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Parole Interview Transcript/Decision - FUSL000081 (2006-05-16)

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STATE OF NEW YORK EXECUTIVE DEPARTMENT

DIVISION OF PAROLE

DIVISION OF PAROLE
RECEIVED

JUN 13 2006

APPEALS UNIT

MINUTES OF PAROLE BOARD HEARING

REAPPEARANCE

██████████

DIN ██████████

NYSID ██████████

INSTITUTION:

FISHKILL C.F.

DATE:

MAY 16, 2006

BEFORE:

COMMISSIONER GAILOR

COMMISSIONER MEVEC

COMMISSIONER FERGUSON

HEARING REPORTER:

SUSAN FISCHLER

[REDACTED] DIN [REDACTED]

NYSID [REDACTED]

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COMMISSIONER MEVEC:

Q You are [REDACTED] [REDACTED]

A Yes, sir.

Q All right. I'm Commissioner Mevec and with me is
Commissioner Gailor and Ferguson.

COMMISSIONER FERGUSON:

Good afternoon.

INMATE: Good afternoon.

COMMISSIONER MEVEC:

Q All right. You are here having pled guilty to Murder 2nd
Degree. You received 15 years to Life. The record shows that
on [REDACTED] 1987 in [REDACTED], you became involved in an
argument with your wife, it escalated to the point where you
stabbed her with a knife and killed her. There is something to
indicate that at the time your kids were in the home?

A Yes.

Q Did they see this?

A No, they did not.

Q Why did you do this?

A I was emotionally upset because of her involvement with
another man. It was a seventeen-year relationship and nine
and a half years of being married to this woman and we had
three children. She confessed to her involvement with this
man named [REDACTED]. And it was not to blame her, she would
come in at all times of the night, wake me up, let me know

what they were doing. I told her whatever they were doing it was between them. They continued to do that. On the night of [REDACTED] '87, I consumed a lot of alcohol. Went to see her to give her the keys to the house. She made a statement. Instead of me thinking with my head, I did this with my heart, not my head.

Q What was the statement?

A My son had a set of keys, I did, and so did my wife, and now [REDACTED] had a set of keys to come and go as he wished in the house.

Q And [REDACTED] was her boyfriend?

A Yes.

Q And that made you flip and you stabbed her? I was reading the Sentencing Minutes here, and you tried to withdraw your plea of guilty?

A Yes.

Q Why?

A At the advice of my lawyer, because he wanted me to go trial and make it seem like I was temporarily insane. And, it didn't work.

Q He wanted you to see if you could get the Manslaughter conviction, probably?

A Yes.

Q This is your only crime of conviction?

A Yes, sir.

Q How many years have you been in?

A July 24th will make it nineteen years.

Q Been in for a long time. You are in the law library now?

A Yes.

Q Both in the morning and the afternoon.

A Yes, sir. Fulltime.

Q What do you serve as?

A Administrative law clerk.

Q Do you enjoy what you do?

A Yes, very much.

Q You have not had any tickets since 1997, which is very impressive. You have indicated that you would live with your sister at this point in time, is that correct?

A That's correct.

Q And your children are how old now?

A My oldest son is thirty-two. My youngest son is thirty. My daughter is Twenty-seven.

Q What do they think about all this?

A They have been in contact with me. We sat down and talked. My daughter has been up to see three times recently. They really have forgiven me, but they can't understand why I would allow myself to be pushed to the point to do what I did. I told her it was the alcohol that gave me the push, the false courage to do what I did.

Q There is no courage in doing what you did.

A No, there isn't, but the alcohol gave me the false courage. You should have a letter from her, my sister and my daughter-in-law.

Q Yes. We have here, your daughter-in-law sent a letter.

A Yes.

Q We have a letter from Center for Employment Opportunities, Fortune Society, Wildcat, which are agencies that will work with you. That's what they are there for. I have a letter here from [REDACTED] [REDACTED]

A That's my daughter.

Q As we indicated, the other letters are also here. You have support in the community. Those are things we will look at.

A letter here from [REDACTED].

A Yes.

Q And are you looking to marry her?

A I am hoping to, yes.

Q She's out in [REDACTED]?

A Correct.

Q Is she going to come back here?

A Hopefully.

Q You indicated you wanted to work in shipping and receiving. You have been handy in terms of using electronics?

A Uh hum.

Q And that's where you would like to work when you get out?

A Yes, electronics is my professional trade.

Q That's what you did before you did this?

A Yes.

Q Any other questions, Commissioners?

COMMISSIONER GAILOR: No.

COMMISSIONER FERGUSON: No

questions.

COMMISSIONER MEVEC:

Q Anything else we should know, think about, other than what we have already discussed?

A Yes. From what I was informed, the recommendations of the Sentencing Court - to my parole file and I don't believe that was the recommendations because the Justice in my case said I'm willing to promise you 15 to Life, because that permits him - I want you to understand the promise of 15 to Life - I am promising you the minimum time for you to be eligible for parole, however, at sentencing, which I have three copies, we have highlighted, "Fifteen years is a long sentence. It's not a gift. On the other hand, I don't believe in taking all hope away from someone, specifically someone who has the capacity and capability of changing, no matter what they've done. I felt the punishment was sufficient. Fifteen years in jail with Life supervision is sufficient." I believe that was the recommendation of the Sentencing Court.

Q That's what he had to say.

A And on page five, the court stated, "I stated that this was a very unusual case. I think the Probation Report bares it out. You had no prior record, no juvenile record, no adult record and no pending charges. In that case you are not what we call a classic recidivist or career criminal." I have never been a problematic person to anyone or to myself. The crime, which I committed, I blame no one but myself. Like the Sentencing Justice said, he doesn't believe taking away all hope for someone that can change. My record in prison shows I am not a violent person. I did a violent act, but since that time there has been no acts of violence on my part.

Q We are required by law to take into consideration what Judge Pincus stated, and we appreciate the fact that you have given this to us and highlighted it. That's important, and we have to consider all that we have to consider by law and that's very important also. The good, the bad, and the ugly have to always be looked at. You have done a lot of time, done a lot of good things. It's a tough case to weigh out and that's what we will do. We appreciate your time, coming in to discuss this. Have a good day.

A Thank you.

(After due deliberation by the Parole Board Panel, the following Decision has been rendered:)

[REDACTED] DIN [REDACTED]

NYSID [REDACTED]

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DECISION**COMMISSIONER MEVEC:**

Parole is denied. Hold 24 months. Next appearance date is 05/2008.

Parole is denied due to the seriousness of your crime, Murder 2nd Degree. You stabbed your wife following an argument. This is your only crime of conviction. The Panel notes institutional achievements and clean disciplinary record. We also note your community support. However, discretionary release shall not be granted merely as a reward for good conduct while incarcerated. To hold otherwise would deprecate the seriousness of this senseless crime as to undermine respect for the law.

Guidelines unspecified.

All Commissioners concur.

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