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COPY

PAROLE BOARD HEARING

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

*****X

In the Matter of

[REDACTED]

DIN# [REDACTED]
NYSID# [REDACTED]

*****X

HELD AT: Woodbourne Correctional Facility
Woodbourne, New York

Parole Board Hearing

February 9, 2010

DIVISION OF PAROLE
RECEIVED

BEFORE: COMMISSIONER LISA ELOVICH

COMMISSIONER HENRY LEMONS, JR.

MAR 1 2 2010
WOODBOURNE CORR FAC

ALSO PRESENT: L. ALVARADO, SPO
P. JOHNSON, FPO II
M. KELLY, FPO I
R. SOMERS, APA
I. ORTIZ-COURTNEY, INTERPRETER

M&F REPORTING SERVICE
P.O. Box 4279
NEW WINDSOR, NEW YORK 12553
(845-562-5190)

1 INTERVIEW CONDUCTED BY COMMISSIONER LEMONS:

2 Q. Good morning. You are [REDACTED] [REDACTED]

3 A. Yes.

4 Q. I'm Commissioner Lemons. And this is
5 Commissioner Elovich.

6 COMMISSIONER ELOVICH: Hello.

7 Q. How are you? How is your English?

8 THE INMATE: Not too well, but I
9 understand.

10 Q. Okay. Well, we provided an interpreter for you.

11 COMMISSIONER LEMONS: Would you first put
12 your name on the record for us please.

13 MS. [REDACTED]: [REDACTED].

14 COMMISSIONER LEMONS: And she has
15 interpreted for the board in the past and we
16 thank you for being here.

17 Q. If it's okay with you, we'll let you listen and
18 answer. If you have any questions or don't
19 understand any of our comments completely, you
20 let the interpreter know.

21 THE INMATE: Okay.

22 Q. And we'll do it that way. You sound like you
23 speak very well. Okay? Fair enough?

24 THE INMATE: Thank you.

25 Q. Okay. Okay, Mr. [REDACTED] this is a reappearance

[REDACTED]

1 for you. You are presently serving a 15 to life
2 sentence for arson first degree?

3 THE INMATE: Yes.

4 Q. It's an A-1 felony. You pled guilty to that
5 crime, correct?

6 THE INMATE: Yes.

7 Q. This happened in [REDACTED] on [REDACTED],
8 in an apartment. You set fire to a room. Arson
9 reports indicate that the fire originated in four
10 different locations. The first location -- well,
11 I should say one of the originating locations was
12 the clothing of a person who was in the room at
13 the time. That person had been hit over the head
14 with a lead pipe and his clothes were set afire.
15 Is there -- would you like to comment on that?
16 Would you like to say anything about that?

17 THE INMATE: Really I don't know what to
18 say because --

19 Q. Did you set this fire?

20 THE INMATE: Yes.

21 Q. Was there a person in the room at the time?

22 THE INMATE: Yes.

23 Q. And was that person able to leave the apartment
24 before the fire started?

25 THE INMATE: No, nobody.

1 A. (Through the interpreter) No.

2 Q. Why did you set the fire? Why did you set the
3 apartment on fire?

4 THE INMATE: We fight.

5 Q. You and the other person?

6 THE INMATE: Yes.

7 Q. What was the other person's name?

8 THE INMATE: I don't know.

9 Q. Okay. You and he had a fight. Go ahead.

10 THE INMATE: We fight each other. He hit
11 me. I hit him. An the then I start fire and I
12 left.

13 Q. So but you said -- you're telling me what
14 happened, but you're not telling me why you set
15 the fire. Why did you set the fire?

16 THE INMATE: Really --

17 A. I really didn't know.

18 THE INMATE: I was drunk. But if I fight
19 with him and I don't know what went through my
20 mind. And I set the fire and I left.

21 Q. Now there were other people in the apartment
22 building?

23 THE INMATE: Yes.

24 Q. And you realized that the fire might cause his
25 death?

[REDACTED] [REDACTED] [REDACTED]

1 THE INMATE: On that moment, I don't think
2 but --

3 Q. When you set the fire, did you think he was dead?

4 THE INMATE: I don't know if he was dead.

5 Q. And was this his apartment?

6 THE INMATE: Yes.

7 Q. Okay. Now when you left, when you set the fire
8 and you left, where did you go?

9 THE INMATE: I just left to the street.

10 Q. How soon after that were you arrested?

11 A. About three months.

12 THE INMATE: About three months.

13 Q. Okay, sir. Now you continue to program here.

14 Are you in programs here in the prison now?

15 THE INMATE: Right now I'm medical
16 unassigned.

17 Q. There is a final order of deportation on file.

18 You are a citizen of [REDACTED]?

19 THE INMATE: Yes.

20 Q. Do you have family there?

21 THE INMATE: Yes.

22 Q. Who is there?

23 THE INMATE: My mother and my father,
24 brother, sister.

25 Q. Now I should have mentioned earlier there was

1 some questions earlier in the prior board about
2 sentencing minutes. I want you to know that
3 either all or -- all of the sentencing minutes
4 that we can obtain are here. We do have -- we
5 have a notification and affidavit from the courts
6 indicating no additional sentencing minutes are
7 on file or can be located, okay? Do you
8 understand?

9 THE INMATE: Yes.

10 Q. Is there any comments you would like to make
11 about the sentencing minutes? Do you remember
12 them? Is there anything you remember the judge
13 saying pertaining to parole?

14 A. No, I don't remember.

15 Q. Now what do you think about everything you did
16 back then now? What do you think about it?

17 THE INMATE: I know I did was wrong. I'm
18 apologizing to the community, to the victim. I'm
19 going to talk to her. I feel better to talk to
20 her.

21 Q. Okay.

22 A. I know that what I did. It wasn't supposed to
23 happen, but I know I was -- I had an alcohol
24 addiction. In my mind, at that time, I was
25 young. Truthfully, when you're young we do

1 stupid things. I know that I don't have words to
2 explain this. I know that I committed harm
3 against that person, against that family, against
4 myself, my family. Truthfully, I don't know how
5 to ask for forgiveness. I just know everybody
6 has suffered, the victim, myself. And truthfully
7 I don't have words to ask for forgiveness. I
8 know it should have never happened. I'm
9 repentful. I have learned my lesson. And I hope
10 that one day I could be forgiven. That's all I
11 can do. Thank you. That's all I can say.

12 Q. Do you have family in [REDACTED]?

13 THE INMATE: I have one sister..

14 Q. She's in [REDACTED], correct?

15 THE INMATE: Yes.

16 Q. You know there's a final order of deportation.
17 Have you fought that? Are you fighting the
18 deportation order?

19 THE INMATE: Yes.

20 Q. Do you understand what I'm asking you?

21 A. No.

22 COMMISSIONER LEMONS: Commissioner
23 Elovich?

24 COMMISSIONER ELOVICH: Nothing from me.
25 Thank you sir.

1 Q. Okay, Mr. [REDACTED] You've been in prison now what,
2 about 18 years?

3 THE INMATE: Nineteen.

4 Q. Nineteen years. We're going to consider
5 everything. We'll try to have an answer for you
6 shortly. Okay, sir?

7 THE INMATE: Yes. Thank you very much.

8 AFTER DUE DELIBERATION BY THE PAROLE BOARD
9 PANEL, THE FOLLOWING DECISION HAS BEEN RENDERED:

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[REDACTED] [REDACTED] [REDACTED]
D E C I S I O N

1
2 Parole is denied. Hold 24 months. Next
3 appearance November 2011.

4 Parole release is denied. Following a
5 careful and complete review of the record and of
6 the interview, it is the conclusion of this panel
7 that if you were released at this time there is a
8 reasonable probability that you would not live
9 and remain at liberty without violating the law
10 and your release would be incompatible with the
11 public's safety, and welfare of the community.
12 You continue to serve time for your convictions
13 of arson first degree. You set fire to a bedroom
14 in which a male victim lied on the bed wounded
15 from head wounds. Fire reports indicate the fire
16 originated from four separate locations,
17 including the male victim's clothes. The male
18 victim died at the scene. Your actions displayed
19 calculated acts and a total disregard for the
20 safety of others or property. Due to the
21 seriousness and violence displayed during the
22 instant offense and the total disregard for
23 others, this panel concludes that you remain a
24 threat to the community and release at this time
25 is denied. (THE COMMISSIONERS CONCUR)



REPORTER'S CERTIFICATION

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I, MALKIE FINER, a Shorthand and reporter Notary Public within and for the State of New York, do hereby verify that the foregoing is a true and correct transcript of the minutes recorded by me and reduced to typewriting under my supervision.

MALKIE FINER