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September 2021

### Parole Interview Transcript/Decision - FUSL000067 (2013-02-06)

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1 NYS DEPARTMENT OF CORRECTIONS and COMMUNITY SUPERVISION -  
2 BOARD OF PAROLE

3 \*\*\*\*\*  
4 \*\*\*\*\*

5 Parole Board Hearing

6 In the Matter

7 -of-

8 [REDACTED] [REDACTED]

9 DIN # [REDACTED]  
10 NYSID # [REDACTED]

11 \*\*\*\*\*

12 TYPE OF INTERVIEW: REAPPEARANCE

13 HELD AT: SING SING C.F.  
14 Video-conferenced to  
15 314 West 39th Street  
16 New York, New York

17  
18  
19 HELD ON: FEBRUARY 6, 2013

20  
21 BEFORE: COMMISSIONER HERNANDEZ  
22 COMMISSIONER THOMPSON  
23 COMMISSIONER BROWN

24  
25 VERBATIM REPORTER: SUSAN FISCHLER

1 BY COMMISSIONER THOMPSON:

2 Q. Good afternoon. [REDACTED] [REDACTED]?

3 A. Good afternoon.

4 Q. I'm Commissioner Thompson and also on panel with me  
5 today are Commissioner Hernandez and Brown.

6 COMMISSIONER HERNANDEZ: Hi.

7 COMMISSIONER BROWN: Good morning.

8 Q. You are here today for a reappearance. Crime of  
9 conviction Murder 2nd, serving 25-to-life-year sentence  
10 and that's by verdict. Is that correct, sir?

11 A. Yes.

12 Q. I want to bring to your attention we do have a  
13 stenographer present on this end, and what's being said  
14 here today is being transcribed into a permanent record  
15 that can be used in any future proceeding. With saying  
16 that, do you have any outstanding appeals at this time?

17 A. No, I do not.

18 Q. Okay. All right. Were you offered a plea at all in  
19 this case, sir?

20 A. Twenty-to-life.

21 Q. Were you involved in this crime?

22 A. Yes, I was.

23 Q. Why didn't you take the plea?

24 A. Because I never been in jail before and this is my  
25 first felony.

DIN# [REDACTED] NYSID# [REDACTED]

3

1 Q. All right. The instant offense involve you shooting  
2 a police officer?

3 A. Yes.

4 Q. Okay, and you were in the train station on [REDACTED]  
5 [REDACTED], [REDACTED] in [REDACTED]. You and a friend  
6 of yours jumped the turn style, the officers approached,  
7 they asked you to either pay or leave the area. As he  
8 was escorting you out of the station, you confronted the  
9 officer, grabbed his gun and shot the officer, causing  
10 his death.

11 Why, Mr. [REDACTED] did you involve yourself in  
12 such a serious offense? What was going on in your mind  
13 at the time?

14 A. I had just came from military, I was in the Army  
15 Reserves. I was home about two months and I had a job  
16 interview that I forgot about and I was trying to get on  
17 the train. I realized I had spent all my money. We  
18 never jumped -- well, I never jumped the turn style and  
19 I was never accused of no crime inside the train  
20 station, either.

21 Q. But the whole incident started there?

22 A. It started in the subway, but it happened outside.  
23 So I never violated no kind of crime inside the train  
24 station, though.

25 Q. All right. In your words, what happened? You were

1 at the train station. What happened from there?

2 A. We thought about going through the door, but it was  
3 two officers there, so we just stayed there. So, Mr.  
4 [REDACTED] -- well, Officer [REDACTED] he was getting ready to  
5 come, too, which is the black police officer. The  
6 Officer [REDACTED] stopped him and he came through and  
7 asked: What are you standing for? I told him: We are  
8 waiting to get on the train. He said: Well, pay your  
9 money or get the fuck out of here. That's what he said.  
10 So, [REDACTED] was with me, he was walking so fast, he left  
11 me. So, I started walking and Officer [REDACTED] started  
12 walking behind me and he says is something wrong with  
13 my leg? I didn't say nothing to him. If I were to tell  
14 him -- I had got shot in my leg at one time. So, he  
15 asked me was there something wrong with my leg, but I  
16 didn't answer. He said: Do I have to talk Spanish to  
17 you? I said: No. So, still walking, he kept  
18 following, he said: I should break your back. He  
19 pulled a stick out. So, I kept walking up the stairs  
20 and I reached the top of the stairs and got on the  
21 landing on the ground, and I turn around after stepping  
22 off the stairs. And he pushed me. So when I turned  
23 around, he swung the stick at my head and I grabbed the  
24 stick. We wrestling and he grabbed his gun and pulled  
25 his gun out. He tried hitting me in the head with the

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NYSID#

5

1 stick so I knew what he was going to do when he pulled  
2 the gun out. So I grabbed for the gun and we wrestling  
3 with the gun and I end up with the gun. So what  
4 happened, I am standing, looking to see if any police is  
5 going to be around because I know they are not going to  
6 ask me no questions, they just going to start shooting.  
7 When I turned back to Officer [REDACTED], he was reaching  
8 for another pistol to shoot me and that's when I fired  
9 the gun. Other than that, I would have never fired the  
10 pistol. So it wasn't like I just snatched his gun; his  
11 gun was out, he pulled the gun out. And also, on the  
12 stairs, two witnesses said the same thing, that he  
13 pulled his gun out. That's in my trial minutes.

14 COMMISSIONER BROWN: How did his

15 holster get ripped open, then? He wouldn't have  
16 ripped it open. He knows how to pull his gun out of  
17 there, no?

18 A. The gun was already out. So how could the holster be  
19 ripped if the gun was already out?

20 COMMISSIONER BROWN: That's what I am

21 asking you, sir. Doesn't make sense. Either you  
22 are lying or he was lying or the facts are lying.

23 A. It takes a lot of weight to break a regular holster,  
24 a lot of pressure. So as far as -- that happened  
25 afterwards; after we went to the precinct, that's what

1 happened.

2 COMMISSIONER BROWN: What time did  
3 this happen?

4 A. This happened like 6:00 in the morning.

5 COMMISSIONER BROWN: Were you going  
6 for a job application, you said?

7 A. I said I had a job interview.

8 COMMISSIONER BROWN: With your two  
9 friends?

10 A. No, it wasn't two friends, it was someone that was  
11 with me at the time. But I was going on a job interview  
12 by myself. I didn't have the money.

13 COMMISSIONER BROWN: So how were you  
14 going to get to this interview?

15 A. If I was to walk through the door, I would have been  
16 able to get on the train.

17 COMMISSIONER BROWN: Your intention  
18 was to break in?

19 A. Right, right, my intention was to walk through the  
20 door, but it never happened.

21 COMMISSIONER HERNANDEZ: Where were  
22 you living at the time, Mr. [REDACTED]

23 A. I was living uptown, [REDACTED] and [REDACTED].

24 COMMISSIONER HERNANDEZ: And where was  
25 your job interview?

DIN# [REDACTED] NYSID# [REDACTED]

7

1 A. Job interview was downtown somewhere, because I had  
2 already been on a couple job interviews already.

3 COMMISSIONER HERNANDEZ: Okay, so how  
4 did you end up on [REDACTED]?

5 A. Because I end up walking downtown with the person  
6 that was with me.

7 COMMISSIONER HERNANDEZ: Thank you.

8 BY COMMISSIONER THOMPSON:

9 Q. So you walked from [REDACTED], all the way down to  
10 [REDACTED]?

11 A. No, I was on [REDACTED], between [REDACTED] and [REDACTED].  
12 But I was with a female and I was waiting on somebody.  
13 And when I came out, she wasn't there. So when I came  
14 out, I bump into [REDACTED], who was with me. From there,  
15 the whole thing was just crazy after that.

16 Q. What were you doing the day before? You said you  
17 were going on interviews. It seemed like you made a lot  
18 of stops, and, it was still so early in the morning when  
19 this occurred. So what time did you leave your home to  
20 go towards this interview? What time would you say?

21 A. The interview was the next day. But I was on  
22 unemployment because I was in the Army Reserves at the  
23 time.

24 Q. So it wasn't even this morning when you were going to  
25 this interview? You stated you were there because you



1 were trying to get on the train.

2 A. Right, the next day, that was the next day, not the  
3 same day the incident took place. That night, I stayed  
4 out all night, and this happened at 6:00 in the morning,  
5 I never went home.

6 Q. Stayed out all night doing what?

7 A. Hanging out. I was with some females at the time and  
8 waiting for another female. I was down south, doing  
9 basic training. So when I came back I had not seen her,  
10 and once I was with them, they told me to wait. And I  
11 met [REDACTED] and from there I was walking downtown there.

12 Q. So you were out all night the day before you had this  
13 interview. Where did you go?

14 A. Just walking around, just seeing people, that's all.  
15 I had drank a little and that was it.

16 Q. Any drugs involved?

17 A. No, there was no drugs involved. I had drunk some,  
18 that was it.

19 Q. What had you been drinking?

20 A. I don't know what it was, forgot, because I don't  
21 really drink, but I had drank some that night.

22 Q. You don't know if it was vodka, rum, mixed drinks,  
23 beer, shots?

24 A. No. I don't drink, but they wanted me to drink. I  
25 was with three other females.

DIN# [REDACTED] NYSID# [REDACTED]

9

1 Q. Where were you drinking? In the streets, someone's  
2 home?

3 A. No, it was inside, like, a social club.

4 Q. So an after-hour place or....

5 A. Yes, you could call it that, yes. It stays open late  
6 at night, but it was open in the daytime, too.

7 Q. And they serve alcohol in there?

8 A. Yes.

9 Q. So it was probably an after-hours, illegal place,  
10 right?

11 A. Yes.

12 Q. Where was that?

13 A. It was between a [REDACTED] and a [REDACTED]  
14 street.

15 Q. From doing that, you are going on a job interview?  
16 Where was the interview, for what?

17 A. It was for a messenger job.

18 Q. And you say you were in the service. So you were  
19 familiar with firing a weapon, correct?

20 A. Well, a rifle.

21 Q. All right.

22 COMMISSIONER HERNANDEZ: Mr. [REDACTED]  
23 what kind of job interview were you going to on that  
24 day, messenger?

25 A. Yes.

1                   COMMISSIONER HERNANDEZ: Okay. All  
2                   right. Thank you.

3 BY COMMISSIONER THOMPSON:

4 Q. All right. And the officer, did you crouch down and  
5 get into a combat position or anything like that?

6 A. I don't remember crouching down, but I just remember  
7 just trying to get him off as far as not to shoot me,  
8 and I just fired the gun.

9 Q. How many times would you say you fired the gun?

10 A. Twice.

11 Q. All right. You were aware that the officer was  
12 struck in the head?

13 A. I found out after I was arrested.

14 Q. Were you aiming for his head?

15 A. No, I was not.

16 Q. ...knowing that he probably had on a vest in his  
17 chest area.

18 A. No.

19 Q. All right. After you shot the officer, what did you  
20 do?

21 A. After I shot the officer, I took a gun with me and I  
22 ended up going in the park, and I got rid of the gun and  
23 that was it.

24 Q. Did you climb a tree?

25 A. I was in a tree for a little while.

1 Q. All right. Why did you take his gun if you are  
2 saying you felt threatened and that's why you shot him?  
3 Why take his gun?

4 A. As far as the gun part, that took place during the  
5 struggle. I had the gun and I guess it was in my head:  
6 Instead of me throwing it on the ground, I just took it  
7 with me and I hid the gun. When I was arrested, I  
8 didn't have no gun on me.

9 Q. Did you know that you had hit officer when you shot  
10 him, that he was actually struck?

11 A. I didn't know that. When I was arrested, I asked was  
12 he all right. I didn't know he was shot.

13 Q. Well, after you shot this officer, what did you see?  
14 You must have seen he went down, blood? What did you  
15 observe at that point?

16 A. I didn't see any blood, I didn't see him fall,  
17 either.

18 Q. After you shot him twice, what did you observe?

19 A. He was shot one time. Because the first time that I  
20 fired the gun, he was still reaching for his pistol.

21 COMMISSIONER BROWN: Where was this  
22 other pistol and, did they find the pistol?

23 A. Yup, they did find the pistol. The pistol was in his  
24 waist.

25 Q. And what did you say you did with the gun?

1 A. I had took the gun and I threw the gun in the garbage  
2 can.

3 Q. Where was your friend at that point? Or your friend,  
4 when he told you all to leave, he left?

5 A. He was gone. I don't know where he was at, I ain't  
6 seen him no more.

7 Q. All right. Did you render any assistance, did you  
8 look for the other officer? Or, did you just try to get  
9 away at that point?

10 A. The other officer was downstairs. I never even  
11 thought about some assistance; I had just ran, that's  
12 all.

13 Q. All right. And you were apprehended in the park?

14 A. Yes, I was.

15 Q. Horrible crime, Mr. [REDACTED]

16 Since your last appearance you have completed  
17 ASAT, is that correct?

18 A. Yes.

19 Q. And you work as a porter?

20 A. Yes.

21 Q. Have you used any other drugs while in prison?

22 A. None.

23 Q. So the last time you used drugs was in '08?

24 A. Yes.

25 Q. What drugs did you use then?

1 A. Marijuana.

2 Q. Okay, and why was that?

3 A. Dealing with prison, period. Deaths, just....

4 Q. Upon release, where you plan to reside?

5 A. My plans was to live in a halfway house, as far as  
6 try to get an apartment. That's if I am released. And  
7 then to seek work.

8 Q. What type of work would you seek?

9 A. In a hospital, or child day care or go to college,  
10 you know.

11 Q. Or what?

12 A. Child day care, hospital or wherever I can get a job  
13 at.

14 Q. You said "or go to college"?

15 A. I have three years of college.

16 Q. All right. You did reach out to some organizations,  
17 right, Fortune Society; is that correct?

18 A. Yes.

19 Q. Any other family out there, sir?

20 A. Brothers and sisters.

21 Q. All right. And they are supportive?

22 A. Yes, they are.

23 Q. Have they been by to visit?

24 A. Yes.

25 Q. I know you have a sister that visits, right?

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1 A. Yes.

2 Q. You do have family out-of-state?

3 A. [REDACTED].

4 Q. We also have your sentencing minutes on file and they  
5 will be considered, along with your risk assessment.

6 COMMISSIONER THOMPSON: Commissioners,  
7 any other questions?

8 COMMISSIONER HERNANDEZ: I have no  
9 other questions.

10 COMMISSIONER BROWN: No, I have no  
11 questions. Thank you.

12 Q. Mr. [REDACTED] is there anything we have not covered  
13 that you to say at this time?

14 A. If I ask a question?

15 Q. Go ahead.

16 A. Because, in the decision it been saying based on the  
17 executive law, that it has to be written in detail as  
18 far as the decision. And I am trying to figure out why  
19 every decision I get they talk about the parole -  
20 Commissioners talk about that I am going to re-offend,  
21 when I don't have no weapons, no robberies, no assaults  
22 or not even a fight as far as before this incident took  
23 place. So I want to find out where is this information  
24 coming from as far as being used against me to talk  
25 about the future, what I would do. I would think that

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1 would be something based on a psychologist or  
2 psychiatrist to determine. If it's just based on one  
3 incident for right here, this is for what I was  
4 arrested. No gun, a knife, no assaults. And I am  
5 trying to figure out, who determine as far as future  
6 risk stuff what I am going to do? Where did that come  
7 from?

8 COMMISSIONER HERNANDEZ: This is a new  
9 day, new opportunity. I can't speak for prior  
10 decisions. I think I have seen you once. I don't  
11 believe I put that in my decision. Everybody writes  
12 their decisions differently, sir, based on all the  
13 information in the file. I can't give you an answer  
14 for that, but I know we will take what you are  
15 saying into consideration today.

16 A. Miss Hernandez, this is the third time seeing you, my  
17 third time, because you were with Miss Thompson before,  
18 that was in Clinton.

19 COMMISSIONER HERNANDEZ: I remember it  
20 well, and I know what I said to you at the time, as  
21 well. Okay? I am glad you have not used drugs.

22 A. I am talking about the written decision. You told  
23 me, when you were with miss Thompson, you said this is  
24 not the way to get out as far as having the drug ticket,  
25 you said drugs is not going to cure anything.



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16

1 COMMISSIONER HERNANDEZ: Yeah, yeah.  
2 We have to take everything and we weigh everything.  
3 All right?

4 A. Yes.

5 COMMISSIONER HERNANDEZ: Commissioner,  
6 are you done?

7 COMMISSIONER THOMPSON: Okay, thank  
8 you, sir. We will review everything and get you a  
9 decision in a couple day. Take care.  
10 (Offender was excused.)

11 (After due deliberation by the Parole  
12 Board panel, the following decision has been  
13 rendered:)

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DIN# [REDACTED] NYSID# [REDACTED]

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DECISION:

1. Parole is denied. Hold 24 months. Next appearance  
2. 2/2015. Parole is denied for the following reasons.  
3. After a careful review of your record and this interview,  
4. it is the determination of this panel that your release  
5. at this time is incompatible with the welfare and safety  
6. of the community. This decision is based on the  
7. following factors: The serious nature of the instant  
8. offense Murder 2nd involve you taking possession of the  
9. victim's firearm. The victim was on-duty as a New York  
10. City Transit Police Officer at the subway station when he  
11. approach you and a friend and stated, in sum and  
12. substance, pay the fare or leave the area. During  
13. interview you stated you did not have money to pay the  
14. fare and were thinking about entering without paying.  
15. When the officer escorted you out the subway station,  
16. while walking up the stairs your friend left and you were  
17. in a physical confrontation with the police officer  
18. deliberately shooting the officer with the zone gun,  
19. causing his death. You then fled the scene. Your  
20. positive programming, disciplinary record, risk to the  
21. community, needs for successful reintegration,  
22. rehabilitative efforts, opposition to your release and  
23. required statutory factors are also considered. However,  
24. discretionary release is not appropriate at this time,  
25.

[REDACTED] DIN# [REDACTED]

NYSID# [REDACTED]

18

1 for the panel to release would so deprecate the severity  
2 of the offense as to undermine respect for the law, as  
3 you placed your own interest above those of society at  
4 large.

5 (All commissioners 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.

*Susan Fischler*

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