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

3
4 *****

5 Parole Board Hearing

6 In the Matter

7 -of-

8 [REDACTED] [REDACTED]

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

11 *****

12 TYPE OF INTERVIEW: REAPPEARANCE

13 HELD AT: GREAT MEADOW C.F.
14 Video-conferenced to
15 97 Central Avenue
16 Albany, New York

17
18
19 HELD ON: JUNE 18, 2013

20
21 BEFORE: COMMISSIONER SMITH
22 COMMISSIONER SHARKEY

23
24
25 VERBATIM REPORTER: SUSAN FISCHLER

1 BY COMMISSIONER SMITH:

2 Q. Good afternoon. Would you state your name for the
3 record, sir?

4 A. [REDACTED]

5 Q. Mr. [REDACTED] I am Commissioner Smith and joining me
6 today is Commissioner Sharkey.

7 COMMISSIONER SHARKEY: Hello.

8 Q. You are here for what is known as a reappearance.
9 You had been seen in June 2011 and held for 24 months,
10 is that right?

11 A. Yes.

12 Q. Your aggregated term is 18-to-life. So you served
13 just short of 20 years, does that sound right?

14 A. Yes.

15 Q. Are you a violent person?

16 A. No.

17 Q. A lot of violence in your background.

18 A. I understand.

19 Q. If you are not a violent person, why do you think you
20 have had so many instances of violence in your life?
21 You were born in '77, so that makes you about 36 maybe?

22 A. Yes.

23 Q. Just turned 36?

24 A. Yes.

25 Q. Why do you think you have had so many violent

1 episodes in your life?

2 A. I had a long time to access my actions and, I have
3 done so for personal reasons. And it took me a long
4 time to come to the conclusion that it was based on my
5 childhood abuse I suffered from my father. I believe
6 the effects of that made me violent toward my peers.

7 Q. What had your father done violent to you?

8 A. I used to get beat brutally, used to get whipped. I
9 submitted a letter to you what depicted -- took place in
10 my life. As long as I remember, as a child I got beat
11 brutally by my father up until the time of my arrest, to
12 the point at 13 years old I ran away from home, all the
13 way to another state, all the way to Pennsylvania. So
14 at the same time, I understand that my actions wasn't
15 just a sudden event, it had been accumulating things
16 that took place in regards to me attracting myself to
17 all the negative in the community as far as dealing with
18 negative people and I developed bad habits and this was
19 the result.

20 Q. In terms of some of those actions, the instant
21 offense represents three periods of violence including
22 the first shooting in --

23 A. -- October or September.

24 Q. September, that was the one on [REDACTED]. Was
25 anyone struck with the bullets?

1 A. Yes.

2 Q. And as a result of that, that was the Attempted
3 Murder 2nd, is that true?

4 A. Yes.

5 Q. And that's eventually when you were arrested was
6 after the second shooting, after multiple injuries
7 occurred and I believe one death, is that right?

8 A. Yes.

9 Q. Did you know the victims of those two shootings?

10 A. Yes, regrettably so. We grew up together, actually,
11 we lived in the same community.

12 Q. So why shoot them?

13 A. At that time I didn't have no social skills. I was
14 living in a sense of hopelessness and despair at that
15 time in my life.

16 Q. Where did you get the gun?

17 A. Unfortunately, I bought it and I know that was a bad
18 decision.

19 Q. Off the street you bought it?

20 A. Yes.

21 Q. And, of course you didn't have any license to carry
22 that?

23 A. Of course not. I was only 16 years old, I was 16
24 during the commission of the crime and at that
25 particular time I didn't think about the ramifications

1 of having one, because at that immature age, only thing
2 that could happen was me having a illegal weapon was
3 wrong.

4 Q. Your violations in prison include Sing Sing violent
5 conduct, assault on inmate, in 1995. You had a weapon
6 offense, Tier-III in Great Meadow in '96; you had a '99
7 Assault on inmate in Auburn; you had in Attica, 2000,
8 violent conduct, unreported illness. From that you
9 received the most recent conviction: 3-to-6 consecutive
10 for Manslaughter 2nd where you pled guilty to stabbing
11 another inmate at Attica. Is that right?

12 A. Yes.

13 Q. I may have misspoke in terms of my math, because with
14 the consecutive, did I say that you had an aggregated
15 18-to-life? I think I did.

16 A. Yeah, you did.

17 Q. I wanted to make sure I noted those were consecutive.
18 You originally got sentenced --

19 A. -- to 15-to-life.

20 Q. Right, back in '95. We have the Honorable [REDACTED]
21 [REDACTED], that's the sentencing minutes for that, is that
22 right?

23 A. Yes, that's Attica, yes.

24 Q. No, the [REDACTED] sentencing minutes --

25 A. -- in [REDACTED], [REDACTED].

1 Q. Right. I have the record so it might make it
2 easier... from a [REDACTED], that was your
3 attorney back then?

4 A. Yes.

5 Q. So it might make it easier for you to remember when I
6 mention the judge. We have what was said back then.
7 Unfortunately, it would have been good if that was the
8 final time that you had seen a judge, but then the
9 Honorable [REDACTED], who is in with [REDACTED] County,
10 sentenced you for the consecutive Manslaughter.

11 When we look at your Risk and Needs Assessment
12 we try to see your areas of strength, your areas of need
13 are. What have you done to address that violence in
14 prison? Now, I know that you forwarded a number of
15 documents including some real good plans we will get
16 into. What have you done to prepare yourself here that
17 you think is solid and will make you not re-offend?

18 A. Personally, I look within myself and to try and
19 figure out my actions, or what I have done in my past.
20 And because I can't -- even though things I have done in
21 my past, I can't consider myself as evil or someone
22 prone to make mistakes. I believe that I have been
23 gifted with a sense of humanity, and that potential that
24 I have allows me to do good. So, with that knowledge, I
25 told myself I have to turn another leave and with that I

1 did the best that I could under the circumstances to
2 change my value system because the value system I came
3 to prison with or I grew up with led me to prison. So,
4 I have done a lot of reading in regards to sociology and
5 psychology in regards to understanding human beings. I
6 basically strove to become a better decent human being.
7 But in regards to what I can do in the future as far as
8 plans is, since I have been in prison I had achieved a
9 Department of Labor certificate in Social Living Skills.
10 I was employed in Transitional Services Phase III for a
11 significant amount of time.

12 Q. You had also reached out to a number of programs
13 which help ex-offenders.

14 A. Right.

15 Q. As part of your packet, you have been in contact with
16 Fortune Society, Strive is another program which helps
17 ex-offenders, Osborne Association.

18 You had indicated your hope is to live with your
19 wife, [REDACTED], in [REDACTED].

20 A. Yes.

21 Q. Are you legally married to this woman?

22 A. Yes.

23 Q. We also have a packet that was I want to note we have
24 had a chance to go through that you supplied. This
25 originally went to Judge [REDACTED]. We looked at that. Your

1 more recent submission in June talks about the way you
2 have taken a look at what occurred over a period of
3 time. And you've got some other letters that have been
4 written on your behalf, most notably want to point out
5 one from [REDACTED] [REDACTED] It's clear she has concern
6 for you and is willing to help you. There are others,
7 including some family members, your sister. Her name is
8 [REDACTED], is that right?

9 A. [REDACTED].

10 Q. And you have your son?

11 A. No, my daughter.

12 Q. What's your daughter's name?

13 A. [REDACTED].

14 Q. Okay. We have a letter.

15 A. Yes.

16 Q. Your mother is [REDACTED] [REDACTED] is that right?

17 A. Yes.

18 Q. There are other individuals that have also written.
19 It's good that you got a letter from your grandmother.
20 It's probably heartbreaking for her to have written, do
21 you agree?

22 A. Yes, sir.

23 Q. Other family members. So, I mention those in
24 particular because often times family is one that will
25 motivate you to behave yourself if you are in the

1 community. That's really what we want. There's a lot
2 in front of us. But we hope that you have prepared
3 yourself to go out into the community.

4 In terms of the victims, you say you knew them.
5 The one who died, it says you were in an elevator. The
6 shooting occurred in an elevator?

7 A. Yes.

8 Q. What was the gun?

9 A. It was a rifle.

10 Q. Like, a long gun?

11 A. Yes.

12 Q. What kind of rifle, a .22?

13 A. I don't recall.

14 Q. Rifles can shoot a long way depending on the caliber.

15 A. Yes.

16 Q. Was it a semiautomatic where you just kept pulling
17 the trigger?

18 A. No, I only shot one time.

19 Q. How many people got hit with the bullet?

20 A. Two other than -- it's three, three all together.

21 Q. Was it a crowded elevator?

22 A. The incident initiated outside the elevator and then
23 he ran into the elevator. And, being impulsive and
24 reckless, I sadly went behind him.

25 Q. You just went behind him -- where did you shoot him?

1 A. And ran away.

2 Q. Where did you shoot him? In the back, in the chest?

3 A. I'm sorry, man.

4 Q. I know, but where did you shoot him?

5 A. He got shot in the face.

6 Q. In the face. My goodness. And you don't know what
7 caliber rifle? I mean, where did you get the rifle?

8 A. I bought it for a couple hundred dollars.

9 Q. What did you do with it once you were done?

10 A. I got arrested right afterwards.

11 Q. Did they get the gun?

12 A. Yes.

13 Q. The record that I show, it's says basically a rifle,
14 it doesn't give an indication. I am just trying to
15 visualize how multiple people were hurt. Because, the
16 PSI says: Using a rifle shoot [REDACTED], causing
17 death. Also injured [REDACTED]. He also shot at
18 [REDACTED].

19 Are you sure it wasn't more than one shot?

20 A. No, it was one shot, the one bullet penetrated the
21 three of them.

22 Q. I don't deny that's a possibility. If someone shoots
23 a rifle, it can be powerful, depending on the caliber.

24 A lot to look at, it's not just the record. We
25 look at your comments as well.

1 We thank you for providing some information
2 which gives us an update on some of the things you are
3 looking to do.

4 I don't know if Commissioner Sharkey has any
5 questions?

6 COMMISSIONER SHARKEY: No questions.

7 Q. Anything else, sir, anything else?

8 A. I am just getting emotional right now. I understand
9 -- I have been in prison since I was 16 years old -- I
10 understand what I have done, I can't take back.

11 Q. We understand, sir, I know it's traumatic. I
12 certainly can't know how, but we certainly recognize
13 that this is difficult for you in the sense you have
14 spent a long period of time and so we recognize that.
15 Is there anything else, sir?

16 A. I'm sorry, I can't talk.

17 Q. We will consider what you submitted, which is a lot
18 as well. And I think you did a fine job of gathering up
19 your thoughts in those papers and we will let you know
20 in writing.

21 Thank you for coming in, sir.

22 A. All right, thank you.

23 (Offender was excused.)

24 (After due deliberation by the Parole Board
25 panel, the following decision has been rendered:)

DIN#

NYSID#

12

DECISION:

Parole is denied. Hold 24 months. Next appearance is 6/2015. This panel has concluded that your release to supervision is not compatible with the welfare of society and therefore parole is denied. This finding is made following a personal interview, record review and deliberation. Of significant concern is your violent conduct on multiple occasions which began with an Attempted Murder 2nd instant offense where shots were fired. Additional factors considered include the fact that within two months of that crime you again fired a weapon, striking multiple victims, causing one death. Multiple violent conduct or assaultive actions while in prison showed a propensity for violence. You then committed a Manslaughter 2nd crime where you stabbed another inmate, causing death. Required statutory factors have been considered, including your risk to the community, rehabilitation efforts, and your needs for successful community supervision. To grant your release at this time would so deprecate the seriousness of your offense as to undermine respect for the law.

(Both commissioners concur.)

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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