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[REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

----- X

Parole Board Interview

In the Matter
of

[REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

----- X

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

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 COMM. SMITH: Good evening, sir. State your
2 name for the record.

3 THE INMATE: ██████████ ██████████

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

7 COMM. SHARKEY: Hello.

8 COMM. COPPOLA: Hello, sir.

9 BY COMMISSIONER SMITH:

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

14 A. Yes, ma'am.

15 Q. We have your Sentencing Minutes on file.

16 This offense dates back to ██████████ of 1992, so
17 twenty-three years ago. You caused the death of a
18 twenty-year-old female, by either throwing her or
19 pushing her from a rooftop; is that correct?

20 A. Yes, ma'am.

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

24 A. Yes.

25 Q. Tell me about that day. Who was this young

[REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

1 woman? How did this unfold?

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

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

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

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

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

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

25 Me, not thinking about it, not conscious of my

[REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

1 being a little bit bigger, I push her, and in the
2 process of me pushing her, it led to her falling off.
3 Some two months later, I was picked up for it.

4 Q. So if you wanted to talk, why would you not stay
5 on the street? Why walk to the rooftop?

6 A. Because that was like a regular hangout of her's,
7 at that time. That's where a lot of people went to hang
8 out, get high, do whatever.

9 Q. How tall was the building?

10 A. Six stories.

11 Q. So she fell six stories. Was she deceased upon
12 impact?

13 A. From what I was told, yes.

14 Q. So she has gone over the edge. What happens
15 next?

16 A. I go down, and I went home. I was scared,
17 because this was not something that was planned to
18 happen. It just happened. So being scared, I went
19 home.

20 Q. Did you check on her? Did you call an anonymous
21 call-in for an ambulance or for anybody to come?

22 A. No, because I was afraid.

23 Q. She was your friend, you said.

24 A. Yes. But I was just released from prison for
25 some time, I was on parole at the time, so I was scared.

[REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

1 Q. So your morals of taking care of your friend
2 didn't kick in?

3 A. Fear superceded all that, at that moment.

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

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

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

13 A. Yes.

14 Q. How did they pin it on you?

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

18 Q. As discussed, this is your second time in State
19 prison. Your prior bid was a YO for Robbery, First,
20 that you got two-to-six on; and then you got two-to-six,
21 also, at the same time, for Robbery, Second.

22 Now, you've had no discipline since 2010. Your
23 last ticket was at Mid Orange, and it was a Tier II; is
24 that correct, sir?

25 A. Yes.

[REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

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

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

7 You're planning to reside with your wife in
8 [REDACTED]?

9 A. Yes.

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

15 A. Thank you.

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

18 A. Yes.

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

20 A. For a period of time.

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

23 A. Yes, ma'am.

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

25 A. Thank you.

[REDACTED] [REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

1 Q. What would you propose for work, otherwise? How
2 would you support yourself?

3 A. For the time being?

4 Q. No, long term.

5 A. To be honest with you I have had offers in the
6 past, but this being my sixth parole, people tend to not
7 want to be bothered anymore. They say when you get out,
8 come see me, give me a call, things of that nature.

9 I'm not one to be picky at the moment, whatever
10 it takes for me to help support my family.

11 Q. We have your resumé here. You did a nice job on
12 that, as well.

13 Letters of support from the Fortune Society.

14 In addition to that, you obtained your high
15 school equivalency in 1994.

16 A. Yes, at Green Haven Correctional Facility.

17 Q. That's good. They can never take education away
18 from you, and it is always important to have that.

19 A. I also attended Dutchess Community College, for a
20 little less than a year.

21 Q. Is that something you'd like to continue with, if
22 you are to be released?

23 A. It's an option, if I'm able to.

24 Q. What would you study?

25 A. That, I'm not certain of. It was liberal arts,

[REDACTED] [REDACTED] NYSID # [REDACTED]

DIN # [REDACTED]

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.

[REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

1 Q. Mr. [REDACTED] we have attempted to give you a
2 full, fair and accurate interview. Do you feel that you
3 had that today, sir.

4 A. Yes, ma'am.

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

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

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

11 (Interview concluded.)

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[REDACTED] NYSID # [REDACTED] DIN # [REDACTED]

DECISION

1
2 COMM. SMITH: [REDACTED] [REDACTED] denied. Hold
3 twenty-four months. Next appearance 8/17.

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

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

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

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

22 Note is made by this Board of your Sentencing
23 Minutes, COMPAS Risk Assessment, rehabilitative efforts,
24 risk, needs, Parole plan, letters of support,
25 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