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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

HELD AT: Bare Hill C.F.
(Video-conferenced to Albany, New York)

HELD ON: July 8, 2014

BEFORE: Commissioner Ferguson
Commissioner Coppola
Commissioner Hallerdin

REAPPEARANCE

Verbatim Reporter: Anthony D'Ambrosio
Certified Shorthand Reporter

1 BY COMMISSIONER FERGUSON:

2 Q. Good afternoon, sir. State your name, please?

3 A. [REDACTED].

4 Q. Okay. Mr. [REDACTED] I'm Commissioner Ferguson, with me
5 today is Commissioner Hallerdin and Commissioner Coppola.

6 COMMISSIONER COPPOLA: Hello, sir.

7 COMMISSIONER HALLERDIN: Hello, sir.

8 Q. Okay. You're here today for a reappearance before
9 the board. This is your fourth appearance, sir, is that
10 right?

11 A. Yes, sir.

12 Q. Okay. For the offenses of murder second, 25 to life,
13 attempted murder 10 to 20 consecutive with an aggregate
14 term of 35 to life. Those sentences are by verdict after
15 trial. How long have you been in now, sir?

16 A. 33 years.

17 Q. Okay. Did they give you some prior service time
18 credit for the manslaughter?

19 A. Yes.

20 Q. Okay.

21 A. Ten years.

22 Q. Ten years. Okay. Because I was going to say, you
23 obviously haven't served that 35 yet, right?

24 A. No.

25 Q. So that's why they saw you earlier because you got

1 prior service credit for the other person that was
2 killed. So this instant offense relates to events in
3 of '81 -- well, before I get into the facts, I do
4 want to remind you that there is a stenographer present
5 and he is making a permanent and public record of any
6 statements that you may make, and those statements are
7 accessible to appellate proceedings, do you understand
8 that, sir?

9 A. Yes.

10 Q. Okay. The instant offense relates to events on
11 , 1981, in , you entered an elevator,
12 went up to the ninth floor, some employees as well as the
13 owner and his wife and a manager were closing down a
14 location. The wife apparently went to the bathroom while
15 the owner and the manager remained downstairs. They
16 heard a scream, they came out, when they came out, they
17 observed you running. You were waving a large knife and
18 proceeded to cut Mr. in the forehead and face,
19 and then Mr. , who was the manager, grabbed the
20 knife and wrestled it from you and threw the knife to the
21 ground, sustaining an injury. Mr. and Mr.
22 then fought you to the floor and you were held
23 until police arrived, is that correct, sir?

24 A. Yes.

25 Q. So why were you there, why did you have a knife, why

1 did you hurt this woman and why did you attack these men?

2 A. Commissioner Ferguson, if you look at your records,
3 you will see that I have two cases pending for this same
4 issue in the United States Second Circuit Court of
5 Appeals.

6 Q. So you're saying after 33 years, you still have
7 appeals pending?

8 A. Yes.

9 Q. Okay. So is that to imply to me that you don't want
10 to make a comment about this case?

11 A. Yes.

12 Q. Okay. All right. So obviously you know that's your
13 right to do that, but we have to go with what we have
14 written here. We do have that at the time of this event
15 you were on parole for a prior knife point death which
16 resulted in a manslaughter conviction and then your
17 conduct in prison resulted in you serving most of that
18 term. The statement that I have that you've made to our
19 staff is that you're 62 years old and that you don't
20 think the same as you did when you were 40. I note we do
21 have a proposal to go to re-entry housing in relation to
22 your release and that you would seek to work with the
23 re-entry program in getting employment. We note that you
24 have had the opportunity to participate in programming
25 while incarcerated. This actually does indicate that you

1 do have an appeal pending and that you proclaim your
2 innocence despite apparently being apprehended on the
3 scene by two people. Your disciplinary record, your last
4 ticket was 2011, so you have been able to maintain a
5 clean disciplinary record for quite some time. Your last
6 serious ticket was 2005, so we make note of that as well.
7 Despite writing to the Judge, the District Attorney, and
8 defense attorney, there is no noted community opposition
9 to your release, so we will take that into consideration.
10 We note that there is no current mental health treatment,
11 correct, sir?

12 A. Yes.

13 Q. You did have some mental health treatment before, but
14 that was a while back?

15 A. Correct. I did some time in a state hospital, which
16 was in the '70s.

17 Q. Okay. We also have your COMPAS risk assessment.
18 Your COMPAS risk assessment is something you helped
19 create when you responded to questions put to you by
20 Corrections staff. That along with other information in
21 the record gives us an assessment of your risks and needs
22 if released to the community. The results for you are
23 positive. They rank you in the best category, which is
24 the low category, they think you are a low risk for
25 violence, a low risk for arrest, and a low risk for

1 absconding. Do you understand that, sir?

2 A. Yes.

3 Q. Commissioner Coppola, anything additional?

4 COMMISSIONER COPPOLA: I have nothing
5 further. Thank you.

6 COMMISSIONER FERGUSON: Commissioner
7 Hallerdin?

8 COMMISSIONER HALLERDIN: Nothing
9 further. Thank you.

10 Q. Mr. [REDACTED] the last word is yours, sir, anything that
11 is important to you that you want us to know?

12 A. The one thing I would like to say, the last three
13 times on my parole appearances I've been denied parole
14 because of past criminal history. Now in the 2012 parole
15 hearing, one of the Commissioners acknowledged the fact
16 that other than the 1970 conviction for that
17 manslaughter, I have no criminal history, except for a
18 truancy at the age of 14 and some misdemeanors and that
19 was it. So I would like to point that out for the
20 record, that three times I've been denied parole because
21 of that.

22 Q. Okay. Well, I'm looking at your record here, [REDACTED]
23 [REDACTED], 1965, PINS case, paroled in
24 March of '67 with a violation of parole. Then you go to
25 [REDACTED]. There's a couple

1 of dismissed cases, those we do not count. Then you have
2 a misdemeanor by verdict after trial for possession of a
3 dangerous drug, which you got six months for. Then there
4 is another possession of a dangerous drug, six months
5 for -- apparently concurrent, a 1970 petty larceny. So
6 you got several misdemeanors and some truancy and
7 training schools, then you have the manslaughter and
8 while on parole for about, I think it was about six
9 months on the manslaughter, you had the instant offense.
10 So, from what I can see, and I'm not going to sit here
11 and go point by point through this decision or any other
12 decision, but prior criminal record, it says these crimes
13 culminate a long history dating back to 1965. Now, long
14 can be interpreted in two ways. One is, long in terms of
15 content, meaning dozens of offenses, or long meaning it
16 covers a long span of time. So long meaning it covers a
17 long span of time is correct, because it goes back, you
18 know, 49 years, so -- but that's not the only reason that
19 you were held in that decision. It doesn't just say you
20 were held because of your criminal history and that's the
21 end of it. Criminal history is one of the many factors
22 that we consider, it could be one piece to the puzzle in
23 our answer -- or our decision when we consider that, but
24 I do understand your point, we will take that into
25 consideration, but I think we are on the same page now as

1 to what your criminal history consists of, correct?

2 A. Yes.

3 Q. All right, sir. Thank you for coming in to see us
4 today. Have a good day.

5 A. You do the same. Thank you.

6 (After due deliberation by the Parole Board
7 Panel, the following decision has been rendered:)

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DECISION

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4 Denied 24 months. July 2016. After a review of the
5 record and interview, the panel has determined that if
6 released at this time, there is a reasonable probability
7 that you 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 undermine
11 respect for the law. This decision is based on the
12 following factors: Your I.O.'s are murder second degree
13 and attempted murder second degree in which you stabbed a
14 helpless unarmed female stranger and when another person
15 and her husband ran into you, you tried to harm them, and
16 you did so while on parole for manslaughter in which you
17 stabbed and killed another victim. Your record dates
18 back to a 1965 PINS, includes two felonies, two
19 misdemeanors, a juvenile history, prior violence, prior
20 prison and jail, and failures at prior community
21 supervision. Note is made of your sentencing minutes,
22 COMPAS risk assessment, rehabilitative efforts, risks,
23 needs, letters of support, clean disciplinary record,
24 lack of remorse, lack of insight, parole plan, and all
25 other factors required by law. You clearly failed to

██████████ ██████████

DIN# ██████████

NYSID: ██████████

FUSL000061
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1 benefit from prior efforts at leniency and
2 rehabilitation. Parole is denied.

3 (All Commissioner concur.)
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C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.

Anthony Dambrosio

Anthony D'Ambrosio, CSR