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### Parole Interview Transcript/Decision - FUSL000058 (2016-08-17)

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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] [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: August 17th, 2016

16 DECISION DATE: August 17th, 2016

17 AMENDED DECISION:

18 BEFORE: COMMISSIONER JOSEPH P. CRANGLE  
19 COMMISSIONER EDWARD M. SHARKEY

20 ALSO PRESENT: Sayeeda Gault, SORC  
21 Betsey Steff, APA  
Jennifer Johnston, ORC

22 AT FACILITY: R. Koehler, ORC

23 HEARING REPORTER: Kelly S. Hairston

24  
25

## EXAMINATION

1

2 BY COMMISSIONER SHARKEY:

3 Q Sir, would you state your name for the record, please?

4 Are you [REDACTED] [REDACTED]

5 A Yes, sir.

6 Q I am Commissioner Sharkey. I'm here today, together with

7 Commissioner Crangle.

8 COMMISSIONER CRANGLE: Hello.

9 THE INMATE: Hello.

10

11 BY COMMISSIONER SHARKEY:

12 Q This is a reappearance for you; is that right?

13 A Yes, sir.

14 Q One, two, three, four, five, six -- your seventh?

15 A Yes.

16 Q You're serving a ten to life for a plea in [REDACTED] County

17 to burglary first; is that right?

18 A Yes, sir.

19 Q The record indicates that in 1994, in the evening hours,

20 you were acting in concert with others in which you

21 unlawfully entered an apartment while armed with a

22 pistol. I know you say you didn't have the gun, but the

23 records indicate there was a gun.

24 A Yes, sir.

25 Q And forcibly stole the complainant's property and during

1 the course of the event, the victim was struggled with,  
2 dragged -- she and her eight year old son were dragged  
3 into a bedroom. She was attempted to be tied with a bed  
4 sheet around her hands and a pistol pointed at her head  
5 cocked and people told her shut up, you're getting me  
6 nervous, I'm going to kill you; is that all correct?

7 A It did happen, yes.

8 Q Okay. What was your role?

9 A I went -- we went inside the apartment and well, the only  
10 guy that had -- she was by the door with the woman and I  
11 was looking for the money.

12 Q But you knew one of your codefendants had a gun?

13 A Afterwards, yes.

14 Q Who had the gun?

15 A [REDACTED].

16 Q Was he the one that used the gun to threaten the woman?

17 A Yes, sir.

18 Q So this was all done in front of her eight year old  
19 son?

20 A The eight year old son was in the living room playing a  
21 game with the other codefendant.

22 Q So what, your other codefendant distracted the eight year  
23 old while your codefendants or people you were with  
24 threatened this woman?

25 A It was three codefendants.

- 1 Q Okay. What did you get out of this, by the way?
- 2 A Really nothing. Time.
- 3 Q Okay. Did you know this woman?
- 4 A No, her husband.
- 5 Q Why did you pick this place?
- 6 A We went to collect drug money.
- 7 Q Do you know why that woman was attempted to be tied up --
- 8 why she was taken into the bedroom and attempted to be
- 9 tied up?
- 10 A The guy was scared that she was going to call the
- 11 police.
- 12 Q Okay. That's pretty violent stuff?
- 13 A Yes, sir.
- 14 Q How would you feel if it was your mother or your
- 15 grandmother or your sister or your aunt, somebody you
- 16 really cared about that had this happen to them?
- 17 A Very bad.
- 18 Q Okay. You were sentenced as a persistent violent felony
- 19 offender; weren't you?
- 20 A Yes, sir.
- 21 Q This is your third state bid; isn't it?
- 22 A Yes.
- 23 Q Your record goes back to approximately the mid to early
- 24 1980's. You started out with two youthful offender
- 25 adjudications, one for attempted petit larceny and you

- 1 got probation and another one for a robbery first which  
2 you got a year; is that right?
- 3 A Yes.
- 4 Q Then you had a robbery second in 1986. You got one and a  
5 half to, what, four and a half?
- 6 A Yeah.
- 7 Q You got paroled and violated parole; is that right?
- 8 A Yes, parole -- and I got incarcerated going to court.
- 9 Q Then you got a criminal trespass second misdemeanor, you  
10 got 30 days in 1990. Then you had an attempted burg two  
11 in which you got five years probation and violated  
12 probation, you got two and a half to five and that was as  
13 a result of a new conviction; wasn't it?
- 14 A Yes, sir.
- 15 Q Now how many times have you violated probation and  
16 parole?
- 17 A Once.
- 18 Q Once on probation, I see.
- 19 A Yes.
- 20 Q The record indicates twice on parole.
- 21 A Two times on parole, once on probation.
- 22 Q Burg 2's are house burglaries. Robbery 2's are violent.  
23 Robbery 1's even worse. So why all this violence?
- 24 A I been making a lot of mistakes in my life and I always  
25 been thinking about myself. All this time I've been

1           incarcerated now, I've been participating in different  
2           programs and I'm learning now to -- the skills to be --  
3           all the people respect and empathy.

4    Q       All right. We have your sentencing minutes from [REDACTED]  
5           [REDACTED], [REDACTED]. You were represented by [REDACTED]  
6           [REDACTED], [REDACTED]; is that right?

7    A       Yes, sir.

8    Q       We'll consider those. We have your risk assessment, it  
9           shows all your risks are low except criminal involvement  
10          which is medium. History of violence is high. We also  
11          have your case plan which lists your goals that you hope  
12          to achieve while incarcerated. You want to work hard to  
13          go home, enhance employability skills. How's that  
14          working out for you?

15   A       I've been working hard in the maintenance department,  
16          learning more skills to prepare myself to gain my  
17          freedom.

18   Q       Okay. If you're released, you want to live with your  
19          godmother in [REDACTED]; is that right?

20   A       Yes, sir.

21   Q       What are you going to do to support yourself if you are  
22          released and what are your release plans? I note that it  
23          says you have no employment plan of any kind.

24   A       Yeah, I would be able to go -- I seek and maintain work,  
25          but I have to go to all the programs that parole is

1 stipulation.

2 Q You can't work, why can't you work?

3 A No, I will be working, but I'm saying that I have to go  
4 parole -- whatever stipulation they give -- probably  
5 going to put me in programs. I really want to  
6 participate in a program for anger management.

7 Q So you've got a problem with anger management?

8 A No, it's under control, but I really want it to be more  
9 deep so I can learn to be around people.

10 Q Okay. I will acknowledge receipt of your submission to  
11 the parole board -- your typewritten submission?

12 A Yes.

13 Q It's not dated, but it does -- it consists of -- let's  
14 see, 1, 2, 3, 4, 5 pages, plus attachments which includes  
15 certificates of achievement, letters that you've written,  
16 the Buffalo Laborers Training Fund -- that's good --  
17 Peaceprints, your commendable behavior report. So we  
18 will consider all of that -- [REDACTED] County letter from  
19 [REDACTED], Buffalo Employment Training Center. So  
20 there's a lot of support out there for you. You haven't  
21 had a ticket since 2008; is that correct?

22 A Yes, sir.

23 Q And you're programming, you satisfied ART, Transitional  
24 Services 1 and 2. Where are you working now?

25 A Maintenance Department in electrical trade.



- 1 Q Is there any other program they want you to take?
- 2 A No, those are the only programs that I was mandated to  
3 take.
- 4 Q Do you have any drugs issues?
- 5 A No, sir.
- 6 Q So why were you involved in this robbery -- this  
7 burglary?
- 8 A I used to collect money from the street when they used to  
9 sell drugs. I was with the wrong crowd at the time and I  
10 went to collect the money for different places. That was  
11 the first time I went to collect money, but that was the  
12 only time there was a boy and the female in the house. A  
13 male was supposed to be in the house.
- 14 Q So you were looking for the husband?
- 15 A Yes, sir.
- 16 Q So when you saw the woman and the child and no male, why  
17 didn't you guys leave?
- 18 A I went to -- when I asked her for the money -- I went to  
19 get the money right away and when I asked her for the  
20 money, she said it was in the closet. Like, three  
21 minutes later, the police was there. We got arrested  
22 maybe like three or four minutes later.
- 23 Q But not before she and the kid were traumatized?
- 24 A No.
- 25 Q You still think you got anger management issues?

1 A No, sir, but I would like to say that I'm very sorry for  
2 all the pain that I've caused the victim and the -- their  
3 family and traumatized. I don't know how they grew up,  
4 the little boy and the mom. I hope that one day they  
5 grew up and they forgive me.

6 Q What does your family consist of?

7 A My family? I've got sisters, but they're in Connecticut.  
8 My mom pass away when I was incarcerated and my father.  
9 My son is in the army.

10 Q All right. We'll consider everything and advise you in  
11 writing within a couple days.

12 COMMISSIONER SHARKEY: Commissioner, any questions?

13 COMMISSIONER CRANGLE: No, I have nothing thanks.

14

15 BY COMMISSIONER SHARKEY:

16 Q Thanks for coming in. Good luck to you.

17 A Can I please say something else?

18 Q Absolutely.

19 A If -- do you see anything that you believe I should work  
20 harder to prepare myself for release?

21 Q We haven't even arrived at a decision as to what we're  
22 going to do. So you need to discuss those issues with  
23 your counselor.

24 A Yes, I have. I have discussed them with my counselor,  
25 but the one that got my freedom in the hand is the

1 Commissioner of the parole.

2 Q We --

3 A That's really --

4 Q We don't know what we're going do. We haven't even  
5 talked about it yet. So we appreciate your coming in and  
6 we'll let you know in writing. Thank you.

7 A Have a good day.

8 INTERVIEW CONCLUDED

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

3  D E C I S I O N

4  
5 Denied, 24 months. Next appearance, August 2018.

6 After a review of the record and interview, the panel  
7 has determined that if released at this time, there is a  
8 reasonable probability that you would not live and remain  
9 at liberty without again violating the law and your  
10 release would be incompatible with the welfare of society  
11 (and would so deprecate the serious nature of the crime  
12 as to undermine respect for the law.) The panel has  
13 considered your institutional adjustment including  
14 discipline and program participation. Required statutory  
15 factors have been considered, including your risk to  
16 society, rehabilitation efforts, and your needs for  
17 successful reentry into the community. Your release  
18 plans have also been considered, as well as your COMPAS  
19 Risk and Needs Assessment, case plan and Sentencing  
20 Minutes which are in the file.

21 You are serving time for the serious offense of  
22 burglary first in which you acting in concert unlawfully  
23 entered a residence while armed with a pistol and  
24 forcibly stole property. During the incident, the victim  
25 was threatened. The instant offense represents your

1           third state bid. Your criminal history indicates back to  
2           approximately the early to mid-1980s and includes a YO  
3           adjudication for robbery and larcenous related behavior  
4           and offenses involving robbery and burglary related  
5           behaviors and failures at prior community supervision.

6           Due consideration was given to your satisfactory  
7           programming and your lack of disciplinary infractions for  
8           a number of years. Prior court interventions and  
9           leniency have failed to deter your criminal behavior.  
10          The instant offense is a continuation of your extensive  
11          and violent criminal history.

12          Parole is denied.

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CERTIFICATION

I, Kelly S. Hairston, 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, is a true and correct copy of same and the whole thereof.

Dated: Sunday, August 28th, 2016

*Kelly S. Hairston*

\_\_\_\_\_  
Kelly S. Hairston, Court Reporter