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STATE OF NEW YORK
EXECUTIVE DEPARTMENT : DIVISION OF PAROLE

MINUTES OF PAROLE BOARD HEARING
REAPPEARANCE

████████ ██████████ ██████████ ██████████

INSTITUTION: COLLINS CORRECTIONAL FACILITY

DATE: Wednesday, August 5th, 1992

BEFORE: COMMISSIONER MARIA BUCHANAN
COMMISSIONER SANDRA MORALES-DELEON
COMMISSIONER VERONICA D. THOMAS

DIVISION OF PAROLE
A.E.
SEP 30 1992

HEARING REPORTER: Rebecca L. Vaughn

DePaolo-Crosby Reporting Service
197 Delaware Avenue, Buffalo, New York

1 BY COMMISSIONER DELEON:

2 Q. You are [REDACTED] [REDACTED]

3 A. Yes.

4 Q. I'm Commissioner Deleon. This is
5 Commissioner Buchanan and Commissioner
6 Thomas. You are reappearing before the board
7 for release consideration, correct?

8 A. Yes.

9 Q. This is your third or actually your fourth
10 appearance before the board. Let me state
11 that you initially went to the board in July
12 of 1988 and you were held 24 months. You
13 came back July of 1990 and you were held 24
14 months. Last month, July of 1992, you saw
15 the Parole Board and your case was postponed
16 three months or earlier for clarification of
17 records and you are now appearing before the
18 board?

19 A. Yes.

20 Q. Going back to the July, 1990 hold, do you
21 remember why you were held, sir?

22 A. Yes.

23 Q. Tell me why.

24 A. The nature of the crime and they felt that I
25 should continue therapy.

1 Q. The record indicates that you are continuing
2 to serve two concurrent sentences, nine to
3 life for murder in the second degree, and
4 three and a third to ten for sodomy in the
5 first degree, is that correct?

6 A. Yes.

7 Q. The panel said that your release would not be
8 compatible with the welfare of society. It
9 would so deprecate the seriousness of your
10 crime, the sodomy and murder of an eight year
11 old boy. They noted your positive
12 participation in the Merrill Cooper program
13 as well as prior participation in academic
14 and vocational programs. They asked you to
15 continue such participation in preparation
16 for your return to the community.

17 Because you were held 24 months we
18 would like to go back and discuss the
19 incident.

20 A. Yes.

21 Q. The record indicates that on or about

22 [REDACTED] of 1979 in [REDACTED]
23 [REDACTED] you were at the time almost sixteen
24 years of age, correct?

25 A. Yes.

1 Q. You apparently were in the habit of playing
2 with your neighbor who was eight years of
3 age. At the time on this particular day you
4 and he went out to play while in the woods.
5 You apparently struck him from behind with a
6 piece of wood?

7 A. Yes.

8 Q. You then sexually molested him and after
9 molesting him in order to prevent him from
10 telling his mother or anyone else about the
11 occurrence you proceeded to hang him from a
12 tree, correct?

13 A. Yes, ma'am.

14 Q. It says that you then left the body in the
15 woods, returned home for a length of rope.
16 This was after you had sexually molested him
17 before you hung him?

18 A. I don't know. Is that the first report
19 you're reading? 1988 or 1990?

20 Q. 1988.

21 A. There is a slight--

22 Q. There is a difference?

23 A. Yes. There is a difference in the later
24 report.

25 Q. You tell me what happened.

1 A. I was really confused.

2 Q. I understand one report says that you had the
3 rope with you?

4 A. No. That's not true. I went back for the
5 rope. The later report indicates that by my
6 own admission I strangled my victim before I
7 hung him. He was dead before I went back for
8 the rope.

9 Q. Tell me what happened. How could you become
10 involved in something like that?

11 A. I spent a lot of time talking about this when
12 I was at Merrill Cooper. It's a lot of
13 things. It's not just one thing. When I was
14 15 years old I had a lot of problems. I had
15 sexual identity problems. I wasn't sure
16 about my sexuality.

17 I was being molested myself which is
18 something I never dealt with.

19 Q. Now, this molestation came to light only
20 recently. Only recently did you admit this?

21 A. It came to light recently. I told parole
22 about it, but it's something I had been
23 dealing with in Cooper for the last couple of
24 years. I didn't talk about it there for
25 about a year, year and a half. It's

1 something I could never talk about.

2 Q. You said you had been talking about it for
3 the last year, year and a half?

4 A. Talking about it for the last two years.

5 Q. You had been talking about it for two years?

6 A. I hadn't been able to talk about it prior to
7 that time. I spent a year and a half in
8 Merrill Cooper before I was able to talk
9 about it.

10 Q. So this was only since the last board that
11 you've been dealing with this?

12 A. Yes.

13 Q. Tell me what happened.

14 A. As far as with me or--

15 Q. No. Why you became involved in this.

16 A. Okay. I had a lot of problems socializing
17 with people. I couldn't talk to people. I
18 couldn't get along with nobody. I blamed all
19 my problems on everybody else's actions
20 instead of taking the responsibility in
21 dealing with things myself.

22 I couldn't deal with anything. I had
23 trouble with anger. Everything just piled up
24 into one big heap. My parents had got
25 divorced. I blamed myself for them being

1 divorced. They were divorced prior to the
2 instant offense. I blamed myself for that.
3 I couldn't deal with that.

4 I didn't know how to deal with
5 anything. Over the years I spent a lot of
6 time talking to a lot of people, you know,
7 counselors and psychiatrists, and learning
8 how to deal with people, learning to get in
9 touch with my feelings.

10 Q. Now, let me ask you what was your
11 relationship with this boy prior to this
12 time?

13 A. He was a friend.

14 Q. You often were out with him and nothing ever
15 happened?

16 A. No. Never.

17 Q. Just on this particular day?

18 A. Yes.

19 Q. Was there anything that set it off?

20 A. I had come home early from school that day.
21 I had some problems in school. Just everyday
22 problems getting along with people. I take
23 responsibility for what I did.

24 Q. Record says that after you left you cut him
25 down from the tree and you hid the body in

1 the woods and you went home then you came
2 back with a search team?

3 A. What happened was the family called the
4 police because their son was missing and I
5 was asked to help look for the body.

6 Q. Not because you were a suspect of any kind.
7 Just because you were--

8 A. I was asked to help look for Christopher.

9 Q. Who asked you to help?

10 A. I believe somebody called and my parents
11 asked me to go help and everybody was just
12 looking around and I went to the neighbor's
13 house and told them that I found the body and
14 then I led the police to the body.

15 Q. Did you admit what had happened immediately?

16 A. Same day. I was arrested the same day. It
17 was within a few--it wasn't like that
18 minute. It was several hours later that I
19 did admit to the crime.

20 Q. Did they arrest you because you admitted it
21 or because you got arrested because
22 everything led to your being the suspect?

23 A. I was arrested because I admitted the crime
24 because I went to the police station to give
25 an account of locating the body. That's why

1 they brought me to the police station. Then
2 I told them that I wanted to talk to a police
3 officer that was there that I knew. I knew
4 him as a friend and I told him what happened.

5 Q. How do you feel about all this after all
6 these years?

7 A. I think it hurts me now more than it ever
8 did.

9 Q. Why?

10 A. I guess the main reason is I'm married now.
11 I have my own child. I have a seven month
12 old son and my wife and I, we talk a lot
13 about what I did, you know. My wife loves
14 me, but she doesn't like what I did, you
15 know. We've talked about that a lot.

16 I see my son and I think about
17 somebody doing to him what I did and how I'd
18 feel.

19 Q. What else do you want to tell us?

20 A. I don't want to spend the rest of my life in
21 jail. I know I have changed and I know you
22 got to look at the crime and I know it's the
23 most serious thing. I hope you know that
24 you'll also look at everything else and look
25 at me as a person and some day give me a

1. chance.

2 Q. Okay.

3 A. I do have an additional letter here from my
4 wife and her doctor. My wife has a mitro
5 valve prolapse and she was diagnosed in 1990
6 and she was on medication and she did well
7 and got off the medication.

8 Now she's back on the medication.
9 There was a question about my wife's job, her
10 previous employment, and she is looking for
11 another job and this is a note from the
12 doctor saying what she has and from her
13 indicating it's one of the main reasons she's
14 looking for less stressful work.

15 Q. What kind of work was your wife doing?

16 A. She works for the Division For Youth.

17 Q. As what?

18 A. Youth counselor.

19 Q. What kind of work is she looking for?

20 A. Basically anything. Looking for another
21 job.

22 COMMISSIONER BUCHANAN: Is she looking
23 for something in the counseling field?

24 A. No. Just looking for anything at the moment.
25 She's on maternity leave right now.

1 Q. Okay. In terms of your accomplishments, I
2 will state for the record that you have been
3 in the Merrill Cooper program since November
4 of 1988, certainly from February of this
5 year, is that correct?

6 A. Yes.

7 Q. And educationally are you close to your
8 bachelor's?

9 A. I need five courses to complete that.

10 Q. What is your bachelor's in?

11 A. Business. I completed a legal assistance
12 degree also. I don't have initial
13 verification because the school doesn't give
14 you a diploma until your tuition is
15 completed. I still owe them a couple hundred
16 dollars. I wrote them for a letter. As soon
17 as I get the letter I'll give it to parole.

18 Q. Anything else that you want to share with us
19 before we make a decision?

20 A. No.

21 Q. Thank you for coming in.

22 A. Would you like this?

23 Q. Do you want to keep it in the folder?

24 A. Please.

25

D E C I S I O N

1
2
3 Denied 24 months, 7/94.

4 Your parole is again denied. Denial
5 is based on the heinous nature of your
6 instant offense, murder in the second degree
7 and sodomy in the first degree, which
8 involved your sodomizing an eight year old
9 neighbor whom you then hung with a rope
10 causing his death.

11 We note that you then hid his body in
12 the woods later joining the search team
13 looking for him and finally "finding" his
14 body. Despite prior sexual abuse counseling,
15 we note that it is only since your last board
16 that you admitted your own abuse as a child.
17 This factor as well as the fact that you
18 continue to demonstrate little remorse for
19 your victim, leads us to believe that your
20 release continues to be inappropriate.
21 Continue further sex offender and therapeutic
22 counseling prior to your next board.
23 Guidelines are unspecified.


24
25 (All Commissioners concur.)

DePaolo-Crosby Reporting Service
197 Delaware Avenue, Buffalo, New York

1 RE: [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 AT: Collins Correctional Facility
3 ON: Wednesday, August 5th, 1992
4
5

6 C E R T I F I C A T I O N
7

8 I, Rebecca L. Vaughn, Notary Public,
9 in and for the State of New York, do hereby
10 certify that the foregoing is a true and
11 accurate transcription of the proceedings
12 reported stenographically by me in the matter
13 herein at the time and place as set forth in
14 the caption hereof.
15
16
17

18 
19

20 Rebecca L. Vaughn
21

22 Rebecca L. Vaughn

23 Qualified in Erie County

24 My Commission Expires May 11, 1993
25

DePaolo-Crosby Reporting Service
197 Delaware Avenue, Buffalo, New York