, sir.

14 Q What would you do if that happened to one of your kids,

15 witnesses something like this? How would you feel?

16 A Very bad.

17 Q How old is your kids now?

18 A They're 26.

19 Q 26? And home is where? In the [REDACTED] area?

20 A No. He's in [REDACTED].

21 Q No, for yourself. Your family is in [REDACTED]? Are you

22 going to go back to [REDACTED] if you were to be released?

23 A [REDACTED], [REDACTED].

24 Q Okay. And this is a terrible crime. It occurred in

25 1994. When did you get arrested?

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- 1 A Why did I get arrested?
- 2 Q No. When did you get arrested for this?
- 3 A '94.
- 4 Q '94? How old were you then?
- 5 A That's happened 18 years ago. I was 26 then.
- 6 Q Why did you spend so much time -- were you at Riker's?
- 7 A Yes, sir.
- 8 Q Why did you spend so much time at Riker's?
- 9 A Fighting the case.
- 10 Q I see. Okay. So, for a couple years you were at
- 11 Riker's and then you went to the Department of
- 12 Corrections, correct?
- 13 A Yes, sir.
- 14 Q Okay. All right. I was just a little mixed up. Prior
- 15 to this offense you committed other crimes, right?
- 16 A Yes.
- 17 Q You were even paroled once by the Parole board, weren't
- 18 you, years back?
- 19 A Yes.
- 20 Q Back in 1987. I bet you the Parole Commissioners
- 21 wouldn't be too happy knowing that they released someone
- 22 who committed such a terrible offenses as burglary in
- 23 the first degree. Why didn't that wake you up? What
- 24 was going on back then?
- 25 A What was the question?

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1 Q What was going on back then for you to be, you know, you
2 were in prison before, you were in front of a Parole
3 Board in 1987. They released you, which was good. What
4 happened after 1987? You continued to live a life of
5 crime and I'm asking you why.

6 A My influence and I was doing bad things. I was very
7 stupid.

8 Q What about now? I mean, you've aged out, do you think,
9 with this type of lifestyle, this type of behavior?

10 A Yes. It opened my eyes very much.

11 Q To your credit you haven't had an infraction since July,
12 2008. That was in Attica. How long were you -- when
13 did you get transferred to Collins?

14 A In '08. I came back November, 2008.

15 Q Okay.

16 A I came to Collins.

17 Q Okay, and you've been doing okay there, right?

18 A Yes, sir.

19 Q What have you been doing for work or programming since
20 your last appearance front of the Board?

21 A I was in 550, outside clearance in Collins.

22 Q Okay.

23 A I was working as a mechanic downstairs in maintenance
24 and now I'm a porter.

25 Q Okay. Why did you get transferred from Attica to

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- 1 Collins?
- 2 A They transferred me.
- 3 Q They just transferred you?
- 4 A Yes, I guess it went down. They put me in here.
- 5 Q Okay. Now, you mentioned you have a son in [REDACTED].
- 6 Is this a different son you can live with in [REDACTED]?
- 7 A The same son is coming to [REDACTED].
- 8 Q Okay. He's in [REDACTED] right now?
- 9 A Right now he's in [REDACTED].
- 10 Q Is he in the Army?
- 11 A Yes, sir.
- 12 Q Good for him. Does he write you? Do you talk to him?
- 13 A Yes, we write to each other.
- 14 Q Okay. We have your COMPAS risk assessment. This is
- 15 something new. In your previous Board appearances you
- 16 didn't have this. Are you familiar with the COMPAS risk
- 17 assessment document? You had to answer about 40
- 18 questions for us. Do you recall doing that for us?
- 19 A Yes, I have the copy.
- 20 Q Okay. Did you have any problem reading and answering
- 21 the questions?
- 22 A No.
- 23 Q Okay. All right. Thanks for doing that. Part of the
- 24 COMPAS has a graph and the graph measures your risk.
- 25 And it shows that you were a low risk for felony

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- 1 violence. Arrest risk is low and absconding is low.
2 Are you a low risk or a no risk to the community?
- 3 A No risk.
- 4 Q And in order to stay at no risk you have to stay busy
5 and stay focused. Would you agree with that, sir?
- 6 A Yes, sir.
- 7 Q So, in order to stay busy you need a job. What can you
8 do out there?
- 9 A I could work as an electrician.
- 10 Q Can you?
- 11 A Yes. Or any mechanic or construction. Yes, I would do
12 any job that had to be done.
- 13 Q Okay. What about -- there were no issues out in the
14 community with drugs or anything like that?
- 15 A No, never.
- 16 Q Okay. Back before you had planned to go to Back to
17 Basic in Buffalo; is that right? I know that that was
18 back in 2010, right?
- 19 A Yes, sir.
- 20 Q Things have changed and, obviously, [REDACTED] is
21 something more what you're looking at?
- 22 A No. What happened is my son, he came over, and he was
23 stationed in [REDACTED], in [REDACTED].
- 24 Q Okay.
- 25 A But to go back to Back to Basics, I got to go back to

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- 1 the street and call them.
- 2 Q I see.
- 3 A They would not transfer me from here to Buffalo.
- 4 Q When this offense happened were you on parole or no?
- 5 A Yes, sir.
- 6 Q You were on parole when this happened?
- 7 A Yes.
- 8 Q Okay. That was -- was that for a burglary, correct?
- 9 A Yes.
- 10 Q All right. And you mentioned you were looking for
- 11 money? Was this drug money?
- 12 A Yes, sir.
- 13 Q Were you selling, using, both? What?
- 14 A No, I was not using. I was not selling.
- 15 Q But why were you going to this home that you say was
- 16 involved with drugs?
- 17 A The guy -- the owner of the apartment owed me money.
- 18 Q So you were just after the money?
- 19 A That's it.
- 20 Q What happened to your co-defendants?
- 21 A My nephew never even came to jail.
- 22 Q Oh, it was your nephew. Okay.
- 23 COMMISSIONER CRANGLE: Commissioners, any questions?
- 24 COMMISSIONER SMITH: I have nothing. Thanks.
- 25

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1 BY COMMISSIONER CRANGLE:

2 Q Mr. [REDACTED] I have asked you a lot of questions and
3 you answered them. Is there anything you feel we
4 missed, or is there anything you want to say on your own
5 behalf?

6 A Yes.

7 Q Okay.

8 A That I really take responsibility for what I've done. I
9 did commit the crime and I'm very sorry for all the
10 persons that I have made suffer for my doing.

11 Q Okay. All right, sir. I have attempted to give you a
12 full, fair and accurate interview. In your opinion, did
13 you receive that today?

14 A Yes.

15 Q All right. Well, I appreciate it and thanks for coming
16 in. Okay.

17 A Thank you, sir.

18 Q Take it easy.

19

20 HEARING CONCLUDED

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D E C I S I O N

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Denied 24 months. Next appearance 8/14.

After a personal interview, record review and deliberation, it's the determination of this panel that, if released at this time, there's a reasonable probability that you would not live at liberty without violating the law. Your release at this time is incompatible with the welfare and safety of the community and so would deprecate the serious nature of the crime as to undermine respect for the law.

You appear before the panel for the serious instant offense of burglary in the first degree. Your criminal record reflects prior unlawful behavior. Your repeated criminal behavior is a concern for this panel. When you committed the instant offense you were on parole.

Consideration has been given to an assessment of your risks and needs for success on parole. The panel also notes your programming, good disciplinary record and release plans and your educational achievements. However, despite these accomplishments, discretionary release is not warranted.

(All Commissioners concur.)

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CERTIFICATION

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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 11 pages, is a
true and correct copy of same and the whole thereof.

Dated: Wednesday, August 15th, 2012

Megan E Pelka

Megan E. Pelka, Court Reporter