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NEW YORK STATE EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

PAROLE BOARD HEARING
IN THE MATTER

-OF-

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

TYPE OF HEARING: REAPPEARANCE
HELD AT: GREAT MEADOW CF
HELD ON: MAY 12, 2009
BEFORE: COMMISSIONER FERGUSON
COMMISSIONER LUDLOW
COMMISSIONER ELOVICH

DIVISION OF PAROLE
RECEIVED

JUN 15 2009

APPEALS UNIT

HEARING REPORTER: JOSEPH D'AMBROSIO

1 BY COMMISSIONER LUDLOW:

2 Q Have a seat, sir. You're [REDACTED] [REDACTED]

3 A Yes, sir.

4 Q Good morning.

5 A Good morning.

6 Q I'm Commissioner Ludlow and next to me is Commissioner
7 Ferguson and also Commissioner Elovich.
8

9 COMMISSIONER FERGUSON:

10 Good morning.

11 COMMISSIONER ELOVICH: Good
12 morning.

13 INMATE: Good morning.

14 COMMISSIONER LUDLOW:

15 Q Mr. [REDACTED] I believe this is your third appearance before
16 the Board of Parole, is that correct, sir?

17 A Yes, it is, sir.

18 Q And you're now fifty-six years old, correct?

19 A Yes.

20 Q You were found guilty to Murder 2nd, two counts, sentenced to
21 25 to Life. You pled to Hindering Prosecution, 2 to 4
22 concurrent, is that correct?
23

24 A Yes, sir.
25

1 Q Sir, do you have any appeals pending or do you anticipate
2 filing any appeals on the verdict?

3 A No, sir.

4 Q None the less, I call your attention to the fact that we're
5 taking a stenographic record of the interview. That means
6 every word we discuss is being reduced to a written transcript.
7 It's possible that that transcript could find its way to public
8 forums. We caution you about what you may say regarding the
9 terms of circumstances of this crime so as to not impede, limit
10 or jeopardize any future opportunity you may have for an
11 appeal, do you understand, sir?

13 A Yes, sir.

14 Q You may decline to discuss the terms of circumstances of the
15 crime if you wish. We'll not hold that against you, do you
16 understand, sir?

18 A Yes, I do.

19 Q Okay. Are you maintaining your innocence as to the verdict?

20 A We'll, not especially, because, I mean, you know, I am, you
21 know, responsible to a degree and, you know, I have to accept
22 responsibility for my actions, and I do.

23 Q Okay. You were on parole at the time, a little over eighteen
24 months at the time, a little over eighteen months from a 1978
25

1 Criminal Sale of a Controlled Substance 3rd, is that correct, [REDACTED] Substance
2 sir?

3 A Yes, it is.

4 Q You've been in a very long time, sir. We recognize that you've
5 been in almost twenty-nine years by my calculations, is that
6 accurate?

7 A Yes.

8 Q Okay. We have the Sentencing Minutes on file from what
9 [REDACTED] County Court, [REDACTED], 1981, before Judge
10 [REDACTED]; at that time you were represented by Mr. [REDACTED].
11 We also have Minutes on file from [REDACTED] County Court,
12 [REDACTED], 1988 before Judge [REDACTED]. At that time you were
13 also represented by Mr. [REDACTED].
14

15 A I just think that the year is -- I don't think it's 1988.

16 Q 1982. If I misspoke, I apologize.

17 A All right.

18 Q [REDACTED], 1982.

19 A Yes.

20 Q Okay. Is that accurate, sir?

21 A Yes.

22 Q We have both sets of Minutes in the file. We received them as
23 part of the record. Was anything stated at the Sentencing
24
25

1 Minutes, I know it was a long time ago, sir, but anything stated
2 at the Sentencing Minutes that you can remember that we
3 should be especially aware of today?

4 A No. It's just the basic, from what I recall, there was no
5 recommendation one way or the other, you know, whether I
6 should be released or whether I should not be released. I don't
7 think that, you know --

8
9 Q Okay. We have a report from the Office of Mental Health, a
10 Mental Status Examination Report. You were seen by that
11 agency [REDACTED], 2009 because of the nature of the underlying
12 conviction due to an Order of the Chairman of the Board of
13 Parole. We were required to receive this and consider it at the
14 time of the interview and we have the report on file. This was
15 completed by a psychologist, one individual; do you recall that
16 interview by the Office of Mental Health?

17
18 A Yes, I do.

19 Q Okay. That is part of the file; we do receive that as part of the
20 record. And the underlying offense, you had a codefendant,
21 [REDACTED] and we have some facts in the file I'd like read.
22 Certainly the Division of Parole is about to render a very
23 important and critical decision and we want to base that on a
24 thorough and complete and accurate information. I'm going to
25

1 read some information to you to see if your comments, to see
2 if it's accurate and whatever response you would care to offer
3 to us. The underlying offense took place on [REDACTED],
4 1980 at [REDACTED], [REDACTED] County. There was a sixteen
5 year old girl by the name of [REDACTED] and she
6 apparently had an after school job at a library. And she was
7 walking home at that time. Now, the facts also allege that on
8 that day and evening, [REDACTED], 1980, you and [REDACTED]
9 [REDACTED] were drinking at a local bar. Sometime after 7 p.m.
10 when [REDACTED] left the library, you and Mr. [REDACTED] saw
11 her walking along past the bar and began to follow her.
12 [REDACTED] viciously struck her in the head with a rock, and then
13 pursued her as she attempted to escape down a driveway. You
14 and [REDACTED] caught and overpowered her, knocking her to the
15 ground. Mr. [REDACTED] continued to viciously beat [REDACTED]
16 [REDACTED] about the head and neck until she was
17 unconscious. [REDACTED] then pulled down her pants and raped
18 her as you supposedly watched. After [REDACTED] left the scene,
19 the facts state that you raped [REDACTED] the sixteen year old girl a
20 second time. When she began to groan, you took a knife and
21 stabbed her in the back five times, left her lying down in a pool
22 of blood. [REDACTED] lifeless body was found earlier the next
23
24
25

1 morning. Apparently, according to the facts, you tried to
2 dispose of the murder weapon by throwing it into a nearby
3 lake, but it was acquired by the police. Do you have any
4 response to that, sir? Is it accurate or is there anything
5 missing, any clarification that you feel we should have as to
6 those facts that I just recited?
7

8 A I can't exactly agree to everything that was, you know,
9 everything that you just read. There was never any indication
10 that I was with [REDACTED] [REDACTED] at the time of the attack.
11 [REDACTED] [REDACTED] had made several confessions where he takes
12 sole responsibility for the attack and never implicated me in
13 the attack. I do acknowledge and I've always acknowledged
14 that I did see the attack, but I never participated in the actual
15 attack.

16 Q Okay.

17 A Regarding, you know, a rape being committed upon [REDACTED]
18 [REDACTED] the only indication of sex offenses being
19 committed against [REDACTED] [REDACTED] are in [REDACTED] [REDACTED]
20 confessions to those crimes. The medical examiner never was
21 able to indicate in, well, in one way or the other whether those
22 crimes, you know, ever occurred. Personally, I mean, I tend to
23 believe [REDACTED] [REDACTED] confessions that he did, you know,
24
25

1 commit those crimes, but, you know, I mean, I guess nobody
2 really knows, you know, but him, being that the medical
3 examiner couldn't, you know, state one way or the other.

4 Q Are you denying physical contact with the victim?

5 A Yes, I am.

6 Q Okay. Whether directly or by some instrument; be it a rock or
7 something of that nature?

8 A Right. See, that assault with the rock, again, is what [REDACTED]
9 [REDACTED] outlined in his confessions. He said that he left the
10 bar and that he fell down and bumped his head, saw the
11 victim, ran up behind the victim, hit her with, well, what he
12 described, you know, as a rock in the head. And that she got
13 up, ran away, threw it at her, beat her up, you know, and the
14 assault continued. But, you know, the other aspect that I
15 wanted to respond, as far as the stabbing, you know, again,
16 [REDACTED] [REDACTED] you know, acknowledges that he inflicted
17 those stab wounds. I submitted to the Division of Parole in
18 Albany and the parole officer here at the facility the
19 confessions of [REDACTED] [REDACTED] In those confessions he
20 indicates that he inflicted those stab wounds and accounts for
21 the multiple stab wounds that were inflicted.
22
23
24
25

1 Q Okay. Now, you say that you only witnessed the crime, you
2 did not participate directly in the crime; you had no physical
3 contact with the victim.

4 A Yes.

5 Q What placed you at the scene of the crime; why, otherwise
6 stated, why were you there?

7 A When I -- that evening I was in the [REDACTED], in the bar.
8 The bar in question, and, yes, I had left the bar at some point
9 in time and I was in a telephone booth across the street from
10 the bar right next door to what is a police booth, for lack of --
11 it's a small rotunda, where the police are in the center of town.
12 And I was using a telephone in that police booth. And I saw
13 [REDACTED] [REDACTED] walking up the street, and it seems to me he
14 was walking behind an individual. And although I didn't know
15 [REDACTED] [REDACTED] I recognized [REDACTED] [REDACTED] as being in the
16 bar, and I believed that [REDACTED] [REDACTED] had been an individual
17 that I suspected of stealing a wallet that I had that was on the
18 bar while I was playing, what they call one of those bowling
19 machines in the bar. And I guess maybe that's what drew my
20 attention to him. And I saw the initial assault take place?

21 Q From what distance?

22 A A block, a block and a half.
23
24
25

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q Is that the closest that you were to the victim, is a block
2 away?

3 A At that point in time.

4 Q And subsequent to that, how close were you?

5 A Fifteen yards, ten yards.

6 Q Okay. Why not call the police?

7 A See, first of all, I shouldn't even have been in the [REDACTED]
8 bar that night. When I was released from prison on that charge
9 of Criminal Sale or Possession, whatever it was, I think it was
10 one of each, Criminal Sale and Criminal Possession of a
11 Controlled Substance, I was on parole at that time. And after I
12 was released, a subsequent restriction was imposed upon me
13 that I was not to be drinking. And, you know, I mean, clearly,
14 I was in the [REDACTED], and not only was I drinking, I
15 was drunk on my rear end.

16 Q Well, given all that, why would [REDACTED] finger you? You said
17 you didn't know him.

18 A No, he never fingered me. He never implicated me at all.

19 Q Who made the statements that you knifed the victim?

20 A That was a theory of the prosecution. I don't know if --

21 Q I understood you to say that [REDACTED] said you did these things.
22
23
24
25

1 A No, [REDACTED] [REDACTED] said that he inflicted those stab wounds, in
2 his confession. He never implicated me at all in anyway.

3 Q So how are you tied to the crime then, if you were fifteen
4 yards away at the minimum?

5 A Because the prosecution, my prosecution was that -- or I
6 should say the theory of the prosecution was that they were
7 together at the time in the bar and we had left the bar together
8 and that we were together when the actual crime occurred. I
9 mean, I'm not telling you these things to portray myself as
10 some kind of victim, because that's crazy, I'm not a victim.

12 Q We only want to the truth, sir.

13 A Right. And I'm not a victim, because the thing was, when I
14 saw the initial assault occur, you know, I should have done
15 what the average member of society would have done, and I
16 should have gone to the police. And, you know, when I saw
17 the assault, you know, continue, you know, again, I should
18 again, I should have gone to the police. And I should have, you
19 know, done what --

21 Q Did you know [REDACTED] personally?

22 A No, I didn't even know [REDACTED] [REDACTED]

23 Q Did he know you?

24 A No.

25

1 COMMISSIONER ELOVICH: Were
2 you drinking with him previously?

3 INMATE: We were under the same
4 roof, but it wasn't like I was sitting next to him and we were
5 drinking together, partying the night away. When I was in the
6 [REDACTED], I frequented the [REDACTED], because the bar
7 maid that worked, you know, at the establishment, I knew her.
8 We were friends, so I used to go there on a regular basis. I
9 mean, you know, it was nothing out of the ordinary for me to
10 be there.

12 COMMISSIONER FERGUSON: So
13 why did you follow and go up to where the codefendant was?

14 INMATE: Because I was just, I
15 mean, I wanted to do something, but then again, I really don't
16 want to get involved with what to do.

18 COMMISSIONER FERGUSON:
19 Listen, you're saying that you're drunk; you said you think out
20 of your mind or something like that.

21 INMATE: I was.

22 COMMISSIONER FERGUSON:
23 You're saying that you're significantly intoxicated, but at a
24 distance see who the person is and something I going on and
25

1 then still approach the situation, you know, and then you
2 don't want to call anybody up because you're scared because
3 you're on parole. But, you approached the situation in the
4 first place and if you were someone who was looking not to get
5 in trouble, why wouldn't you then walk away?

6 INMATE: Because my first
7 reaction was to do, you know, was right.

8 COMMISSIONER FERGUSON:
9 Where were you when you first saw them?

10 INMATE: I was, as I said, I was in
11 the telephone booth. I was speaking to somebody on the
12 phone and they were --

13 COMMISSIONER FERGUSON: So
14 you had a phone in your hand that you could have made an
15 anonymous call to 911.

16 INMATE: Really, all I had to turn
17 around and walk up some stairs. There was an officer in the
18 police booth right there.

19 COMMISSIONER FERGUSON:
20 What I'm getting at, if your version is to be believed, you had
21 multiple methods available to you to not only assist this girl,
22 but to avoid detection. That's your version -- if your version is
23
24
25

1 to be believed that you're some innocent person that,
2 basically, watched a girl get raped and murdered. Innocent is
3 an inappropriate word to use for conduct like that. You could
4 have gone back in the bar, the person, your friend and say,
5 hey, this guy is following her, this guy is beating her up, call
6 the police. You have a phone in your hand, you're in a phone
7 booth, but you chose to go follow this guy which makes your
8 version that much less credible, that you know her, you're
9 drunk and you don't want to get in trouble. But you're going
10 out there in public and approaching a scene that is going to
11 perhaps gather some attention, because there's some girl
12 who's, you know, being beaten and raped. And I'm sure she's
13 not being quiet about it. I'm sure she was struggling and
14 perhaps screaming. And that's where you go to not get
15 caught?
16

17
18 INMATE: I mean, you know, in
19 large part I agree with what you're saying. You know, I don't
20 understand even to this day why my actions were what they
21 were, why I didn't, you know, do like you said, make an
22 anonymous telephone call or just go directly to the police.
23 You know, I just --
24
25

1 COMMISSIONER ELOVICH: So
2 how were you connected to this crime, at trial?

3 INMATE: Well, I mean, I admitted,
4 you know, in being questioned by the police department, you
5 know, what I had saw and, you know, the attack that I saw and
6 once I lied about it, because initially --

7 COMMISSIONER ELOVICH: Other
8 than your statement, what other evidence was presented
9 against you?
10

11 INMATE: Just the fact regarding
12 my hindering the prosecution, because once I lied --

13 COMMISSIONER FERGUSON: But,
14 you were also observed leaving the bar. You were at the same
15 bar with him.

16 INMATE: Right.

17 COMMISSIONER FERGUSON: And
18 he leaves the bar, you leave the bar, so that's all
19 circumstantial evidence.
20

21 INMATE: Yes.

22 COMMISSIONER FERGUSON: That
23 tied you to the scene, and plus you're admitting being at the
24 scene.
25

1 INMATE: Right.

2 COMMISSIONER ELOVICH: The
3 jury found you guilty of Murder beyond a reasonable doubt,
4 and that's a pretty high standard.

5 INMATE: Yes.

6 COMMISSIONER ELOVICH: So, I
7 mean, your version, based on that and based on what you've
8 said is just lacking credibility, quite frankly.

9 COMMISSIONER LUDLOW:

10 Q Did you -- go ahead and answer if you want to.

11 A I don't know if I didn't agree with your description of that,
12 because once I hindered, I lied to them -- initially they asked
13 me what I saw, you know, what took place. I told them I didn't
14 know nothing from Adam. I didn't know nothing about seeing
15 anything, hearing anything, knowing anything. They arrested
16 me for Hindering Prosecution. Once they realized, law
17 enforcement realized that I had lied and that I did see an
18 altercation take place, because I mentioned it to the bar maid,
19 [REDACTED], and once they realized I lied, it was like you lied because
20 you have something to hide. And once those facts came out, it
21 was -- it just --
22
23
24
25

1 COMMISSIONER FERGUSON: Why

2 did you lie about that?

3 INMATE: Because I don't want to

4 be involved. I was on parole. I was definitely --

5 COMMISSIONER FERGUSON:

6 Again, see, I mean, we're trying to understand your version
7 and on the one hand you're either, you know, a sadistic
8 individual who's been involved in the brutal rape and murder
9 of a helpless teenage girl who had seventy years of life to live
10 and completely destroyed her family, or you're a demented
11 individual who wanted to avoid trouble, but he's out drinking
12 out at a bar. If you're not supposed to be drinking, you're also
13 not supposed to be in a bar. You're intoxicated, you're now
14 observing someone, that's what I'm trying to understand.
15 You're intoxicated but you're still able to observe that
16 someone is about to engage in inappropriate conduct. And you
17 follow them and you get in this crime scene where someone,
18 some helpless sixteen-year-old girl is being beaten and raped.
19 And you do nothing about it. Again, if that's to be believed,
20 and you don't want to be in trouble, you're the only -- you've
21 got the phone there, you see something that you think that
22 looks suspicious, and you looked the other way, you go home
23
24
25

1 or you tell the bar maid, you know, or you make an anonymous
2 911 call with the phone in your hand or you go to the cops,
3 you know, and say, hey, I think there's something going on up
4 there. But instead you wanted to avoid trouble, go to a
5 situation where someone is being raped and murdered. It just
6 doesn't make sense. That's why the Commissioner said your
7 version is incredible, because on one hand you're saying you
8 want to avoid trouble, but you go to the heart of it.
9

10 INMATE: But, my initial intention
11 was to do something. Once I got there, when I got there it was
12 -- it passed, when I got there.

13 COMMISSIONER FERGUSON:

14 Okay. You're going down the street, whatever, your
15 codefendant was [REDACTED] he leaves her alone --
16

17 INMATE: I don't even know his
18 name. And ultimately I did go to the police booth and I did
19 report the crime. I had told the officer what I had seen, and I
20 had brought him up to that area, but they never found [REDACTED]
21 When I brought the cop there, I ran to the police booth and
22 when I saw what was going on, taking place, I got scared
23 crapless and I ran down the street. And I went inside that
24 police booth and the officer's testimony was that I grabbed
25

1 him by the front of his shirt. I had trouble; I had trouble
2 mouthing my words. And I was white as a ghost and I grabbed
3 him by the front of his shirt and attempted to drag him out of
4 the booth. He knew who I was. I ran, I brought him where the
5 initial assault occurred and he never did anything. He never
6 found [REDACTED] that night. And I brought him to the same
7 distance from where I was from where I saw the attack
8 occurred. And he never looked any further. And he never
9 found [REDACTED]. [REDACTED] wasn't found until the next day.

11 COMMISSIONER LUDLOW:

12 Q How far away?

13 A The same, ten, fifteen yards.

14 Q Why didn't the police officer see the body?

15 A Because he never looked. He never looked, because I guess
16 that he thought that I didn't know what I was talking about,
17 because I was so drunk.

18 Q You were twenty-seven or twenty-eight at that time?

19 A It was just before my twentieth birthday -- I was twenty-seven.

20 Q Did you testify at trial?

21 A No.

22 Q Do you think you should have?

23 A Yes.

24

25

1 Q Okay. Did you produce the other party that telephone call [REDACTED] the other party
2 that you had at that time?

3 A Yes.

4 Q To testify?

5 A Yes.

6 Q What did that person testify to?

7 A They testified that they remembered me making the phone
8 call and speaking to them, but they didn't know what time it
9 was.
10

11 Q I see. Were you afforded a plea offer prior to the verdict by the
12 DA?

13 A No.

14 Q Okay. All right. Criminal history, we've already noted you
15 were on parole at that time.

16 A Yes.

17 Q From a '78 Criminal Sale of a Controlled Substance 3rd. That
18 is your only prior felony. Now, over nearly twenty-nine years,
19 would it be fair to say, Mr. [REDACTED] that you completed all
20 recommended programming by the Department of
21 Corrections?
22

23 A Yes.

24 Q Including ART?
25

1 A Yes.

2 Q ASAT?

3 A Well, I took an ASAT Program when I was down in Arthur Kill,
4 it was called Staying Out, but --

5 Q Similar.

6 A It was just a little bit longer.

7 Q Okay. I note that you have satisfactory Transitional Services
8 I, II, and III.

9 A Yes.

10 Q You've been in various vocational programming.

11 A Yes.

12 Q Any other programs over that period of time that you've been
13 in that we should be appraised of, sir?

14 A Well, I believe at the time that the Panel, you know, may be a -
15 - may be aware that I took the Computer Course down at
16 Arthur Kill. You know, I stayed in that for about a year and a
17 half. Actually, it was about six months longer than normally,
18 but I was applying myself, and they allowed me to stay in it,
19 because I wanted to stay in it, you know, it was Practical
20 Skills.

21 Q Since your last appearance you've had two Tier III's and five
22 Tier II tickets, is that correct?
23
24
25

DIN # [REDACTED]

NYSID # [REDACTED]

22

1 A Yes.

2 Q Okay. Tier III's apparently involved drug use, Drug Possession,
3 Contraband. You've done some time in the SHU since your
4 last Board?

5 A Yes.

6 Q Is that correct?

7 A Yes.

8 Q The file references eighty-four days, is that accurate?

9 A Just about.

10 Q Okay. Now, if you're paroled you have an address in [REDACTED],
11 is that [REDACTED]?

12 A Yes, that's [REDACTED] County.

13 Q What type of residence is that?

14 A It's an employee of a law firm, [REDACTED]. He's an
15 attorney and he's agreed to hire me as a paralegal working
16 with him and Miss [REDACTED], she's an employee at the firm. And
17 she's going to allow me to live in her home in [REDACTED]
18 County.

19 Q Would that be fulltime employment?

20 A Yes.

21 Q Okay. You have experience as a paralegal or study in that
22 regard?

23

1 A Right. You know, I took a legal research course, and, you know, I type very well. And basically, you know, being that he knows me from handling my appeals that he would hire me.

2
3
4 Q Okay. I note that we have a letter on file of support from
5 [REDACTED] of [REDACTED], [REDACTED]. How do you
6 know Mr. [REDACTED]?

7
8 A I know Mr. [REDACTED] from when I was involved in the church,
9 while I was down in Arthur Kill for, you know, several years, I
10 know Mr. [REDACTED].

11 Q We have a letter on file from yourself to the chairman of the
12 Parole Board. What would you like us to know from that letter
13 in particular, sir?

14 A Well, you know, I wrote to the chairman of Parole, because,
15 you know, the letter includes some of the information that I
16 explained to you as far as Mr. [REDACTED] confessions to the
17 crime, you know, showing that he didn't implicate me. And I
18 also wanted to explain to the Parole chairman the Misbehavior
19 Report that I had with the drugs that led me to be sanctioned.
20

21 Q Okay.

22 A And, you know, my previous positive urinalysis is a little over
23 eighteen and a half years ago. You know, I don't have a
24 history of, you know, drug use, you know, while I've been in
25

1 the Department of Corrections. My -- I only have three
2 members of my family left, and all three of them are fairly
3 sick. You know, over the last year it's been, you know, it's
4 been difficult, you know, with all three of them becoming ill,
5 especially my mother. When I found out that my mother was
6 sick, it was especially hard, and I lost focus and, you know, I
7 did what I did, I'm responsible for what I did and, you know, I
8 mean, you know, I have a problem and it has to be dealt with.

9
10 Q I do note we have a very nice letter on file from your mother,
11 [REDACTED] in [REDACTED].

12 A Yes.

13 Q That was received on March 20th, 2009.

14 A Yes.

15 Q And she references that she's turning eighty and she could use
16 your support as well as other family members could use your
17 support and assistance. Okay. Commissioner Ferguson?

18
19 COMMISSIONER FERGUSON:

20 Nothing further.

21 COMMISSIONER LUDLOW:

22 Q Mr. [REDACTED] anything additional for the Board of Parole, sir,
23 that is material and relevant to parole consideration.
24
25

1 A Well, you know, a lot of my actions, you know, at that time,
2 you know, they probably don't make sense. I mean, you know,
3 they don't necessarily make sense to me. I don't know why,
4 you know, I did the things I did, why I carried myself the way
5 that I did. You know, I mean, I was drunk, I mean, I was
6 beyond drunk. Maybe that was a part of it; maybe a part of it
7 was fear. I really don't know what I was specifically thinking
8 about at that time. I don't know exactly what I was going
9 through, what my thought process was, you know, at that
10 time. I wanted to help; I didn't know how to help. I'm
11 worrying about, you know, I'm more concerned about a
12 violation for a parole violation for drinking instead of just
13 screwing the parole violation, you know, screw whatever might
14 happen and just go and report the crime, say what I saw, you
15 know, taking the parole violation and helping an innocent
16 victim. That's what I should have done. It's not what I did. I
17 mean, you know, I lost sight of what it meant to be human,
18 you know.

21 Q We have attempted to give you a full, fair and accurate
22 interview today. In your opinion, have you received that?

23 A Yes, I believe that I have, you know, I mean, you know, the
24 Panel asked me questions, you know, sometimes they do,
25

1 sometimes, you know, they don't. You know, maybe it's one
2 or two questions. I got a lot of questions today. I don't know,
3 you know, how well my answers were, because I really can't,
4 you know, explain my actions that night. I can't, I mean,
5 there's no explanation for why or how I conducted myself. I
6 don't know, I don't know why I carried myself the way I did,
7 you know. I still don't know that. But, probably, you know, I
8 mean, I can't, you know, unfortunately make up for bad
9 behavior in the past. You know, my behavior definitely was
10 bad. My behavior was questionable. But, I really believe that I
11 can make a difference with my behavior, you know, in the
12 future. I intend to. I believe that I not only can, but will be
13 productive in the future.
14

15 Q Okay.

16 A And even though I have employment and housing, I really
17 believe that it's in my best interest to address, really what,
18 you know, the alcohol problem, you know. I don't necessarily
19 have a drug problem per say, but I definitely have a problem
20 with alcohol. You know, I have for years, while I was, you
21 know, in the streets, and, you know, I mean, there is a, you
22 know, a real chance that this could come to the forefront
23 again. So I really believe that it's in my best interest to get
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25

1 myself involved in, you know, a residential substance abuse
2 program. I tried to contact the Blaisdell Program, which is in
3 Orangetown, New York, who agreed at my last parole
4 appearance to accept me in their program. I have not received
5 any response from them this time, but I did contact them and
6 received a response from the Altamont Program in Albany.
7 There has been several religious priest and individuals that
8 have tried to help me and they've contacted Father [REDACTED] for
9 me. And I did hear from them and they're willing to accept
10 me, but from what I understand, the Division of Parole or
11 maybe it's DOCS wants individuals to return to the counties
12 where they're from. But I understand that, you know, it is
13 possible to go to, you know, an area other than that.

15 Q Right.

16 A The county of conviction with the approval of the Board, and
17 that's what I'd like to do.

18 Q All right, sir. Well stated. At fifty-six, we wish you good luck.
19 We'll advise you in writing.

20 A Okay.

21 Q Good luck to you, Mr. [REDACTED]. Have a good day.

22 A Just one last thing. You know, I don't mean to make it appear
23 that I, you know, am any sort of a victim in, you know, the
24
25

1 crime, or in the case in anyway, shape or form. You know, I
2 mean, I can't even find the words, you know, to express, you
3 know, the remorse that I have for my actions, and, you know,
4 what I did and didn't do on the night that, you know, [REDACTED]
5 [REDACTED] lost her life. I wish I had done things differently.
6 And, you know, I failed to do that and I realized that, you
7 know, the Hearing, you know, for although it's me that stands
8 before the Panel, you know, for release, you know, the Hearing
9 isn't necessarily, you know, only about me. It's about the
10 [REDACTED] family, and, you know, I believe that it's only, you
11 know, right and fair. But I know that I will be productive if,
12 you know, the Panel releases me and if they grant me parole,
13 you know.

15 Q All right.

16 A It won't be misplaced.

17 Q All right, sir. Well stated. And again, we wish you good luck.
18 We'll advise you in writing.

19 A All right. Okay. Thank you very much.

20 (After due deliberation by the Parole Board Panel, the following
21 Decision has been rendered:)
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23
24
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DECISION

1
2 Parole is denied. Hold 24 months. Next appearance date is
3 05/2011.

4 Following a careful review and deliberation of your record and
5 interview, this Panel concludes that discretionary release is not
6 presently warranted due to concern for the public safety and
7 welfare.

8 The following factors were properly weighed and considered:

9 Your instant offense in [REDACTED] County in [REDACTED]
10 involved you and codefendant attacking a sixteen-year-old female,
11 which resulted in her death. Your criminal history indicates you
12 were on parole at that time, less than nineteen months from a 1978
13 Criminal Sale of a Controlled Substance 3rd. Your institutional
14 programming indicates progress, which is noted to your credit.
15 Your disciplinary record reflects five Tier II and two Tier III reports;
16 you have received SHU time. Based on all required factors in the
17 file, considered discretionary release at this time is not consistent
18 with the public safety and welfare. Your discretionary release at
19 this time would thus not be compatible with the welfare of society
20 at large and would tend deprecate the seriousness of the instant
21 offenses and undermine respect for the law.

22 All Commissioners concur.

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