NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

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Parole Board Interview

In the Matter of

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TYPE OF INTERVIEW: Reappearance

LOCATION: (Video conference)
Otisville Correctional Facility

DATE: August 25th, 2015

BEFORE: COMMISSIONER MARC COPPOLA
COMMISSIONER EDWARD M. SHARKEY
COMMISSIONER JULIE SMITH

ALSO PRESENT: D. Glebocki, SORC
M. Brooks, ORC
A. Raimondo, ORC

REPORTER: Lori Ciofalo, Hearing Reporter

M & F Reporting Service (845) 562-5190
COMM. SMITH: Good evening, sir. State your name for the record.

THE INMATE: 

COMM. SMITH: Good afternoon. I am Commissioner Smith. I am joined today by Commissioners Coppola and Sharkey.

COMM. SHARKEY: Hello.

COMM. COPPOLA: Hello, sir.

BY COMMISSIONER SMITH:

Q. You come before us today as a reappearance. The record indicates that you are presently incarcerated serving fifteen-to-life, following a conviction by plea in County, for Murder, Second; is that right?

A. Yes, ma'am.

Q. We have your Sentencing Minutes on file. This offense dates back to of 1992, so twenty-three years ago. You caused the death of a twenty-year-old female, by either throwing her or pushing her from a rooftop; is that correct?

A. Yes, ma'am.

Q. You were on parole at the time for a Robbery, First, adjudication, and a Robbery, Second, conviction. This is your second time in State prison.

A. Yes.

Q. Tell me about that day. Who was this young
woman? How did this unfold?

A. The young woman was a friend of mine for quite
some time.

But if I can start from the beginning. When I
did the first conviction, I did two years as a YO for
robbery, accessory to robbery. I came home. Then her
and I got into the habit of just hanging out and going
places.

On this particular day she happened to be driving
me around in her vehicle, at which time I was under the
impression it was her vehicle. I later found out that
the vehicle belonged to her boyfriend. He was not too
happy about that, so he and I got into an altercation.

I believe she was twenty-eight, and he was like
thirty-two.

So we got into an altercation, which is an
altercation that I lost. So being that I lost, and I
was in need of getting revenge, I went to get some of my
friends to retaliate against this guy, which is when the
victim, [redacted], said she wanted to talk to me.

So we go upstairs to talk. In the process I
wasn't trying to hear anything, other than getting
revenge. So she somehow hits me and pushes me, and she
keeps hitting me.

Me, not thinking about it, not conscious of my
being a little bit bigger, I push her, and in the process of me pushing her, it led to her falling off.

Some two months later, I was picked up for it.

Q. So if you wanted to talk, why would you not stay on the street? Why walk to the rooftop?
A. Because that was like a regular hangout of her's, at that time. That's where a lot of people went to hang out, get high, do whatever.

Q. How tall was the building?
A. Six stories.

Q. So she fell six stories. Was she deceased upon impact?
A. From what I was told, yes.

Q. So she has gone over the edge. What happens next?
A. I go down, and I went home. I was scared, because this was not something that was planned to happen. It just happened. So being scared, I went home.

Q. Did you check on her? Did you call an anonymous call-in for an ambulance or for anybody to come?
A. No, because I was afraid.

Q. She was your friend, you said.
A. Yes. But I was just released from prison for some time, I was on parole at the time, so I was scared.
Q. So your morals of taking care of your friend didn't kick in?

A. Fear superceded all that, at that moment.

Q. What do you think now, when you look back on this twenty-three years later?

A. I regret that entire day. I regret everything. At the time, if I'd known better, and if I was rationally thinking, I actually would have called and reported it, and explained the entire situation as being something that was accidental.

Q. It looks like you got arrested a couple of months later.

A. Yes.

Q. How did they pin it on you?

A. Someone said they saw me. They never said anything, but when someone offered a reward, they spoke up and said they saw me.

Q. As discussed, this is your second time in State prison. Your prior bid was a YO for Robbery, First, that you got two-to-six on; and then you got two-to-six, also, at the same time, for Robbery, Second. Now, you've had no discipline since 2010. Your last ticket was at Mid Orange, and it was a Tier II; is that correct, sir?

A. Yes.
Q. In fact, in reviewing your entire disciplinary record, I only see one Tier III, which was back in 1995, so twenty years ago.

You COMPAS Risk Assessment shows you have a low risk of violence, arrest and absconding. No reported issues with substances on the outside.

You're planning to reside with your wife in [redacted]?

A. Yes.

Q. We have the Parole packet that was sent in from your wife in support of you, along with your certificates of accomplishment, programming you have done, letters of support and family photos. You have a lovely family.

A. Thank you.

Q. It looks like your wife has a catering business; is that true?

A. Yes.

Q. You are hoping to do some work for that catering?

A. For a period of time.

Q. It looks like you are into crafts and crocheting; is that true?

A. Yes, ma'am.

Q. Well, that's very nice. That's some good work.

A. Thank you.
Q. What would you propose for work, otherwise? How would you support yourself?
A. For the time being?
Q. No, long term.
A. To be honest with you I have had offers in the past, but this being my sixth parole, people tend to not want to be bothered anymore. They say when you get out, come see me, give me a call, things of that nature.
I'm not one to be picky at the moment, whatever it takes for me to help support my family.
Q. We have your resumé here. You did a nice job on that, as well.
Letters of support from the Fortune Society.
In addition to that, you obtained your high school equivalency in 1994.
A. Yes, at Green Haven Correctional Facility.
Q. That's good. They can never take education away from you, and it is always important to have that.
A. I also attended Dutchess Community College, for a little less than a year.
Q. Is that something you'd like to continue with, if you are to be released?
A. It's an option, if I'm able to.
Q. What would you study?
A. That, I'm not certain of. It was liberal arts,
1  English, science.
2  Q. Do you have a particular interest?
3  A. Not particularly, no.
4  Q. There is a lot of opportunities out there. If
5  you are on parole, the city has a lot of opportunities,
6  more so than you might find in other parts of the State,
7  for re-entry programs, assistance for ex-offenders.
8  A. Yes.

9  COMM. SMITH: Commissioners, any questions?
10  COMM. SHARKEY: I have none.
11  COMM. COPPOLA: I have no further questions.
12  Thank you.
13  BY COMMISSIONER SMITH:
14  Q. Mr. [redacted] the last word is yours. Is there
15  anything else we should know today, that we have not
16  discussed, that you feel is important for us to
17  consider?
18  A. That I do regret my actions. If I had an
19  opportunity to do it over, that I would do everything
20  entirely different.
21  This is my third meeting over the past
22  twenty-three years, and this is like my third time. I
23  have outside clearance here. I've had outside clearance
24  in my previous facility in Washington, and I've had
25  outside clearance in Mid Orange, as well.
Q. Mr. [redacted] we have attempted to give you a full, fair and accurate interview. Do you feel that you had that today, sir.

A. Yes, ma'am.

COMM. SMITH: We will take everything into consideration and weigh all the required statutory factors, and we will let you know our decision.

THE INMATE: Thank you very much. Have a good day.

COMM. SMITH: You, too. Have a good day.

(Interview concluded.)
DECISION


Parole is denied. After a review of the record and interview, the panel has determined that if released at this time, there is a reasonable probability that you would not live and remain at liberty without again violating the law, and your release would be incompatible with the welfare of society, and would so deprecate the serious nature of the crime as to undermine respect for the law.

This decision is based on the following factors:
The I.O. of Murder, Second, wherein you caused the death of a female by throwing/pushing her from her rooftop.

This is your second New York State prison term and you were on parole at the time of the Instant Offense for a Robbery, First, adjudication, and a Robbery, Second, conviction.

You have clearly failed to benefit from prior efforts at rehabilitation and failed on Community Supervision.

Note is made by this Board of your Sentencing Minutes, COMPAS Risk Assessment, rehabilitative efforts, risk, needs, Parole plan, letters of support, disciplinary record, and all other required factors.

(All Commissioners concur.)

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CERTIFICATION

I, Lori Ciofalo, 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, and that the foregoing, consisting of 11 pages, is a true and correct copy of the same and whole thereof.

Lori Ciofalo
Lori Ciofalo, Court Reporter
Dated: August 25th, 2015

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