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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In the Matter

-of-

[REDACTED] [REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

TYPE OF INTERVIEW: De novo

LOCATION: Otisville Correctional Facility
Video-conferenced to NYS DOCCS
20 Manchester Road
Poughkeepsie, New York

DATE: April 19, 2016
DECISION DATE: April 20, 2016

BEFORE: COMMISSIONER ALEXANDER
COMMISSIONER HALLERDIN

ALSO PRESENT: SORC Glebocki
ORC Brooks

AT FACILITY: ORC Goldsmith
ORC Raimondo

HEARING REPORTER: Lori Ciofalo

██████████ ██████████ DIN # ██████████ NYSID # ██████████

1 COMM. ALEXANDER: Good afternoon.

2 THE INMATE: Good afternoon.

3 COMM. ALEXANDER: Could you state your name,
4 sir?

5 THE INMATE: My name is ██████████ ██████████

6 COMM. ALEXANDER: Mr. ██████████ my name is
7 Commissioner Alexander. I am joined today by
8 Commissioner Hallerdin.

9 This is a de novo interview, correct?

10 THE INMATE: That's correct.

11 COMM. ALEXANDER: Hold on one second. We're
12 having some video issues.

13 Mr. ██████████ this is Commissioner Hallerdin.

14 THE INMATE: Okay, Commissioner Hallerdin.

15 COMM. HALLERDIN: Hello, sir.

16 INTERVIEW BY COMMISSIONER ALEXANDER:

17 Q. We are here to conduct a de novo interview; is
18 that correct, sir?

19 A. Yes. Yes, ma'am.

20 Q. So you received a de novo interview, based on a
21 court decision.

22 A. Correct.

23 Q. We are going to conduct it based on what the
24 judge has said. We are going to consider your criminal
25 history. We are going to consider your efforts towards

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 your rehabilitation, your parole plans, and conduct this
2 interview. Okay?

3 A. Yes, okay.

4 Q. We're not bound by what a former Board has done.
5 We're here to decide your case anew today. All right?

6 A. Yes.

7 Q. My records indicate that you're here for a
8 variety of crimes, that were committed back in the
9 1980's; is that correct?

10 A. Yes. 1985, September 26th.

11 Q. Okay. And you received an aggregate term, that
12 was by plea, of eighteen years to life, for Murder
13 Second, Robbery First, Attempted Murder Second, Robbery
14 First, Criminal Possession of a Weapon, Second, Assault
15 First, Robbery Second, as well as Criminal Possession of
16 a Weapon, Third. Is that correct?

17 A. That's correct.

18 Q. Was this a robbery gone bad?

19 A. Yes. Essentially, Commissioner, my cousin was
20 working in affiliation with this company. He had
21 recently got fired. We started to rob the facility. We
22 robbed.

23 I had the opportunity to leave, Commissioner, but
24 I made a terrible decision to still want to go into the
25 people's pockets.

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 In the process of going into somebody's pocket --
2 and I'm not trying to say the man tried to attack me or
3 anything, but he flinched, and I reacted in a way that
4 still haunts me today, and I just kept on reacting,
5 Commissioner.

6 Q. Why did you have a gun?

7 A. Why?

8 Q. Yes. I said why.

9 A. Excuse me. I didn't hear you.

10 Q. No worries.

11 A. To pose a threat, a serious threat.

12 Q. Had you ever fired a gun before?

13 A. Yes, I have.

14 Q. Why did you fire a gun before this time?

15 A. Because I wanted to hear what it sounded like, so
16 I shot it in the air.

17 COMM. ALEXANDER: Can we go on mute for one
18 second?

19 (Off the record.)

20 CONTINUED BY COMMISSIONER ALEXANDER:

21 Q. I'm sorry. It's hard for us to have this
22 conversation, when there is extraneous noise. I want to
23 make sure we both can give this our full attention.
24 Okay, sir?

25 A. Thank you. Thank you.

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 Q. So you said that you had fired a gun, because you
2 wanted to hear what it was like, beforehand.

3 A. No, not beforehand to this. You asked if I ever
4 fired a gun before, and I said yes. That was a couple
5 of years prior to this, actually.

6 Q. I read that you had decided that you didn't want
7 any victims who could identify you.

8 A. That was part of the initial reaction.

9 Commissioner, it's always been very hard for me
10 to explain. It was just a kind of a thinking, a
11 self-imposed kind of a peer pressure.

12 You hear things in the street, growing up; that
13 if I use a gun, you gotta keep using it, that you leave
14 no witnesses. It was all this type of mindset that went
15 into it.

16 So, yes, once the initial shot rang -- the shot
17 that I made, I should say, that was the attitude, that
18 was the thinking at that time, yes, Commissioner.

19 And I must say, I think about it now, still
20 today, with a heavy heart. I know I can't even begin to
21 ask for forgiveness. I just hope that the families have
22 been able to heal, to this point. I know it's been hard
23 for everybody.

24 It was a difficult time just for me to even try
25 to have to admit it during sentencing.

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1 Commissioner, there was a time during my
2 sentencing, when I was being asked to look at the
3 picture of one of the people who I shot, and I refused
4 to do so.

5 I know that was looked at as being a very cold
6 and callous thing, but really I was struggling with my
7 own fears. Basically, I was just trying -- I just
8 wanted to get through the situation.

9 I realized that here it is, I'm getting involved
10 with things, and I really don't have the heart for it.
11 I couldn't even face a picture of the person who I shot,
12 Commissioner.

13 It's been troubling since the moment it happened.
14 I didn't think it all the way through, going into it,
15 and I surely was well aware of it the minute it
16 happened.

17 Q. You were well aware of what?

18 A. I was well aware of the magnitude of the death
19 that I had caused.

20 Q. Now, you've presented a lot of material here.
21 You have been in a long time. You have been able to
22 accomplish a lot of programs. You have a lot of
23 support.

24 What's the most important thing to you, that you
25 have been able to accomplish?

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1 A. Well, over the years, I have to say it's my
2 college education.

3 In the earlier part of my sentence I got involved
4 to wanna just do better for myself, in addition to
5 addressing my rehabilitation, my drug addiction, my
6 anger.

7 My college education began to allow me to process
8 certain things, intellectually, and it posed as a really
9 good distraction for me, intellectually, to really kind
10 of engage with the world.

11 In time it started seeping in, not just in terms
12 of the intellectual action, but the significance of
13 having a purpose.

14 Q. Okay.

15 A. I think that probably in the last twelve years or
16 so, since I started struggling with some parole denials,
17 I started realizing that this was bigger than me, bigger
18 than just a denial, bigger than just my release, and my
19 ability to keep on having connections with the outside
20 world to develop support.

21 I feel like I have more purpose now and part of
22 that purpose has a lot to do with the fact of why I'm
23 here to begin with.

24 The people who I have supporting me now, they're
25 fully aware of why I'm in prison, and they deal with

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1 people out in the community who struggle with these
2 issues.

3 I'm hoping, at one point, if I am released,
4 Commissioner, that I have the opportunity to be able
5 to -- after I've received the help I need -- help those
6 kind of communities, and to help individuals.

7 Q. Now, your disciplinary record is vastly improved.
8 You have not had a single ticket since 2005, correct?

9 A. That's correct.

10 Q. And we will note that for the record.

11 You did talk a bit about your Sentencing Minutes.
12 I've never actually seen a sentencing where a spectator
13 sort of went out of control. They were pretty upset
14 with you receiving the plea of eighteen years to life,
15 correct?

16 A. Yes. It was very difficult.

17 Q. Do you understand that?

18 A. Yes. They had every right to feel and express,
19 what they felt was not enough.

20 Q. How much time do you think is enough, sir?

21 A. There is no answer for that. It isn't about
22 time.

23 I mean, what can you say? I mean, two people
24 died and a person gets shot. You can't put a time
25 figure to that.

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1 Earlier, I talked about a certain purpose, a
2 certain motivation, and that's the best I could do to
3 offer or equate anything to make a connection of what
4 happened then and who I am today.

5 About the time, Commissioner, there is no answer.

6 Q. If you were released where would you live, and
7 what would you do for work?

8 A. I, initially, put down that I would live with
9 ██████████ ██████████ (ph).

10 I would have a working opportunity with the
11 Commonwealth Institute. It's the offices of the ██████████
12 Theological Seminary.

13 You see that I also have a secondary plan, during
14 the last month or so, living with Reverend ██████████ ██████████,
15 ██████████ (ph).

16 In the last few months, I've come to find out
17 that it will probably be best that I go to ██████████,
18 because they offer transitional health, as well as I'll
19 be in an environment where individuals can help me.

20 I have also spoken and developed a relationship
21 with the Brooklyn Defender Re-entry Program, so they can
22 help me in my readjustment phases and resocialization
23 phases. So my looking in terms of going to work with
24 the Commonwealth Institute, will be put off for the time
25 being.

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1 I also received an employment offer with Network
2 Community Services, a program that I'm involved with
3 here now. They offer support groups in the community.

4 I will be able to help and be involved in working
5 with a facilitator and, at the same time, receive my own
6 help that I need in my adjustment phase.

7 And, again, with the Brooklyn Defender's Social
8 Services, they have social workers to help individuals
9 make the adjustment.

10 And then, lastly, through my connection, I have
11 been involved with the Tribeca Film Institute in the
12 facility here. They said I'll make a good candidate for
13 a community screen series facilitator. I will look into
14 that in the near future, as well.

15 Q. I did see a lot of this material in the written
16 material that you have submitted. I have seen the
17 Brooklyn Defenders, as well as Tribeca. There is also
18 other letters, one from the National Lawyers Guild.

19 You've reached out to a lot of people. There is
20 a wealth of information in terms of what you have
21 accomplished.

22 I have your Case Plan, which I'd like to go over.
23 It talks about you increasing your empathy awareness and
24 developing community relations, increasing Spanish
25 language skills, as well as expanding your leadership

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 skills.

2 So, how have you done with some of your Case Plan
3 goals?

4 A. I'd like to believe I've done excellent,
5 Commissioner, in terms of the empathy awareness.

6 I've been a facilitator for the Reconciliation
7 Program. We have two civilians that come in, a retired
8 police chief, as well as a pastor from New Jersey.

9 We hold a reconciliation program, and we talk
10 about victim awareness. We talk about forgiveness. We
11 talk about understanding the different levels of
12 reconciliation; that first you got to start with the
13 self and, hopefully, it will come to the point where
14 humans can reconcile with others or those you've
15 offended.

16 It's a fourteen-week program. I've probably
17 learned so much more as a facilitator, than I have as a
18 person being involved as a participant.

19 As a peer leader, I worked with the Network
20 Group. I was a coordinator for several years. We
21 implemented several programs that wasn't done before, as
22 well as connecting with people in the community.

23 Some of the people responded here, that you read
24 the letters already. People reached back to me, and in
25 many ways just reaffirmed my sense of purpose, and my

██████████ ██████████ DIN # ██████████ NYSID # ██████████

1 commitment.

2 Q. All right. I also have your COMPAS Risk
3 Assessment, which we use as a tool to see what your
4 needs might be out in the community, if you were
5 released.

6 Your scores are all in the range you would want
7 them to be in, they're low, and we will take that into
8 account.

9 Also, for the record, we do reach out to the
10 judge, DA and defense attorney. We need to consider
11 what the district attorney has said on this matter.

12 Now, ██████████ ██████████ was your cousin?

13 A. Yes.

14 Q. Who was ██████████ ██████████?

15 A. ██████████ ██████████ was my cousin's friend. He is the
16 individual that actually gave us the gun.

17 COMM. ALEXANDER: I'm going to ask
18 Commissioner Hallerdin, if she has any questions?

19 COMM. HALLERDIN: I have listened carefully.
20 I have no questions. Thank you.

21 CONTINUED BY COMMISSIONER ALEXANDER:

22 Q. Mr. ██████████ you get the last word this
23 afternoon. Is there anything else we have not covered,
24 that would help us with our decision here today?

25 A. Yes. I know how much I have grown from this

██████████ ██████████ DIN # ██████████ NYSID # ██████████

1 experience, and not just in terms of my incarceration.

2 In the last twelve years, I've been struggling
3 with trying to make parole, I've been denied. I've had
4 every excuse to say, well, give up, they're never gonna
5 let you go.

6 My sense of commitment, my sense of wanting to
7 bring some type of honor, if you would, at all, to this
8 situation that I created, in taking the lives of two
9 individuals, more specifically, ██████████ ██████████ and ██████████
10 ██████████, and injuring ██████████, I don't have
11 room to give up.

12 What I could only think about, potentially,
13 twelve years ago, to re-enter society and maybe make a
14 contribution, I feel I know it now, because I didn't use
15 no excuses.

16 The narrative I created before I came to prison,
17 why I got involved with this crime, Commissioner, was a
18 bunch of bull crap. I sold myself for my use of drugs,
19 thinking that this was my only way out. I sold myself,
20 until I shot people, and it all was a bunch of lies.

21 I've been faced with similar types of
22 circumstances since I've been incarcerated, and I
23 haven't given up on the belief that I deserve a chance
24 to be able to hang on and cling to my atonement. That's
25 how I just look at it, Commissioner.

[REDACTED] [REDACTED] DIN [REDACTED] NYSID # [REDACTED]

1 I don't look at it as a second chance. I'm
2 looking at it as a first chance, to pay up to society
3 what I owe.

4 Why I think I'm prepared to go into society is
5 because I feel in my heart that I have something to be
6 able to offer to not just individuals in similar
7 circumstances, but for other people who are in a
8 position to help others.

9 COMM. ALEXANDER: Okay. Well, you've given
10 us a lot to think about, sir. Obviously, as you said,
11 there is no time that's enough to bring back the two
12 people whose families will be forever impacted by this,
13 as well as the third victim who was seriously hurt.

14 But we are going to apply all the statutory
15 factors, we're going to look at your good works, we're
16 going to look at your release plans, as well as the
17 crime, and we will get back to you in writing in a
18 couple of days. Thank you for coming in.

19 THE INMATE: Thank you.

20 (Interview concluded.)

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[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

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2 (After due deliberation by the Parole Board Panel,
3 the following Decision was rendered:)

4

5

DECISION

6

7 [REDACTED] [REDACTED] parole is denied. Hold 24 months.
8 Next appearance is 4/17.

9

10 This panel notes your personal growth and
11 productive use of time; however, discretionary release
12 shall not be granted merely as a reward for good conduct
13 or efficient performance of duties while confined.

14

15 You stand convicted of the serious offenses of
16 Murder Second, Robbery First, Attempted Murder, Second,
17 Robbery First, Criminal Possession of a Weapon, Second,
18 Assault First, Robbery Second, and Criminal Possession
19 of a Weapon, Third.

20

21 You stated during the interview that you committed
22 these crimes because of "peer pressure" and "leaving no
23 witnesses," and that you possessed the gun to "pose a
24 serious threat."

25

26 The panel makes note of your efforts towards your
27 rehabilitation; including your college studies and work
28 with the Reconciliation Program, your risk and needs
29 assessment, your Case Plan, and your overall

[REDACTED] [REDACTED] DIN # [REDACTED] NYSID # [REDACTED]

1 disciplinary record, which has been clean for a
2 significant period of time.

3 Also considered were your stated release plans,
4 your written submissions and letters of support and
5 assurance; as well as opposition to your release and the
6 multiple statements contained in the Sentencing Minutes,
7 including, but not limited to the judge's
8 recommendation.

9 After reviewing all the statutory factors at this
10 de novo interview, this panel remains concerned that
11 despite your efforts thus far, discretionary release is
12 not presently warranted, as your release would
13 trivialize the tragic loss of lives and the harm you've
14 caused multiple families and, furthermore, would be
15 incompatible with the welfare of society, and would so
16 deprecate the serious nature of your crimes as to
17 undermine respect for the law.

18 (All Commissioners concur.)

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CERTIFICATION

I, Lori Ciofalo, Court Reporter and Notary Public, in and for the State of New York, do hereby certify that I attended the foregoing proceedings, took stenographic notes of the same, and that the foregoing, consisting of 17 pages, is a true and correct copy of the same and whole thereof.

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: April 19, 2016