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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: Initial

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

DATE: November 29, 2016
DECISION DATE: November 29, 2016

BEFORE: COMMISSIONER W. SMITH
COMMISSIONER K. LUDLOW
COMMISSIONER M. COPPOLA

ALSO PRESENT: D. Glebocki, SORC
A. Goldsmith, ORC

AT FACILITY: A. Raimondo, ORC

REPORTER: Lori Ciofalo, Hearing Reporter

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

1 COMM. LUDLOW: Good afternoon, sir.

2 THE INMATE: Good afternoon, sir.

3 COMM. LUDLOW: Sir, you are ██████████

4 ██████████

5 THE INMATE: Yes, sir.

6 COMM. LUDLOW: Mr. ██████████ I am
7 Commissioner Ludlow, with me Commissioner Smith and
8 Commissioner Coppola.

9 COMM. SMITH: Hello.

10 COMM. COPPOLA: Hello, sir.

11 THE INMATE: Hello, sir.

12 INTERVIEW BY COMMISSIONER LUDLOW:

13 Q. Mr. ██████████ this is your Initial appearance
14 before the Board of Parole, sir. You are
15 forty-three-years old; is that correct?

16 A. Yes, sir.

17 Q. You were found guilty by verdict to each of the
18 following: Murder, Second, Criminal Possession of a
19 Weapon, Second. Controlling sentence, twenty-five to
20 life, out of ██████████ ██████████. Is that correct?

21 A. Yes, sir.

22 Q. You have been in close to twenty-five years; is
23 that correct, sir?

24 A. Yes, sir.

25 Q. That's a long period of time, we certainly

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1 recognize that, we are sensitive to that fact.

2 Do you have any appeals pending or do you
3 anticipate filing any appeals as to the verdicts?

4 A. No, sir.

5 Q. Nonetheless, I call your attention to the fact
6 that we have a certified stenographic reporter in the
7 room with us. Every word we discuss is being reduced to
8 a verbatim transcript.

9 It is possible that the transcript can find it's
10 way to other forums, and we caution you about what you
11 may say regarding the terms and circumstances of these
12 crimes, so as not to impede, limit or jeopardize any
13 future opportunity you may have for an appeal.

14 You may decline to discuss the terms and
15 circumstances of these crimes, if you wish. We will not
16 hold that against you. Do you understand all of that?

17 A. Yes, sir.

18 Q. Are you maintaining your innocence as to either
19 of the verdicts?

20 A. No, sir.

21 Q. Prior to the case going to verdict, did the
22 district attorney, in ██████████ ██████████, extend any kind of a
23 plea offer to you, if you recall?

24 A. There were two plea offers made, that I was never
25 aware of, so I went along not knowing that the two plea

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1 offers existed.

2 Q. Do you recall what the offers were?

3 A. One was for twenty-to-life. The other one was
4 twelve-and-a-half to twenty-five.

5 Q. The twelve and-a-half to twenty-five looks pretty
6 good now, doesn't it?

7 A. Yes, sir.

8 Q. That was never communicated to you?

9 A. No, sir.

10 Q. That's very unfortunate.

11 You have a total of four felonies. This is your
12 second-State bid.

13 You were on parole at the time, just over a year,
14 from a 1990, Attempted Robbery, Second; is that correct?

15 A. Yes, sir.

16 Q. You were eighteen-years old, at the time, in
17 March of 1992, in ██████████ ██████████, when you fired a handgun
18 into a vehicle. Apparently, there were several
19 passengers in the vehicle. The round that you fired
20 struck one of the passengers in the head, causing his
21 death; is that correct?

22 A. Yes, sir.

23 Q. At the time you were active in the ██████████;
24 is that correct, sir?

25 A. No, sir.

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1 Q. Were you involved in any gang at the time?

2 A. No, sir.

3 Q. Are you involved with a gang today?

4 A. No, sir. May I explain?

5 Q. Sure.

6 A. If you look at my file, completely, you will
7 never find no activity like that. I don't know where
8 that information came from. If you look thoroughly in
9 my file, you will not find anything like that.

10 Q. Did you have a co-defendant in the Instant
11 Offense?

12 A. No, sir.

13 Q. Why would you fire into that car? What was your
14 reasoning at the time?

15 A. The car passed us real fast, and then they
16 started backing up. They made gestures, like they had a
17 handgun, so I felt threatened; because I had gotten shot
18 in my leg. I fired one time, and it resulted in killing
19 ██████████

20 Q. We do not have the Sentencing Minutes on file.
21 We do have an affidavit from the principal court
22 reporter, ██████████ ██████████ July 2016, indicating, and
23 I quote from the affidavit: "A diligent search has been
24 made at both our off-site facility, and our onsite notes
25 storage facility, and neither a copy of the transcript,

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1 nor the stenographic notes can be located.

2 As a result of the unavailability of the
3 transcript and the loss of the notes, I'm unable to
4 provide the required transcript," end quote.

5 We have the COMPAS Risk Assessment on file. Have
6 you seen the COMPAS, sir?

7 A. Yes.

8 Q. The COMPAS is a risk and needs tool that we draw
9 upon in an advisory way, to assist us in complying with
10 Executive Law 259 C4, which requires the Board of Parole
11 to conduct a risk and needs assessment, as a measure of
12 your rehabilitation for re-entry into the community.

13 In your case the computer assessment has you at a
14 low risk, across the board, for felony violence, arrest
15 or absconding.

16 If on parole, would you anticipate presenting as
17 a low risk to the public safety or something else? What
18 are your thoughts?

19 A. Well, I definitely am a low risk today. I'm not
20 that impulsive individual, that came to prison when I
21 was eighteen-years old.

22 I understand that I killed ██████████ and there is
23 nothing I can do to bring him back.

24 Q. Did you know ██████████ at the time?

25 A. No.

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

1 Q. He was a stranger to you?

2 A. Yes.

3 Q. We have the Case Plan on file. The Case Plan is
4 a statement of goals, tasks and activities.

5 Among the goals identified: Increase educational
6 achievement, you've done that. You have a GED; is that
7 correct?

8 A. Yes.

9 Q. That's to your credit.

10 You have been involved with food service as a
11 vocational achievement; is that correct, sir?

12 A. Yes, sir.

13 Q. You completed ART. Practice positive verbal
14 behavioral communication, bimonthly patience, listening
15 with empathy, value clarification while communicating
16 with others or through role play. You've had some
17 experience and achievement in that area, as well.

18 A. Yes, sir.

19 Q. These goals are noted for the record, and they
20 are to your credit.

21 You can live with a friend in ██████████ ██████████,
22 ██████████; is that right?

23 A. Yes, sir.

24 Q. And in it terms of work and re-entering the
25 community, you've reached out to the Osborne

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

1 Association, and [REDACTED] [REDACTED] [REDACTED].

2 What is [REDACTED] [REDACTED] [REDACTED]?

3 A. They offered me a full-time job, if I'm
4 considered for parole, in processing and packing meat
5 products.

6 Q. That's in [REDACTED], is it?

7 A. They have locations in [REDACTED], [REDACTED] and [REDACTED]
8 [REDACTED].

9 Q. And you have been involved with the program WITO,
10 which is an acronym For We Innovatively Transform
11 Ourselves.

12 It's probably wise, given the length of time you
13 have been inside, to avail yourself of the services of
14 these well-known groups.

15 Office of Mental Health has you at a Level 7,
16 that suggest that you have no contact with mental health
17 services; is that correct?

18 A. Yes.

19 Q. Now, over twenty-four-plus years, you have
20 incurred some disciplinary citations and reports;
21 sixteen Tier II's, four Tier III's. You have served
22 some Keep-Lock and SHU time over the years; is that
23 correct, sir?

24 A. Yes, sir.

25 Q. Program achievements, you have job titles in

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

1 custodial maintenance, cooking, legal research.
2 Apparently, wait-listed for Transitional Services 3.
3 You have completed the other programs referenced in the
4 Case Plan.

5 We do acknowledge an extensive submission from
6 you. Did you prepare this, sir?

7 A. Yes, with the help of the Parole Preparation
8 Project.

9 Q. There are letters in here of support; Exodus,
10 ,Osborne and others. There's a wealth of information in
11 here.

12 Anything, in particular, you wish to highlight
13 for the Panel's attention?

14 A. Everything in the Parole packet is very
15 important, because it's my transformation from the
16 eighteen, impulsive, individual that I was, when I came
17 to prison, to the man that I am today.

18 I no longer am that impulsive person, that took
19 someone's live. I understand that I took ██████████ life,
20 and there is nothing I can do to bring ██████████ back.
21 There's nothing that I could do.

22 Q. We understand.

23 We have discussed your Criminal History. Your
24 first-State bid was Attempted Robbery, Second, and also
25 Robbery, Second; correct? Two felonies on your first

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

1 bid, two felonies on your Instant Offense, on the
2 current bid. That's a total of four felonies, overall;
3 is that correct?

4 A. Yes.

5 Q. No out-of-state convictions, sir?

6 A. No.

7 COMM. LUDLOW: Commissioner Smith?

8 COMM. SMITH: I have no other questions.

9 Thank you.

10 COMM. LUDLOW: Commissioner Coppola?

11 COMM. COPPOLA: I have none, thank you.

12 CONTINUED BY COMMISSIONER LUDLOW:

13 Q. Mr. ██████████ what else should we know, what's
14 important to you, anything additional, before we close
15 the interview, sir?

16 A. Yes. I would like to say that the person that
17 you are reading about is no longer that person today.
18 I'm a different individual, who understands that my
19 impulsive behaviors and actions resulted in ██████████ life
20 being taken by me.

21 I'm responsible for that, and there is nothing I
22 can do to bring him back; but I wish I could, because I
23 should've never taken something, that should've never
24 been taken away, and I'm so sorry. I live with that
25 shame every single day of my life.

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

1 I understand that ██████████ and ██████████, I took
2 everything away from them, with my poor decision to
3 possess an illegal gun and fire into the car.

4 Because of my distorted thinking at the time, I
5 know that I can never justify what I did, but I try my
6 best to make amends.

7 Q. We appreciate your expression, sir. We
8 understand that it's emotional for you, especially after
9 twenty-five years of being on the inside and the loss of
10 an innocent life at the time.

11 Was there any gunfire emanating from the vehicle,
12 towards you, back then?

13 A. No, sir.

14 Q. Did you see a weapon in the vehicle, before you
15 shot?

16 A. They just made gestures, and I perceived it of
17 them having a weapon. No weapon was ever found inside
18 the vehicle.

19 COMM. LUDLOW: Mr. ██████████ you are still
20 a young man at forty-three, and we want you to get
21 your life turned around in a positive, constructive
22 way. We wish you good luck in that regard.

23 Mr. ██████████ we will advise you in
24 writing. Good luck to you, sir.

25 THE INMATE: Thank you, sir.
(Interview concluded.)

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

1
2 (After due deliberation by the Parole Board Panel,
3 the following Decision was rendered:)

4
5 DECISION

6
7 ██████████ ██████████ parole denied. Hold 24 months.
8 Next appearance, November 2018.

9 Following careful review and deliberation of your
10 record and interview, this Panel concludes that
11 discretionary release is not presently warranted, due to
12 concern for the public safety and welfare.

13 The following factors were properly weighed and
14 considered: Your Instant Offenses, in ██████████ ██████████, in
15 ██████████ 1992, involved Murder Second and Criminal
16 Possession of a Weapon Second.

17 Your Criminal History indicates you were on parole,
18 at the time, from a 1990 Attempted Robbery, Second.

19 Your institutional programming indicates progress
20 and achievement, which is noted.

21 Your disciplinary record reflects multiple Tier II
22 and Tier III reports. You have served Keep-Lock time.

23 The Panel notes your COMPAS risk score of low;
24 however, your disciplinary history is of particular
25 concern to this Panel

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

1 Required statutory factors have been considered;
2 including your risk to the community, rehabilitation
3 efforts, and your needs for successful community
4 re-entry.

5 Your discretionary release, at this time, would
6 thus not be compatible with the welfare of society at
7 large, and would tend to deprecate the seriousness of
8 the Instant Offenses and undermine respect for the law

9 (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
14 pages, is a true and correct copy of the same and
whole thereof.

Lori Ciofalo
Lori Ciofalo, Court Reporter
Dated: November 29, 2016