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September 2021

### Parole Interview Transcript/Decision - FUSL000075 (2011-06-14)

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1 NYS DEPARTMENT OF CORRECTIONS and COMMUNITY SUPERVISION -  
2 BOARD OF PAROLE  
3

4 \*\*\*\*\*

5 Parole Board Hearing

DIVISION OF PAROLE

6 In the Matter

RECEIVED

7 -of-

OCT 12 2011

8 [REDACTED] [REDACTED]

APPEALS UNIT

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

\*\*\*\*\*

11 TYPE OF HEARING: INITIAL

12  
13 HELD AT: GREAT MEADOW C.F.

14  
15  
16 HELD ON: JUNE 14, 2011

17  
18 BEFORE: COMMISSIONER SMITH  
19 COMMISSIONER CRANGLE

20  
21  
22 VERBATIM REPORTER: SUSAN FISCHLER  
23  
24  
25

DIN# [REDACTED] NYSID# [REDACTED]

2

## 1 EXAMINATION BY COMMISSIONER CRANGLE:

2 Q. How are you doing, Mr. [REDACTED]

3 A. All right.

4 Q. Can you state your name for the record?

5 A. [REDACTED] [REDACTED]

6 Q. I am Commissioner Crangle and along with me is  
7 Commissioner Smith.

8 COMMISSIONER SMITH: Hello.

9 Q. This is your initial appearance in front of the Board  
10 today, correct?

11 A. Yes.

12 Q. You are serving a State prison sentence for the  
13 following offenses: Murder in the 2nd degree, Attempted  
14 Murder in the 2nd Degree?

15 A. Yes.

16 Q. And Manslaughter in the 2nd Degree, correct?

17 A. Yes.

18 Q. Everything was through a plea, correct?

19 A. Yes.

20 Q. Now, the Murder in the 2nd Degree offense, the judge  
21 sentenced you 15-years-to-life?

22 A. Yes.

23 Q. Attempted Murder in the 2nd, he sentenced you 8 years  
24 to 24 years?

25 A. Yes.

1 Q. On the manslaughter offense, 3 to 6 years  
2 consecutive, right?

3 A. Yes.

4 Q. Now, according to the record, back in August 1993,  
5 you and a co-defendant shot -- is it various people in a  
6 crowd? Did you shoot anyone, some witnesses?

7 A. No. Want me to elaborate?

8 Q. A couple months later, October of 1993, you shot and  
9 killed the victim, using a rifle, right?

10 A. Yes.

11 Q. You did do that, right?

12 A. Yes.

13 Q. When did you that, were you in an elevator or were  
14 they in the elevator?

15 A. Yes.

16 Q. You were as well?

17 A. Want me to explain the situation? It wasn't that we  
18 was occupying the elevator; it was in the lobby area.

19 Q. And the victim was in the elevator?

20 A. Yes.

21 Q. A few months before that, August, did you commit a  
22 crime on Pacific Street?

23 A. No, it's September.

24 Q. Or, September?

25 A. Yes.

① Q. I'm sorry, they have August. All right, September,  
2 you shot someone?

3 A. Yes.

④ Q. Why?

5 A. Over nonsense, over senseless nonsense.

⑥ Q. Why this violence back in 1993?

7 A. It's not in a vacuum, my life just didn't happen in  
8 '93. I came to prison when I was 16 years old for  
9 committing crimes, as you know. It basically boils down  
10 to my childhood, the values I grew up with. There's a  
11 part of the story I would like to illustrate, if it's  
12 relevant. When I was a child I used to be physically  
13 abused by my father.

14 Q. Was it reported?

15 A. No.

16 Q. You never went to Family Court or anything?

17 A. No. I was a little boy going to school, I mean  
18 brutally; childhood abuse leading to the time I been  
19 incarcerated. So from my time in public school, to my  
20 time in elementary school, it been one long line of  
21 negative and bad behavior. So, over the course of time  
22 I had found some kind of superficial meaning in the  
23 streets.

②④ Q. Let's stop here for a second. So this happened when  
25 you were 16?

1 A. Yes.

2 Q. And you did about seven years of State time; and then  
3 manslaughter offense occurred in 2000?

4 A. Yes.

5 Q. You stabbed the victim?

6 A. Yes, [REDACTED] [REDACTED]

7 Q. Why did you do that?

8 A. Senseless violence, negativity, a lack of values.

9 Q. What snapped you, what happened?

10 A. I had got slashed the day before.

11 Q. Why did you get slashed?

12 A. I admit responsibility in putting the ball in action  
13 in regards to a conversation that took place within a  
14 program in regards to another inmate being a snitch or  
15 rat.

16 Q. What were they snitching about?

17 A. To an incident that happened in society. It had  
18 nothing to do with me personally. But the word got back  
19 to the guy, that I was calling him a snitch.

20 Q. Why did you call him a snitch?

21 A. It's no justifications.

22 Q. Was this gang-related?

23 A. No.

24 Q. Were you in a gang when you were 16?

25 A. No.

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6

① Q. Why were you carrying a rifle? How big was it?

2 A. It was kind of long.

③ Q. So you are carrying it around, hiding it in your jacket or something?

4  
5 A. It was in a bag. I would like to explain all the  
6 details of the situation that lead up to this point in  
7 time where I am facing now with this particular  
8 situation.

⑨ Q. Let me ask you this. We are looking at a different person today; that's the bottom line, right?

10  
11 A. Absolutely.

12 Q. Since 2000, the manslaughter offense, 11 years later,  
13 you are not the same person?

14 A. No, absolutely not.

⑮ Q. We have your packet here of what you achieved, which is good.

16  
17 A. Yes.

⑱ Q. You know, we have your mugshot here when you were 16. You should have been in school. What grade did you get to?

20  
21 A. The 8th grade. I kind of dropped out at 7th, 8th  
22 grade.

⑳ Q. Is your mom still alive?

24 A. Yes.

㉕ Q. How about your dad?

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7

1 A. He passed way.

② Q. You have been in a long time. What are your  
3 short-term plans?

4 A. To acclimate myself into society.

5 Q. Where, though?

6 A. In [REDACTED], in [REDACTED].

⑦ Q. And you have reached out to different agencies?

8 A. Yes, I got reasonable assurance letters from Osborne  
9 and Fortune Society.

10 Q. Exodus?

11 A. Yes, as well as Osborne and Fortune Society. If you  
12 don't have a copy directly, I had passed over a packet  
13 to the facility Parole Officer and there's copies in  
14 there.

⑮ Q. There's a letter here from Pastor [REDACTED] [REDACTED]

16 A. My aunt, yes.

⑰ Q. She speaks highly of you, all your educational  
18 programs you completed. Who else out there did you  
19 touch base with?

20 A. The majority of my family. I have a couple other  
21 support letters from my cousin, from my wife [REDACTED] my  
22 aunt/slash friend and her name is [REDACTED] as well. I  
23 have nice a support group.

⑳ Q. You got involved with the AIDS Council?

25 A. Yes, HIV AIDS Peer Educator. It's a very good in



1 understanding the pandemic going on in the country. At  
2 the same time, I have Department of Labor certificate in  
3 social living skills as well.

④ Q. You wrote to the Board, correct?

5 A. Yes, that's the letter I wrote.

6 Q. It's well written. I wanted to point that out. How  
⑦ long did this take to you write?

8 A. I would say, like, three weeks.

⑨ Q. You typed it out yourself?

10 A. Yes.

⑪ Q. Your last tier-III ticket was in September 2001,  
12 right?

13 A. Yes.

⑭ Q. Since then you caught just one tier-II in 2009 in  
15 Clinton?

16 A. Yes.

⑰ Q. Since then you have been free of -- what changed?

18 A. My values, the way I look at things, my perspective  
19 in life, socializing myself with different people. I  
20 decided at a particular time that I wanted more out of  
21 life and with that I began to prioritize my values. And  
22 during the course of time educating myself, reading  
23 psychology books, sociology books to grasp and get an  
24 understanding what life is, besides the lifestyle I was  
25 accustom to as a child.

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① Q. Did you know the victims that you shot and killed?

2 A. Yes.

3 Q. What was of the reason for the shooting? Why did you  
④ pull the trigger at that moment?

5 A. I didn't feel anything. I was caught up.

⑥ Q. Why did you choose --

7 A. I didn't choose them. It was a person that had a  
8 confrontation with all of us. [REDACTED] was a guy  
9 that lived in my community. At a point in time I had a  
10 child at 15 years old, I had a daughter.

11 Q. At 15?

12 A. At 15 years old.

13 Q. How old is she now, 30?

14 A. She's 18, she's about to graduate on the 28th of this  
15 month.

16 Q. Do you touch base with her?

17 A. Absolutely.

18 Q. What about the mother?

19 A. Yes, we communicate.

20 Q. In [REDACTED]?

21 A. No. That's my wife, that's a separate relationship.

②② Q. When did you get married?

23 A. Two months ago, three months ago.

②④ Q. Where did you meet her?

25 A. Clinton Correctional Facility, through my sister.

1 They co-workers.

2 Q. She introduced you?

3 A. Yes. We communicate over the phone for a while and  
4 developed a love.

5 Q. So you got married at this facility?

6 A. Yes. Back to the situation at hand, if you don't  
7 mind?

8 Q. Go ahead.

9 A. After the birth of my daughter, I was not able to  
10 provide as my child's mother expected, so we separated  
11 from each other. She began to date other guys. One day  
12 I seen her with [REDACTED] and I grabbed my girlfriends --  
13 or, ex-girlfriend and I try to compel her to walk with  
14 me and she refused and [REDACTED] stepped in and me and him  
15 had a confrontation, we had a fight and that was it.  
16 And then and we walked off. But afterwards, tension  
17 brewed between us sending messages back and forth to  
18 each other, like, whenever we see each other we going to  
19 have a fight. Like, violent messages, like: Watch your  
20 back.

21 Q. When you say message s?

22 A. Messages through third parties.

23 Q. Now, so the bottom line is you shot him because of  
24 these confrontations?

25 A. Yes.

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① Q. The stabbing back in 2000, what did you use?

2 A. Shank, a piece of sharpened metal.

③ Q. Did you know you were going to do such a thing,  
4 planned out?

5 A. Not to kill a person, but I wanted to seek revenge,  
6 yes.

⑦ Q. Do you think you would commit another crime?

8 A. No, absolutely not, never will I commit a crime or  
9 carry or possess an illegal weapon in my life.

10 Q. You do have support out, there which is good, I want  
11 to stress.

12 I don't know if Commissioner Smith has any  
13 questions?

14 COMMISSIONER SMITH: I have no  
15 questions.

⑩ Q. Sir, I have given you a lot of time to explain  
17 things. Is there anything else you feel we missed or  
18 anything you want to say in your behalf?

19 A. I would like to explain that I am very fortunate that  
20 I even have this opportunity to speak to you, but I  
21 understand this proceeding has more to do with society  
22 than parole. At the end of my parole summary, it  
23 basically states in the course of my release I will have  
24 to complete my sentence on parole. So, I want to let  
25 you know I have an understanding that I recognize that

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1 this proceeding is a representation of society, parole  
2 and a victim, and in all three areas I have deep  
3 understanding and know that I have the self-worth and  
4 confidence mentally, emotionally and spiritually that I  
5 can go out in society and contribute, as well as live a  
6 productive life and take care of my family from the  
7 ground up to begin my life anew. I wanted to explain  
8 what I said before, that life is not in a vacuum, and I  
9 had complex life and it took me a very long life to get  
10 where I'm at now. I basically accomplished everything  
11 the Department of Corrections has to offer. From my  
12 life, living intentionally, with purpose, that's how I  
13 have been able to stay out of harm's way and I will  
14 continue that focus when I am out in society.

15 Q. How long have you been here for?

16 A. Two years.

17 Q. All right. Great Meadow.

18 A. Yeah.

19 Q. You don't have any tickets here as well, right?

20 A. No.

21 Q. Okay. All right, sir, I got review this packet and  
22 we will let you know in writing, okay?

23 A. Could I have a question? Like, in regards to  
24 Executive Law 259, it says that, once released, should  
25 be to live and remain at liberty without breaking the

DIN# [REDACTED] NYSID# [REDACTED]

13

1 law, as well as the incompatible -- his release should  
2 not be incompatible with the welfare of society. These  
3 are things I want to stress and I understand that I have  
4 what it takes to live and remain at liberty without  
5 breaking the law, as well as doing everything necessary.  
6 Like, even in my packet, I got a resume for you, I got a  
7 goal outline, I got a mission statement. All this stuff  
8 I prepared that I been working on -- I had a life  
9 changing experience. The difference between the time  
10 when I committed my crime, and the time I committed the  
11 time when I was in Attica, when I first came to prison I  
12 ain't have the compassion in my heart for others because  
13 of my hard life. But when the situation actually  
14 happened in Attica Correctional Facility and being  
15 incarcerated for so long and being able to be in tune  
16 with myself spirituality, it was a whole different  
17 awakening experience for me. And from that point on, I  
18 began to self-examine myself to do better. And what I  
19 didn't have from when I was a child in 2000, now I have  
20 self-confidence, self-worth, I love myself. In the past  
21 I couldn't say that. Like I said, I have a daughter  
22 that is 18 years old. When I left when she was eight  
23 months. I have meaning now. The people that stand in  
24 this room I look at as being accomplished, and I deserve  
25 the same. I can go to school. I have a long-term goal

1 of receiving an MBA. And I understand all the stuff  
2 that it takes. My parents never graduated high school  
3 and never worked a day in my life, but this experience I  
4 am in is so hard a situation because of the pain I  
5 caused others. I haven't even spoke about the pain I  
6 caused [REDACTED] and [REDACTED] [REDACTED] as well as the  
7 people I physically injured. With regard to my remorse,  
8 what I would like to say to them if I had an opportunity  
9 to say anything to them -- I have a passion and  
10 compassion for life in general.

11 Q. All right.

12 A. The Department of Corrections, to see officers from  
13 years and years and years come in and out of, like,  
14 40 hours a week of working, even doing doubles, this  
15 teaches me something in regards to commitment of paying  
16 mortgages, whatever school loans they have. I have  
17 learned so much and grown from a point in time I was 16.

18 Q. Your goal is to be able to have that opportunity,  
19 right?

20 A. Yes. Thirty-four years old. At the same time I am  
21 going to be optimistic and nothing is going to break my  
22 resolve. I have a will and I got good judgment, and I  
23 never allow myself to be put in the predicament where I  
24 would have to pick up a weapon or use weapon to settle a  
25 dispute in the street, because I understand the law, I

DIN# [REDACTED] NYSID# [REDACTED]

15

1 understand society and civilization.

2 Q. Well said. We will let you know in writing, okay?

3 We have a lot to consider, sir. It's not an easy  
4 decision.

5 A. I understand that.

6 COMMISSIONER CRANGLE: Thanks.

7 INMATE: Thank you, too.

8 COMMISSIONER CRANGLE: Take it easy.

9 INMATE: You too.

10 (Inmate was excused.)

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

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DIN#

NYSID#

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DECISION:

1  
2 Parole is denied. Hold 24 months. Next appearance  
3 6/2013. After a personal interview, record review and  
4 deliberation, this panel finds your release is  
5 incompatible with the public safety and welfare of the  
6 community and would so deprecate the serious nature of  
7 the crime as to undermine respect for the law. You  
8 appeared before this panel for the serious instant  
9 offenses of Murder in the 2nd Degree, Attempted Murder in  
10 the 2nd Degree, Manslaughter in the 2nd Degree. While  
11 serving the murder and attempted murder offenses you  
12 committed another crime. This repeated criminal behavior  
13 is a concern for this panel. You lacked insight of why  
14 you committed these crimes. Your offenses were senseless  
15 and brutal with a total disregard for human life. The  
16 panel notes your programming, good disciplinary record  
17 since 2001, release plans and your educational  
18 achievements and letters of support. However, despite  
19 these accomplishments, when considering all relevant  
20 factors, discretionary release is not warranted. There  
21 is a reasonable probability you would not live a  
22 law-abiding life.

23 (All commissioners concur.)  
24  
25

## 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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