

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

September 2021

Parole Interview Transcript/Decision - FUSL000073 (2016-08-09)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

Recommended Citation

"Parole Interview Transcript/Decision - FUSL000073 (2016-08-09)" (2021). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/111>

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

TYPE OF INTERVIEW: Reappear

HELD AT: Sing Sing C.F.
Video-conferenced to
NYS DOCCS
314 W. 40th
New York, NY 10018.

DATE: August 9, 2016
DECISION DATE: August 9, 2016

BEFORE: COMMISSIONER J. SMITH
COMMISSIONER CRUSE

ALSO PRESENT: D. PIAZZA, SORC
G. JORDAN, APA

AT FACILITY: M. MIMMS, ORC

VERBATIM REPORTER: Christina M. Wolcott

1 BY COMMISSIONER J. SMITH:

2 Q. Good afternoon, sir. State your name for the record.

3 A. [REDACTED]

4 Q. Good afternoon, Mr. [REDACTED] I'm Commissioner Smith,
5 joined today by Commissioner Cruse.

6 COMMISSIONER CRUSE: How are you
7 today, sir?

8 THE INMATE: Good. Thank you.

9 Q. This is a reappearance for you today. The record
10 indicates you're serving an aggregate term of 20 to life
11 upon conviction both in [REDACTED] and in [REDACTED] County
12 for Murder 2nd and Criminal Sale of a Controlled
13 Substance 3rd, is that correct, sir?

14 A. Yes.

15 Q. I want to let you know we have your sentencing
16 minutes from both indictments. The first matter is
17 [REDACTED], you were involved in selling a quantity
18 of drugs to an undercover police officer. You were, in
19 fact, in possession of 150 grams of cocaine, is that
20 correct?

21 A. Yes.

22 Q. Just about a year later, looks like you got into a
23 dispute with your ex-girl friend's -- the father of her
24 children?

25 A. Yes.

1 Q. An argument ensued, you were under the influence of
2 alcohol. Apparently, your brother was with you, you
3 went, knocked on the door, she let you in, you ended up
4 stabbing her children's father to death, is that
5 correct?

6 A. Yeah. We got into a fight and, through the course of
7 the fight, I wound up getting stabbed. I wound up
8 stabbing him in the process, which caused his death.

9 Q. Okay. And were there children at the house at the
10 time?

11 A. Yeah, they were in the room. I think it was two
12 other children were there.

13 Q. What were you fighting with him about?

14 A. I was at my sister's, she called me telling me he
15 came over the house -- it was Thanksgiving day. He came
16 up to the house, I went over, I knocked, when she opened
17 the door, I went in, I said, [REDACTED], why are you in the
18 house? You know you're not supposed to be -- the whole
19 between him and me, we got -- came out fighting. In the
20 process, he stabbed me with a pair of scissors, I got
21 upset, I wasn't thinking or nothing. I grabbed the
22 knife and I stabbed him.

23 Q. Now, you had a relationship with her?

24 A. Yeah. She was my common-law wife.

25 Q. They have it listed as your ex-girl friend.

1 A. Yeah. I lived with her for three or four years. We
2 met while I was incarcerated.

3 Q. You were apart at the time?

4 A. Yes.

5 Q. And then you go there and do you this? What do you
6 think all these years later? This man's dead; children
7 without a father.

8 A. I tell you this honestly, from my heart, it was a bad
9 decision. I made a real bad one. I didn't know how to
10 deal with the situation. I had no education whatsoever.

11 Q. You know, education is one thing, but you know right
12 from wrong.

13 A. Yes, I know that, but dealing with certain things, I
14 couldn't think at the time. If I was thinking and I got
15 into an argument, most likely I would have walked away;
16 that time I didn't. I got involved in the fight with
17 him, it escalated, he wind up dying. Yes, I'm sorry for
18 him; not only him, his family. I think about the whole
19 situation everyday. It's not like I left it behind or I
20 didn't -- there's a lot I learned out of it. I feel
21 real bad. Should I have done that? Should I have
22 walked away? Yes, I should have walked away, but I
23 didn't.

24 Q. Your record goes back to 1974. This is your second
25 time in state prison?

1 A. Yes.

2 Q. What was the manslaughter back in '78, who was that
3 involving?

4 A. That was my uncle. When he hit my mother, he beat
5 her up, took her money, got into a fight. Whole thing
6 started out of a custody battle. My mother was awarded
7 the kids, he was a drug addict, he came to get money,
8 using the kids when --

9 Q. You know what you need to do, Mr. [REDACTED] is mind
10 your own business. Mind your own business; that appears
11 to be a common theme here.

12 A. Yeah. I learned that throughout the years, sitting
13 in here. I didn't need my time going to waste. I took
14 a lot of violence programs to learn and teach to help
15 people. I first had to help myself, which I've been
16 doing everyday, every year of my life for the last 16
17 years. I know -- I knew I had things and I had to get
18 it together and I finally did at a cost.

19 Q. I also see that you completed all your required
20 programs, in addition to the inmate associate training
21 and the AVP programming, correct?

22 A. Yes.

23 Q. All right. That's good. We have your COMPAS case
24 plan, we're going to take a look at that, along with
25 your COMPAS risk assessment. Your risk assessment, for

1 some reason, it did not populate the risk of violence.
2 I'm not sure why that field was not complete but, you
3 know, we gave the COMPAS the weight it's deserving.
4 It's also missing another -- it must be a computer
5 issue. You assisted in completing your COMPAS?

6 A. Yes. I noticed when I received it yesterday, I had
7 reviewed it in the cell, everything is the same as the
8 last Parole Board, with the exception of it said
9 negative social cognitions is unlikely.

10 Q. I'm looking at your one completed two years ago too,
11 July 2014, you're right, it said risk of violence was
12 low at that time and negative social cognitions is
13 unlikely. We'll have the staff check on that to see.
14 We'll make note of that. It said re-entry substance
15 abuse is probable for you. Are there concerns or issues
16 of drug abuse?

17 A. When -- I teach today alcohol issues and drugs, I do
18 speak about it openly with my case. I share the
19 violence and stuff, how to find other ways to deal with
20 it in life. I have none whatsoever.

21 Q. I see you have incurred no discipline since 2013,
22 that last Tier ticket was a Tier II from Sing Sing. You
23 are a level six, that suggests you have no need for
24 mental health services.

25 A. No.

1 Q. You also have a nice parole plan.

2 A. Yes. I just wanted to express really what I felt in
3 my heart what I've been doing throughout the years in
4 here to -- that I took advantage of to get my life
5 together.

6 Q. We see a number of letters to parole from DOCCS'
7 staff speaking to your amenable behavior since you've
8 been inside. We have your personal statement, community
9 support letters from your family and including your
10 certificates. We receive this into the record, along
11 with -- they are dated from 2014 but, nonetheless, from

12 [REDACTED] --
13 A. M-m h-m-m.

14 Q. -- we have that letter of support and correspondence
15 that was sent in the past. Again, we take those into
16 consideration, including a prior parole packet in 2012,
17 we have that as well. Now, you're going to live with
18 your niece on [REDACTED] if you were to be released?

19 A. Yes. I asked for that and I also asked for
20 alternative -- why she didn't put it in there, I don't
21 know -- more recent one. They got three-quarter
22 housing. They'll help me reintegrate back into society,
23 help me with certain things I'll need help with, because
24 I told -- there was one issue I would have because my
25 family is getting older, and I'm going to need somebody.

1 to help me get some places.

2 COMMISSIONER J. SMITH: Commissioner

3 Cruse, any questions?

4 COMMISSIONER CRUSE: No questions.

5 Thank you.

6 Q. Mr. [REDACTED] the last word is yours. What else should
7 we know today, that we have not discussed, that you feel
8 is important for us to consider?

9 A. Only thing I can add to this is I'm sincerely sorry
10 about it and a lot of people talk about change. I
11 always try to talk to people, not only by change, but
12 I'm not the same person that committed this homicide in
13 1984. I'm not the same one where I been, today is way
14 different. I try to keep it positive. I try to stay
15 focused. I set my goals. I tried to achieve whatever I
16 felt is needed to try to transform me from who I was to
17 who I am now. If I am released, you will never see me
18 again. This atmosphere, coming in here -- I'm not
19 young, I'm 59 years old now. I wasted a lot of years of
20 my life, and there's an opportunity for me to live the
21 remaining part of my life in a positive atmosphere. If
22 I could tell [REDACTED]'s family how sorry I am, I
23 would do it, but I'm told to never correspond with them.

24 Q. Okay. Mr. [REDACTED] I've attempted to give you a full,
25 fair and accurate interview, do you feel that you've had

1 that today, sir?

2 A. Yes.

3 Q. We wish you well, Mr. [REDACTED] We'll let you know our
4 decision. Thank you for coming in today.

5 A. Thank you very much. Have a nice day.

6 Q. You too.

7 (The inmate was excused.)

8 (After due deliberation by the Parole
9 Board panel, the following decision
10 was rendered:)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- DIN # [REDACTED]

NYSID # [REDACTED]

10

1 D E C I S I O N

2 Hold 24 months. Next appearance

3 8-2018.

4 Parole is denied. After a review of
5 the record and interview, the panel has determined
6 that if released at this time there is a reasonable
7 probability that you would not live at liberty
8 without again violating the law. This decision is
9 based on the following factors:

10 The instant offense of: Murder 2nd
11 and Criminal Sale Controlled Substance 3rd. You
12 sold cocaine and you also, when acting in concert,
13 caused the death of the victim by stabbing him in
14 the abdomen. This is your second New York State
15 term of incarceration. Your first term was for
16 Manslaughter 1st.

17 Your record dates back to
18 approximately 1974. It includes felonies and
19 misdemeanors, as well as prior prison and/or jail
20 and failure at community supervision. You have
21 failed to benefit from prior efforts at
22 rehabilitation.

23 Note is made by this Board of your
24 sentencing minutes, COMPAS case plan, COMPAS risk
25 assessment, rehabilitative efforts, letters of

1 support and/or reasonable assurance, disciplinary
2 record and all other required factors.

3 Additionally, your release at this
4 time would be incompatible with the welfare of
5 society and would so deprecate the serious nature of
6 the crime as to undermine respect for the law.

7
8 (Both commissioners concur.)

9
10 C E R T I F I C A T I O N

11
12 I hereby certify that the proceedings and
13 evidence are contained fully and accurately in the notes
14 taken by me on the above cause and that this is a correct
15 transcript of the same to the best of my ability.

16
17
18 Christina M. Wolcott

Exhibit C

FUSL000073

INMATE COPY NYS Dept. of Corrections and Community Supervision Date: 08/10/16
FORM 9026 Parole Board Release Decision Notice

Name: [REDACTED]
DIN: 85A3847
Nysid: [REDACTED]

Facility: SING SING
Interview Date: 08/09/2016
Interview Type: REAPPEAR

Earned Eligibility Certificate : INELIGIBLE
Supervision Fee: ELIGIBLE
Certificate of Relief from Disability: INELIGIBLE

Commissioners
1. Smith
2. Cruise

Parole Decision:

DENIED - HOLD FOR 24 MONTHS, NEXT APPEARANCE DATE: 08/2018

Conditions of Release/Staff Instructions/Reasons for Denial:

PAROLE IS DENIED. AFTER A REVIEW OF THE RECORD AND INTERVIEW, THE PANEL HAS DETERMINED THAT IF RELEASED AT THIS TIME THERE IS A REASONABLE PROBABILITY THAT YOU WOULD NOT LIVE AT LIBERTY WITHOUT AGAIN VIOLATING THE LAW. THIS DECISION IS BASED ON THE FOLLOWING FACTORS.

THE INSTANT OFFENSE OF MURDER 2ND AND CSCS 3RD. YOU SOLD COCAINE AND
YOU ALSO, WHEN ACTING IN CONCERT, CAUSED THE DEATH OF THE VICTIM BY STABBING HIM IN THE ABDOMEN.

THIS IS YOUR 2ND NEW YORK STATE INCARCERATION. YOUR 1ST TERM WAS FOR MANSLAUGHTER 1ST.

YOUR RECORD DATES BACK TO APPROXIMATELY 1974. IT INCLUDES FELONIES AND MISDEMEANORS AS WELL AS PRIOR PRISON AND/OR JAIL, AND FAILURE AT COMMUNITY SUPERVISION. YOU HAVE FAILED TO BENEFIT FROM PRIOR EFFORTS AT REHABILITATION.

NOTE IS MADE BY THIS BOARD OF YOUR SENTENCING MINUTES, COMPAS CASE PLAN, COMPAS RISK ASSESSMENT, REHABILITATIVE EFFORTS, LETTERS OF SUPPORT AND/OR REASONABLE ASSURANCE, DISCIPLINARY RECORD AND ALL OTHER REQUIRED FACTORS.

ADDITIONALLY, YOUR RELEASE AT THIS TIME WOULD BE INCOMPATIBLE WITH THE WELFARE OF SOCIETY AND WOULD SO DEPRECATE THE SERIOUS NATURE OF

* * * * *

I N M A T E C O P Y

* * * * *

INMATE COPY NYS Dept. of Corrections and Community Supervision Date: 08/10/16
FORM 9026 Parole Board Release Decision Notice

Name: [REDACTED]
DIN: 85A3847
Nysid: [REDACTED]

Facility: SING SING
Interview Date: 08/09/2016
Interview Type: REAPPEAR

THE CRIME AS TO UNDERMINE RESPECT FOR THE LAW.

Comments:

FOLLOWING DELIBERATION, THIS DECISION IS BASED ON REVIEW OF THE CASE RECORD AS WELL AS THE INTERVIEW WITH PAROLE BOARD MEMBERS.

SORC : D. PIAZZA

* * * * *

I N M A T E C O P Y

* * * * *