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September 2021

### Parole Interview Transcript/Decision - FUSL000063 (2016-03-08)

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[REDACTED]

DIN# [REDACTED]

NYSID [REDACTED]

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
BOARD OF PAROLE

\*\*\*\*\*

In The Matter Of

[REDACTED]

[REDACTED]

NYSID# [REDACTED]

\*\*\*\*\*

LOCATION: Mohawk Correctional Facility  
(Via Videoconference)  
97 Central Avenue  
Albany, New York

DATE: March 8, 2016

BEFORE: COMMISSIONER CRANGLE  
COMMISSIONER CRUSE

PRESENT: KAREN PHILLIPS, Supervising Offender  
Rehabilitation Coordinator  
MELANIE CHRZANOWSKI, Offender  
Rehabilitation Coordinator ASAT  
(VIA VIDEO): KELLY GLEASON, Offender  
Rehabilitation Coordinator  
LISA BALLOU, Offender Rehabilitation  
Coordinator

[REDACTED] Parolee

REPORTED BY: EILEEN M. SHARP, Hearing Reporter

[REDACTED] DIN# [REDACTED]

NYSID# [REDACTED]

- 1 BY COMMISSIONER CRANGLE:
- 2 Q Hello, sir. Could you state your name for the record?
- 3 A [REDACTED].
- 4 Q I'm Commissioner Crangle. Along with me is
- 5 Commissioner Cruse. You're in for murder second, 15 to
- 6 life, verdict.
- 7 We have a stenographer on this side of the camera.
- 8 Everything we discuss is on the record.
- 9 We have your sentencing minutes in the file. It looks
- 10 like back in July of 2001, you shot your friend, [REDACTED]
- 11 [REDACTED] in the head -- correct -- with a rifle; is that
- 12 right?
- 13 A That's correct.
- 14 Q You were doing drugs, and were you drunk too?
- 15 A Yes.
- 16 Q And you got in an argument. One thing led to the other
- 17 and you shot him in the head; right?
- 18 A Not in so many words, but yes. The argument was over
- 19 [REDACTED] [REDACTED] wanting to steal crystal belonging to one
- 20 of my sisters for drugs. I wanted him to leave the
- 21 apartment as soon as possible.
- 22 Q Okay, sir. Do you have hear of a phone?
- 23 A Yes, I have.
- 24 Q Those three numbers?
- 25 A That's right.

DIN# [REDACTED]

NYSID: [REDACTED]

- 1 Q What are they?
- 2 A It's 911.
- 3 Q Okay. Looking back, that's what you should have done;
- 4 right?
- 5 A Absolutely.
- 6 Q If you wanted -- if you wanted him out of the house,
- 7 you could have gone in another room or something. Not
- 8 grab a rifle and shoot him.
- 9 Now, did you end up shooting yourself too?
- 10 A Yes.
- 11 Q A few hours later?
- 12 A Yes.
- 13 Q Where did you shoot yourself?
- 14 A I shot myself in the chest twice.
- 15 Q How did you end up living? That's amazing.
- 16 A I don't know.
- 17 Q Who found you?
- 18 A The police did.
- 19 Q Who called the police? Did someone hear the gun shots
- 20 or something? What happened?
- 21 A No one heard the gun shots. After I shot myself, I
- 22 found myself in a pool of my own blood and then I got
- 23 to a phone and I called the ambulance. I think it was
- 24 the ambulance or the police.
- 25 Q Okay. Was Mr. [REDACTED] next to you or was this --

DIN# [REDACTED]

NYSID# [REDACTED]

- 1 A He was in another room.
- 2 Q Okay. How long did you know victim for, sir?
- 3 A On and off, like six years before that.
- 4 Q Was there a plea offer to you? Why -- was there  
5 anything on the table prior to going to trial?
- 6 A No.
- 7 Q If there was --
- 8 A Absolutely not.
- 9 Q If there was an opportunity would you have taken it  
10 instead of going to trial? I'm just curious.
- 11 A If I were charged correctly, if the plea offer was  
12 second degree murder, there wouldn't have been a trial.  
13 I would have taken a plea offer.
- 14 Q You mean second degree manslaughter?
- 15 A Manslaughter. Right.
- 16 Q Because you're convicted of second degree murder.
- 17 A Right.
- 18 Q You meant if there was a plea to like a manslaughter  
19 offense, you would have taken that is that what you're  
20 telling us?
- 21 A To second degree manslaughter; yes.
- 22 Q Yeah. Okay. What was your drug of choice back then?  
23 What was going on back then, sir?
- 24 A Alcohol.
- 25 Q What about Mr. [REDACTED] Was he under the influence

[REDACTED] NYSID# [REDACTED]

1 of --?

2 A Anything he could get -- anything he could get his  
3 hands on is what he liked.

4 Q He was at your -- this is your apartment?

5 A Yes.

6 Q And your sister's?

7 A Yes.

8 Q And if he was like that why -- why did you even have  
9 him at your house?

10 A I said it before, I was trying to throw him out. I did  
11 not want him there at all.

12 Q Well, how did he get there? Who let him in?

13 A He came to my door. I opened the door and someone else  
14 was there, another friend of ours named [REDACTED] I  
15 thought [REDACTED] was at the door.

16 But when I opened the door, [REDACTED] was there with

17 [REDACTED] And the first thing that I told [REDACTED] was get  
18 the hell out. You're not coming in.

19 Q Okay. And then when did [REDACTED] leave?

20 A [REDACTED] left a short while later after -- after they both  
21 had come in, and I yelled at [REDACTED] that he was not  
22 staying, that he had to leave. [REDACTED] saw me arguing  
23 with [REDACTED]

24 And he did testify later on at trial that sometime  
25 later during the argument, he slipped out and left --

DIN# [REDACTED] NYSID# [REDACTED]

- 1 Q I see.
- 2 A -- stating that he had never seen me or him so angry.
- 3 Q Okay. How's your mental health doing?
- 4 A My mental health, once I stopped taking all sorts of  
5 drugs over years, I have been feeling quite all right.
- 6 Q Because O.M.H. last you listed as a Level 6, which is  
7 good. And the reason why I asked is because, you know,  
8 at sentencing the judge did discuss about your mental  
9 state. Do you remember that?
- 10 A Yes. Yes. He stated that I was -- I was under  
11 psychiatric care while on trial. And he did mention at  
12 sentencing about the issues.
- 13 The fact of that, at the time immediately after the  
14 incident and all the way up until about two years after  
15 sentencing, I was on anti-psychotics. I was on  
16 anti-depressants. There was a very real worry that I  
17 would harm someone or hurt myself. After all I had  
18 shot myself after the -- after the incident and that, I  
19 think, worried everyone.
- 20 Q Right.
- 21 A The best thing I ever did was I stopped taking all  
22 drugs completely. And it did take some time in order  
23 just to be able to function and to live correctly  
24 without that kind of crutch.
- 25 Q You know, you do the discuss the fact at sentencing

DIN# [REDACTED]

NYSID [REDACTED]

1 about you did try to get him out, the victim. All  
2 right. But the judge did lecture you about your  
3 remorse, the act of shooting yourself -- I'm reading  
4 Page 17 of the sentencing minutes. As the judge says,  
5 I just point out the act of shooting yourself, to my  
6 mind, is clearly an act of remorse, an act of  
7 recognition for the horror that you had committed. But  
8 as I said, you have grievous psychiatric issues to deal  
9 with. Do you remember that?

10 A Yeah.

11 Q Like you said --

12 A It is not normal to shoot someone, especially a human  
13 being. And I had to deal with the fact that I killed a  
14 human being. I had that on top of depression. I had  
15 to fight the substance abuse. I mean, on top of  
16 everything else, I obviously did need therapy after  
17 that.

18 And I did seek therapy and I was given that, and  
19 included medications. And as I said earlier, the best  
20 thing I did was when I stopped taking medications,  
21 because I had to learn how to live, how to deal with  
22 people and life without them.

23 Q Now currently you completed all the program and you're  
24 working on your degree at [REDACTED] Community College; is  
25 that correct?

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

1 A That's right.

2 Q You're taking classes right now?

3 A Yes, I am. I'm taking American History and psychology.

4 Q Okay. That's great. And that's through the [REDACTED]  
5 Community College. Do they come -- do they come to the  
6 facility?

7 A Yes. They send professor to the facility.

8 Q And how often is the class?

9 A The class is twice a week.

10 Q For like an hour and a half?

11 A It two classes. Generally they're about two to three  
12 hours.

13 Q How many guys are in the class?

14 A There's about ten -- ten or twelve right now in each  
15 class.

16 Q All right. Good for you.

17 A Thank you.

18 COMMISSIONER CRANGLE: Let me ask my colleague if  
19 he has any questions?

20 COMMISSIONER CRUSE: No questions. Thank you.

21 BY COMMISSIONER CRANGLE:

22 Q Do you have family in the [REDACTED] [REDACTED] area? Yes?

23 A Yes.

24 Q In [REDACTED]

25 A Not in [REDACTED] anymore. I had a brother who lived in

DIN# [REDACTED]

NYSID [REDACTED]

1 [REDACTED], but he's been incarcerated for the last  
2 couple of years. My sister has moved out of there.

3 Q Now I appreciate you -- you have a parole -- your  
4 parole statement to the Parole Board, you wrote all  
5 this out yourself and I'll review with Commissioner  
6 Cruse.

7 A Sure.

8 Q Are you fighting something right now?

9 A Basically I wrote that just to give you guidance.  
10 The -- the sentencing minutes were not the only  
11 statements from the Judge [REDACTED].

12 About seven years later, I did in fact on -- on one of  
13 the appeals to my case, I did submit for a C.P.L. 440  
14 motion to have -- to have the conviction reversed,  
15 because, as I was maintaining, the -- I was always  
16 charged too high. The conviction was incorrect,  
17 because the law was misapplied.

18 Basically I went to prison on a charge of depraved  
19 indifference murder. Depraved murder indifference  
20 murder did not mean what it meant at that time. And it  
21 took all that time for the law to catch up to me.  
22 Unfortunately, my lawyers never preserved the issues  
23 for appeal. So when the law changed, I fell through  
24 the cracks.

25 The decision that Judge [REDACTED] had made stated

DIN# [REDACTED]

NYSID# [REDACTED]

1 specifically -- and I think I gave you -- you should  
2 have copy of that decision. It's the one dated October  
3 9th --

4 Q Well listen --

5 A Long story short -- long story short --

6 Q Because we haven't made a decision yet. I mean really,  
7 our decision here is basically either an open date, you  
8 get back in society, or parole denied for up to  
9 twenty-four months. I mean, we would could hold you  
10 for one month. We could hold you up to twenty-four  
11 months; okay?

12 A Sure.

13 Q On your end, if you were granted parole, what you need  
14 to understand is, regardless of what you think you  
15 should have been convicted of, when you're out in the  
16 community the parole officer doesn't care. And I mean  
17 this -- and I'm not being smart with you. But the  
18 bottom line is you're convicted of a murder; okay?

19 A And that's how I'll be viewed.

20 Q Or manslaughter. It doesn't matter. The bottom line  
21 is you're going to be on parole supervision, period.  
22 Do you understand that?

23 A Yes.

24 Q And the key thing with parole is, you come to the  
25 office when they tell you to come in, you follow the

DIN# [REDACTED] NYSID# [REDACTED]

1 curfew, stay drug and alcohol free, get a job and

2 that's about it. Live a law abiding life; okay?

3 A Yes, sir.

4 Q And if you want to fight your deal with whether you  
5 should have been convicted or manslaughter or murder,  
6 that's up to you. But regardless, on the parole end,  
7 that doesn't change about following the conditions. Do  
8 you follow me?

9 A Yes. Yes. Absolutely.

10 Q That's what I'm trying to get at; okay? Because you  
11 got life hanging over your head. And if you violate,  
12 you're back in and you start from scratch again. Do  
13 you follow me?

14 A Yes, I do.

15 Q Okay. We have your case plan in the file. We have  
16 your COMPAS. The case plan shows you want to obtain  
17 employment. If you did have a choice out there, sir,  
18 what would you like to do for work?

19 A I think warehouse work. Back to shipping and  
20 receiving.

21 Q Okay. And you know, I would suggest, on the side too,  
22 you know, don't give up on getting that associates  
23 degree; okay?

24 A Absolutely.

25 Q Seriously. Even if you take a course once a semester?

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

1 A When you work at a warehouse, that's the fastest track  
2 to management.

3 Q Okay. It's never too late. Work on that; okay?

4 A Yes, sir.

5 Q This is a tough decision; all right? Because you do  
6 have -- on the flip side, you do have -- there's a  
7 death and there's family grieving; okay?

8 A Yes, sir.

9 Q But you have done well. And one other thing I want to  
10 mention is, we have your COMPAS and you're low with the  
11 COMPAS. The COMPAS is a risk and needs assessment.  
12 The only thing that -- there's two things that you're  
13 medium to high on and that is reentry to substance  
14 abuse, that's where you would have to address -- you  
15 know, make sure you stay sober. So you get your  
16 counseling on the outside and get evaluated again;  
17 okay? And finding a job. So you need to stay focused  
18 and stay busy; all right?

19 A Yes. Absolutely.

20 Q All right. Give us a few days -- all right -- and  
21 we'll let you know.

22 A Yes, sir. Thank you for your time.

23 Q All right. Take care.

24 (The inmate was excused)

25

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

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

3

4

## D E C I S I O N

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6

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8

9

DENIED 15 months. Next appearance, 6/17. Parole is denied. After a personal interview, record review and deliberation, it is the determination of this panel that your release, is incompatible with the welfare and safety of the community.

10

11

Your instant offense of murder in the second degree, involved you shooting your victim with a rifle.

12

13

14

15

Your criminal history reflects prior unlawful behavior. However it does not minimized your crime. This was a senseless and brutal offense. This panel questions your judgment and disregard for the law.

16

17

18

19

20

Consideration has been given to your case plan and an assessment of your risks and needs for success on parole.

This panel notes your programming, educational record, good disciplinary record, release plans and letters of support as well as your parole written statement.

21

22

23

24

However, despite these accomplishments, when considering all relevant factors, discretionary release is not warranted.

Your release would so deprecate the serious nature of the crime as to undermine respect for the law.

25

(Commissioner Cruse concurs)

DIN# [REDACTED]

NYSID# [REDACTED]

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CERTIFICATION

I, EILEEN M. SHARP, Court Reporter and Notary Public in  
and for the State of New York, do certify that I attended the  
foregoing proceedings, took stenographic notes of the same,  
that the foregoing, consisting of 13 pages, is a true and  
correct copy of same and the whole thereof.

*Eileen M. Sharp*

Dated: March 18, 2016