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September 2021

### Parole Interview Transcript/Decision - FUSL000071 (2015-08-03)

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

\*\*\*\*\*

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]  
NYSID # [REDACTED]

\*\*\*\*\*

Coxsackie C.F.  
[Via Videoconference]

97 Central Avenue  
Albany, New York

November 3, 2015

BEFORE: COMMISSIONER JAMES B. FERGUSON, JR.  
COMMISSIONER LISA ELOVICH  
COMMISSIONER ELLEN E. ALEXANDER

PRESENT: WILLIAM CLOSE, Supervising  
Offender Rehabilitation Coordinator  
  
BRAD SCHWEBLER, Supervising  
Offender Rehabilitation Coordinator  
  
DONNA WILTSIE  
Agency Program Aide

REPORTED BY: RENÉE D. LEGUIRE, CSR, RMR, CRR

( [REDACTED] [REDACTED] - Alexander)

1 BY COMMISSIONER ALEXANDER:

2 Q. Good morning.

3 A. Good morning.

4 Q. Could you state your name, sir?

5 A. [REDACTED].

6 Q. Mr. [REDACTED], my name is Commissioner  
7 Alexander. I am joined this morning by Commissioner  
8 Ferguson and Commissioner Elovich, and we are here for  
9 your reappearance. Okay, sir?

10 COMMISSIONER ELOVICH: Hello, sir.

11 A. Yes.

12 Q. I know that I was on the panel that saw you  
13 24 months ago. I did not interview you. I'm going to  
14 ask you a lot of the same questions because it's  
15 important for this panel to evaluate whether you're  
16 ready to go. We're going to go over your criminal  
17 history, your progress, and your plans. Okay?

18 A. Yes.

19 Q. Now, the crime which brought you to prison  
20 was by verdict, both murder second, criminal possession  
21 of a weapon third. Do I have that correct?

22 A. Yes, ma'am. Yes, Commissioner.

23 Q. Do you have any appeals pending?

24 A. No, no, Commissioner Alexander.

25 Q. Okay. Because we do have a court reporter

( [REDACTED] [REDACTED] - Alexander)

1 here taking down everything that's said. It could find  
2 its way to another forum. I wanted to advise you of  
3 that. Were you ever offered a plea when you went to  
4 trial?

5 A. Yes.

6 Q. What was the plea offer?

7 A. I was offered -- original plea was twelve and  
8 a half to twenty-five, and then it went down to a seven  
9 and a half to twenty-one --

10 Q. Why didn't you take it?

11 A. -- but I --

12 Q. Why didn't you take that?

13 A. My lawyer had told me that they would go down  
14 lower, and when he did say something -- he said  
15 something to the judge about it, the judge got upset,  
16 and he revoked that plea and went back up to the  
17 original plea.

18 Q. Okay. Were you maintaining your innocence at  
19 the time?

20 A. No. It was that -- well, yes, I was. I  
21 was -- well, I had -- at that time I was saying  
22 basically I was pleading self-defense --

23 Q. Okay.

24 A. -- but, you know, I did -- I did admitted to,  
25 you know, the crime taking place.



( [REDACTED] [REDACTED] - Alexander)

1 Q. Okay. And it's my understanding that you  
2 were dealing drugs at the time?

3 A. Yes, yes, Commissioner Alexander.

4 Q. And your victim ended up stabbed, I believe,  
5 four times. Do I have that correct?

6 A. Yes, yes, Commissioner Alexander.

7 Q. Why did you have a knife with you?

8 A. I had a knife on me -- I initially thought  
9 that I had a knife on me for cutting -- it was for  
10 protection, but after further contemplating things over  
11 the years that I've been incarcerated, I realize I had  
12 that knife on me Commissioner Alexander because I had  
13 went into a criminal set of thinking and I have entered  
14 a set of -- excuse me. This is very hard for me.

15 Q. Okay. Well, take your time. I want to  
16 understand what happened that night. Okay?

17 A. Yes. You know, carrying that weapon, I  
18 thought that I was protecting myself, but I hadn't  
19 actually -- I wasn't protecting myself. I was breaking  
20 the law, and I had -- myself, I thought breaking the law  
21 was the thing to do because that's the environment that  
22 I grew up, and I believed that that's what you do, and  
23 so I know now I should have never had a knife on me.

24 Q. Right.

25 A. You know?

( [REDACTED] [REDACTED] - Alexander)

1 Q. And you had been in prison once before. Is  
2 that a fair statement?

3 A. Yes.

4 Q. You had jail time as well as a youthful  
5 offender adjudication, right?

6 A. Yes.

7 Q. Now, throughout that period were you  
8 employed, or did you rely on stealing and selling drugs?

9 A. Throughout that time I was employed. I had a  
10 construction job, and I had work in a print factory --

11 Q. Okay.

12 A. -- for a period of time. I didn't have --  
13 finishing the construction job, from that -- from the  
14 construction job I was out of work, and then I began to  
15 involve myself with selling drugs five months after I  
16 had -- the job was over.

17 Q. Okay.

18 A. So now what I'm trying to -- what I'm going  
19 to say, Commissioner Alexander, is that it was -- for  
20 me, it was my way of -- my criminal thoughts, my  
21 criminal activity I thought began at the age of 16 when  
22 I was -- in '87, but it didn't begin at 16. It had  
23 actually began in my childhood stages where I  
24 psychologically began to think that, because of my abuse  
25 as a child -- I'm sorry, because of my abuse as a child,

( [REDACTED] [REDACTED] - Alexander)

1 I started to think -- I started to feel like, you know,  
2 I was worthless and I was not -- I was feeling worthless  
3 and that I felt basically that -- excuse me. Let me get  
4 my thoughts together, please.

5 Q. Okay. Well, I mean, I have read about your  
6 childhood, and I am sorry for your background, but I  
7 guess the issue is -- why don't we move on to what sort  
8 of work you've done in rehabilitation since that day.  
9 Okay, sir?

10 A. Yes. Yes.

11 Q. Now, I do see that you've gotten your GED,  
12 correct?

13 A. Yes, yes.

14 Q. You've completed ASAT and an ART?

15 A. Yes.

16 Q. You've done a lot of other programs. What's  
17 been most important to you?

18 A. What's been most important to me I would have  
19 to say is accomplishing something, accomplishing  
20 obtaining my GED, accomplishing -- you know, I've never  
21 accomplished anything when I was younger. You know? I  
22 think that's why I got into doing crime, because I never  
23 thought that I could much, and that's been the greatest  
24 thing in my daughters to see them grow and develop, you  
25 know, and to be able to assist them and be in connection



( [REDACTED] [REDACTED] - Alexander)

1 with them in terms of having some type of influence over  
2 their life, that has been the greatest accomplishment  
3 for me, and the fact that I have a great humanity --  
4 excuse me, a humility and the fact that I'm truly  
5 remorseful for my crimes --

6 Q. Okay.

7 A. -- for the harm that I've caused others in  
8 violating them and violating their property and their  
9 space and taking the life of Mr. [REDACTED] [REDACTED]. I am  
10 truly remorseful about that, and he know that because  
11 I've worked on myself since I've been in here, and I've  
12 gotten to a place now to where that I know that I have  
13 value. I know that I am a man now who is responsible  
14 and must be responsible and accountable for any  
15 situation that I am -- that I'm in.

16 Q. All right. Well, I do see that -- I am  
17 impressed by the letter from your daughter.

18 A. Yes.

19 Q. In fact, I think I read that you actually  
20 have helped her with her tuition payments to college?

21 A. Yes.

22 Q. That's terrific, and they write wonderful  
23 things about you. There's a letter of support here from  
24 other people, including the National Lawyers Guild, and  
25 I wants to make note of that for the record. I've also



( [REDACTED] [REDACTED] [REDACTED] - Alexander)

1 read your statement. How long did it take you to put  
2 your statement together?

3 A. It took me years to put it together because I  
4 was always changing it and adding things --

5 Q. Okay.

6 A. -- to it as I grew up in time.

7 Q. And I like that you've called it a letter of  
8 penitence, responsibility --

9 A. Yes.

10 Q. -- and accountability, transitional change --

11 A. Change.

12 Q. -- plan. So it does seem to me that you've  
13 taken some time to think about what you wanted to say.

14 A. Yes.

15 Q. So I want to note that for the record. If  
16 you were released, where would you live?

17 A. If I was released, Commissioner, I would live  
18 with my two daughters. My oldest daughter, [REDACTED],  
19 she has an apartment in [REDACTED] [REDACTED] which is not far  
20 from -- what it's called? -- [REDACTED] [REDACTED] downtown  
21 [REDACTED].

22 Q. Yeah, and I see that you included a picture  
23 of the apartment.

24 A. Yes.

25 Q. Okay.

( [REDACTED] [REDACTED] - Alexander)

1           A.     She's been a resident there for about two  
2 years. It's a drug-free area, a crime-free area. So  
3 I'm going to be staying with them for a period of time,  
4 then I would apply for assistance with the human  
5 resources, and I would also apply for -- put reentry  
6 programs on notice, the Osborne Association. I'm  
7 looking forward to working with Mr. -- a person called  
8 [REDACTED] [REDACTED]. He's an ex-offender, and he is an  
9 employee at Osborne Association --

10           Q.     Okay.

11           A.     -- and I spoke with him in 2013. He will  
12 welcome me to work with him. I do want to work with him  
13 in terms of healthcare, HIV, and AIDS testing --

14           Q.     Okay.

15           A.     -- and children that are -- that may be --  
16 children that may be, you know, affected by low risk --  
17 I mean, in low urban areas that may be exposed to  
18 criminal activity and things of that nature.

19           Q.     All right. I have also had an opportunity to  
20 look at your COMPAS Risk Assessment which --

21           A.     Yes.

22           Q.     -- we use as tool to see what your needs  
23 might be out in the community if you were released.  
24 While your risk levels are five out of ten for felony  
25 violence, they are considered low, your arrest risk is a

( [REDACTED] [REDACTED] - Alexander)

1 four and low, abscond risk is at a medium. It does show  
2 that you're going to need some help with reentry,  
3 substance abuse, and I saw that in some of your letters  
4 you want to work with AA. Is that true?

5 A. Yes. I want to work in AA and Al-Anon.  
6 I'm -- it's hard for me to pronounce it Al-Anon home  
7 which is a substance abuse program.

8 Q. Okay.

9 A. I have been, you know, intoxicated when this  
10 took place, and I realize that it is not the reason why  
11 I resulted resorted to that terrible decision. It  
12 really heightened me. The intoxication really  
13 heightened the situation. So I do want to stay in  
14 programming into substance abuse treatment.

15 Q. Okay. Good. Good. Now, the one area which  
16 does show some concern on the risk assessment is prison  
17 misconduct, and I do want to talk to you about it. You  
18 know, your behavior in prison, not the best, not the  
19 worst. Since your last Parole Board interview, it has  
20 improved, but I do see a Tier III and a Tier II. The  
21 letter that was submitted by the National Guild says  
22 that you are taking responsibility in the Tier III.  
23 Originally you decided you didn't want to because you  
24 were concerned how it would impact parole. So tell me  
25 what happened that day, sir.



( [REDACTED] [REDACTED] [REDACTED] - Alexander)

1           A.     Yes.  We was -- I was watching an NBA game  
2     that day and --

3           Q.     And it says that you were trying to prevent  
4     the fight, or did an altercation take place?

5           A.     No.  An altercation took place, but I  
6     prevented it from going to, you know, from me harming  
7     anyone.  From the person -- what happened was a person  
8     had -- an individual, young guy, he was about six-three,  
9     Dominican guy, he had some --

10          Q.     Just so -- if we could get to the facts.

11          A.     Okay.

12          Q.     Did you hit him any way?

13          A.     No.  Actually, I had some tissue that was on  
14     the chair.  He said that he would never put tissue on  
15     the chair, and then he was upset, I don't know, about  
16     something else.  I guess he got up, stood up, and the  
17     next thing I know, he swung and hit me in the eye.  I  
18     then did --

19          Q.     Did you retaliate?

20          A.     No.  I grabbed him and retrained him so that,  
21     you know, it wouldn't go any further.

22          Q.     All right.

23          A.     And then, when I went to the officer, I  
24     reported it to the officer that I was injured.  I told  
25     the officer initially that I fell because I knew that I



( [REDACTED] [REDACTED] - Alexander)

1 had to come see you at the Board, and I knew that, you  
2 know, that would be another misbehavior report. So  
3 initially I told the parole officer that I fell, but  
4 then I came, you know, clean and I told him because it  
5 was the right thing to do what had happened.

6 Q. Okay.

7 A. You know?

8 Q. It does say in the letter that you did not  
9 initially tell the truth about the situation because you  
10 were concerned how it would look at parole. Is that  
11 true?

12 A. Yes, that's true.

13 Q. All right. Now, I also have your sentencing  
14 minutes, and I'd like to go over your case plan. It  
15 does say -- it's somewhat limited. In September it says  
16 that you've completed all your required programming and  
17 that your number one goal is to comply with all rules  
18 and regulations. Is that a fair statement?

19 A. Yes. Yes, Commissioner Alexander.

20 Q. Now, I am going to ask my colleagues if they  
21 have any questions for you.

22 COMMISSIONER FERGUSON: Nothing additional.

23 COMMISSIONER ELOVICH: No, thank you.

24 Q. Anything else you think this panel should  
25 consider that we have not talked about that could help

( [REDACTED] [REDACTED] - Alexander)

1 us with our parole decision here today?

2 A. The fact that I grew up in a, you know,  
3 dysfunctional family, and I think that growing up in  
4 that dysfunctional family and dysfunctional setting when  
5 it was in my belief system is that crime, criminal  
6 activity, came from me feeling a low sense of  
7 self-worth, and over time, a period of time that I  
8 indulged in criminal activity, I feel that I couldn't  
9 see my mistakes that I was making until I fixed what was  
10 going on within me psychologically and internally, and  
11 so I had to reflect and revert back to my past over the  
12 years, and the programming that I've done thus -- you  
13 know, since I've been in here, you know, the therapeutic  
14 programs and things of that nature have given me the  
15 resolve, given me the tools that I need. So I have  
16 tools now --

17 Q. Okay.

18 A. -- and I didn't have tools then. I didn't  
19 know how to think my way out of situations.

20 Q. All right, sir. Well, we're going to look at  
21 your change, your plan --

22 A. Thank you.

23 Q. -- and the crime, and we will get back to you  
24 in writing in a couple of days. I do appreciate you  
25 coming in and spending some time with us today. Thank

( [REDACTED] [REDACTED] - Alexander)

1 you.

2 A. Thank you, Commissioner Alexander.

3 Q. Okay. Thank you. Have a good day.

4 (The inmate left the room.)

5 (After due deliberation by the Parole Board  
6 panel, the following Decision was rendered:)

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( [REDACTED] [REDACTED] - Alexander)

D E C I S I O N

1  
2 COMMISSIONER ALEXANDER: Parole is denied.  
3 18 months. Next appearance is 5/17.

4 After carefully reviewing your record and  
5 conducting a personal interview, this panel concludes  
6 that discretionary release is denied.

7 You stand convicted of both murder second  
8 and criminal possession of a weapon third in connection  
9 with your actions stabbing your male victim multiple  
10 times. This is a continuation of your criminal history  
11 and record on community supervision which includes a  
12 previous state prison term for robbery offense, jail  
13 time for larceny, and a youthful offender adjudication  
14 for which you served probation.

15 The panel makes note of your program goals  
16 and accomplishments, including your completion of your  
17 GED, ASAT, and ART, risk-and-needs assessment, case  
18 plan, and your overall disciplinary record which  
19 includes a Tier III and II ticket since your last Parole  
20 Board interview. Also, your release plans, multiple  
21 letters of support and assurance, as well as your  
22 written personal statement and sentencing minutes have  
23 been reviewed and considered.

24 While the panel notes your progress towards  
25 your rehabilitation and your improved disciplinary



( [REDACTED], [REDACTED] - Alexander)

1 record, after deliberating, reviewing your overall  
2 record and statutory factors, discretionary release is  
3 not presently warranted as your release would trivialize  
4 the tragic loss of life that you caused and,  
5 furthermore, your release would be incompatible with the  
6 welfare of society and would so deprecate the serious  
7 nature of your crimes as to undermine respect for the  
8 law.

9 (The commissioners concurred.)

10 (The proceedings were concluded.)

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( [REDACTED] - Alexander)

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C E R T I F I C A T I O N

I, RENÉE D. LEGUIRE, a Certified Shorthand Reporter, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me at the time and place as noted in the heading hereof is a true and accurate transcript of same to the best of my ability and belief.



RENÉE D. LEGUIRE, RMR, CRR,  
Certified Shorthand Reporter

Date: November 17, 2015