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September 2021

### Parole Interview Transcript/Decision - FUSL000058 (2014-08-13)

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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 NO. [REDACTED]

8 NYSID NO. [REDACTED]

9 \*\*\*\*\*

10 TYPE OF INTERVIEW: Reappearance

11 LOCATION: Collins I Correctional Facility  
12 Video-conferenced to  
13 Buffalo Area Office  
14 460 Main Street  
Buffalo, New York 14202

15 DATE: Wednesday, August 13th, 2014

16  
17 BEFORE: COMMISSIONER WILLIAM W. SMITH, JR.  
18 COMMISSIONER ELLEN E. ALEXANDER  
COMMISSIONER JULIE SMITH

19  
20 ALSO PRESENT: Sayeeda Gault, SORC,  
21 Brenda Barrett, ORC,  
Cari Gens, ORC

22  
23 HEARING REPORTER: Brittany M. Whelan  
24  
25

1 EXAMINATION BY COMMISSIONER W. SMITH:

2 Q Good afternoon. Would you state your name for the  
3 record, please?

4 A [REDACTED]

5 Q Very good. Mr. [REDACTED] I'm Commissioner William  
6 Smith joined today by Commissioner Alexander on my right  
7 and Commissioner Julie Smith on my left. You are  
8 reappearing today continuing to serve a sentence of ten  
9 to life for burglary in the first degree; is that  
10 correct?

11 A Yes, sir.

12 Q We have a lot of things we look at as we determine  
13 whether now is an appropriate time for you to go into  
14 the community. How old are you, sir?

15 A 46.

16 Q And how many years of that 46 years have you served  
17 inside New York State prison?

18 A 20.

19 Q That's on this instant offense, right?

20 A Yes.

21 Q You've spent more than that. What about prior to  
22 offenses?

23 A Probably like 28.

24 Q A long time. The majority of your life, right?

25 A Yes.

- 1 Q Is this what you had hoped to grow up and spend your  
2 days sitting inside a state prison?
- 3 A No.
- 4 Q Do you remember way back in I think it was 1983 you had  
5 a youthful offender adjudication for attempted petty  
6 larceny; do you remember that?
- 7 A Yes.
- 8 Q We don't always have your old records. We actually have  
9 yours that go way back and I'll tell you why. It's  
10 because pretty much you've either been on supervision or  
11 -- either on supervision or in state prison since the  
12 since the 80s, correct?
- 13 A Yes, sir.
- 14 Q I actually have this attempted petty larceny, that's  
15 what you were convicted of. It started off with  
16 burglary petty larceny stolen property and this was in  
17 [REDACTED], right?
- 18 A Yes.
- 19 Q You and accomplice [REDACTED]; do you remember him?
- 20 A Yes.
- 21 Q You broke into the van, stole some items; is that right?
- 22 A Yes, sir.
- 23 Q What an opportunity the judge gave you. A year  
24 probation youthful offender attempted petty larceny.  
25 Back in '83 if you would have completed that you would

- 1           have been home free, wouldn't you?
- 2    A       Yes, sir.
- 3    Q       Why didn't you stop doing crime?
- 4    A       I was selfish and thinking more about myself than
- 5           anybody else.
- 6    Q       Now you have the opportunity to serve the rest of your
- 7           lifetime in state prison. I don't know if that will
- 8           happen but that's your opportunity now, right?
- 9    A       No, sir. I hope not.
- 10   Q       Well, it is. Whether we release you today you still
- 11          have a life sentence. That nasty four letter word.
- 12          Then you're arrested in May of '84. I've got that
- 13          pre-sentence report. It's kind of amazing that we have
- 14          stuff that's this old. You told the complainant, this
- 15          was [REDACTED]; do you remember that? There was
- 16          a man playing golf and you told the complainant don't
- 17          say anything or you would stuff the sticks down his
- 18          throat; do you remember that?
- 19   A       Playing golf?
- 20   Q       Well, it might have been -- did you approach -- it says
- 21          near a dirt trail the three defendants approached the
- 22          complainant on their bikes armed with chuka sticks; do
- 23          you remember that?
- 24   A       Yes.
- 25   Q       It's a long time ago. You probably don't remember

1 everything about it but that was a youthful offender  
2 robbery first so you got local jail for that. Then in  
3 '86 you were arrested March 19th of '85 and you got a  
4 robbery second. You went to state prison for the first  
5 time for that, right?

6 A Yes, sir.

7 Q I've got that in front of me too. Then while you were  
8 on parole supervision you had a misdemeanor that they  
9 didn't violate you for but while you were on parole you  
10 committed the next offense an attempt of burglary second  
11 led to probation, correct?

12 A Yes, sir.

13 Q I've got a copy of that. You violated probation. You  
14 ultimately went to state prison, got released and when  
15 you were on parole you committed this instant offense,  
16 right?

17 A Yes.

18 Q Where did you get the handgun from?

19 A The handgun?

20 Q In the instant offense?

21 A It came from my co-defendant.

22 Q And you and your co-defendants went into a home,  
23 displayed that pistol, attempted to tie a female up in  
24 front of her eight year-old son and took property,  
25 right?

- 1 A Yes.
- 2 Q You were on parole at the time -- you were on parole at  
3 the time and that parole expired prior to sentencing.  
4 Basically what we do is cancel delinquency maximum  
5 expiration but you got another sentence. You were on  
6 parole when you had the handgun, right?
- 7 A Yes, sir.
- 8 Q How did you choose the particular place that you were  
9 burglarizing?
- 10 A Excuse me.
- 11 Q How did you choose the place you had burglarized in the  
12 instant offense?
- 13 A It was random.
- 14 Q It's not a home of a drug dealer that you told us  
15 before?
- 16 A It was.
- 17 Q Come on. When you shrug your shoulder the verbal  
18 message I got was oh, I just got caught telling a  
19 different story. Now you tell me what actually I should  
20 take from your mannerism?
- 21 A When we went there it used to be a drug dealer's.
- 22 Q So stop right there. Why did you just tell me it was  
23 random? Why did you tell me that?
- 24 A Because every time I try telling the truth of what  
25 really happened, it's like nobody wants to understand

1 it.

2 Q Do you know who Pinocchio is?

3 A Yes.

4 Q Well, it doesn't help to have differing accounts. I'm  
5 not saying you're Pinocchio, but it doesn't help to have  
6 deferring accounts. There's this thing I think you  
7 probably heard of it before. Deprecate the seriousness  
8 of the crime undermine respect for the law; you've heard  
9 of that, right?

10 A Yes.

11 Q We should talk about that because that's something we  
12 have to at least look at. When we look at your risk and  
13 needs assessment many things are low risk. Your risk of  
14 in terms of family support is low because you have a  
15 place to stay, this [REDACTED] in [REDACTED] and  
16 that's good. Your highest area of concern is risk of  
17 violence, you're an eight out of ten. When we look at  
18 this deprecate the seriousness of the crime undermine  
19 respect for the law you can sort of paraphrase it as  
20 saying if we release [REDACTED] [REDACTED] who has his third  
21 state prison term, a history of weapons, a history of  
22 violence, bad history on probation, bad history on  
23 parole, would the community say it would deprecate the  
24 seriousness of the crime and undermine respect for the  
25 law. In other words would they say what are we doing



1 releasing this man? And so it's important for us to  
2 hear what you have to say as to why you should be  
3 released.

4 A I believe that I have grown up in the last 20 years of  
5 being incarcerated. I take full responsibility for what  
6 I've done. The pain that I suffer for that little boy.  
7 I hope he grow up to be a good man and at one time he  
8 forgive me, you know?

9 Q Certainly we will consider that. You had some positives  
10 besides a place to stay. You've done a number of  
11 programs including some violence programs, right?

12 A Yes.

13 Q So we weigh that. We look to see what have you done to  
14 minimize your risk. Your behavior earlier on was a  
15 struggle. You did have some disciplinary violations,  
16 but I think you've been disciplinary free since July of  
17 2008 if I'm correct; is that right?

18 A Yes.

19 Q Okay. You have some positives, some things that are not  
20 as positive. We're going to look at all of those. We  
21 don't have a copy of the sentencing minutes. They were  
22 requested and the courts were not able to provide those.  
23 We have some letters supporting your release. I  
24 mentioned [REDACTED] [phonetic]. She has a very  
25 helpful letter. She writes a nice letter that gives us

1 an indication of your relationship to her. She is your  
2 Godmother; is that right?

3 A Yes.

4 Q And willing to help you. You also have reached out to  
5 Buffalo Employment and Training Center, One Stop  
6 Services and Back to Basic Industries. They help ex --  
7 offenders. We're familiar with Buffalo Employment and  
8 Training Center and also the Buffalo Urban League you've  
9 reached out to in past. I've asked you a lot of  
10 questions.

11 COMMISSIONER W. SMITH: Commissioner Alexander or  
12 Commissioner Julie Smith, any questions?

13 COMMISSIONER ALEXANDER: I have nothing further.

14 COMMISSIONER J. SMITH: I have nothing  
15 additional. Thank you very much.

16 Q Anything else, Mr. [REDACTED] that you want to tell us  
17 today?

18 A Yes. I would like to address the panel that besides --  
19 I know that my history is really bad, but I believe that  
20 I grew up. I'm not the same person that I was 20 years  
21 ago. I don't see life now like it's just me. I see  
22 people around me. I know I can contribute to society if  
23 you give me a chance.

24 Q All right. We'll let must know in writing. Thank you  
25 for coming in.

1 A Thank you very much.

2

3

INTERVIEW CONCLUDED

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

3 **DECISION**

4  
5 Denied. Hold 24 months. Next appearance 8/2016.

6 Parole denied after a personal interview, record  
7 review and deliberation. This panel determines that  
8 release at this time would so deprecate the seriousness  
9 of your offense as to undermine respect for the law.  
10 Required statutory factors have been considered  
11 including your risk to the community, rehabilitation  
12 efforts and your needs for successful community  
13 reintegration.

14 You history of violence is significant. You had a  
15 probation sentence in 1983 for a youthful offender  
16 adjudication for attempted petty larceny. Your first  
17 sentence of local time was imposed to a 1984 youthful  
18 offender robbery first adjudication. Your first state  
19 sentence for robbery second in 1986 was followed by a  
20 burglary second and eventually the instant offense of  
21 burglary first.

22 This panel finds your release is incompatible with  
23 the public safety and welfare.

24 (All Commissioners concur.)

25

