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

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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

----- X

Parole Board Interview

In the Matter
of

[REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

----- X

TYPE OF INTERVIEW: Reappearance

LOCATION: (Video conference)
Otisville Correctional Facility

DATE: June 24, 2015

BEFORE: COMMISSIONER CHRISTINA HERNANDEZ
COMMISSIONER G. KEVIN LUDLOW
COMMISSIONER GAIL HALLERDIN

ALSO PRESENT: D. Glebocki, SORC
M. Brooks, SORC
A. Stevens, ORC

REPORTER: Lori Ciofalo, Hearing Reporter

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

1 COMM. HALLERDIN: Is this ██████████ ██████████

2 THE INMATE: Yes, sir.

3 COMM. HALLERDIN: I am Commissioner
4 Hallerdin. On your panel today is Commissioner
5 Hernandez and Commissioner Ludlow.

6 COMM. LUDLOW: Good morning.

7 COMM. HERNANDEZ: Hello, sir.

8 THE INMATE: Good morning.

9 BY COMMISSIONER HALLERDIN:

10 Q. I have, sir, that you are currently reappearing
11 before the Parole Board.

12 You're currently incarcerated on Murder, Second.
13 You got a fifteen to life, and that was by plea. Is
14 that correct?

15 A. Yes, ma'am.

16 Q. Your Sentencing Minutes are part of this record.

17 I have the description of the crime. Basically,
18 it says that you, in concert, shot the victim in the
19 face with a shotgun, causing his death.

20 The description says that it was requested by one
21 of the co-defendants, who wanted to retaliate against
22 the victim for slapping his girlfriend during an
23 argument.

24 Is that what happened, sir?

25 A. I think you might need a little more detail than

1 that, ma'am.

2 Yes. First of all, I truly regret that I shot
3 and killed [REDACTED] (ph). It was not at the request
4 of my co-defendant.

5 Q. Why did you shoot him?

6 A. They were arguing. They were arguing about this
7 guy assaulting his girlfriend.

8 I was led to believe, by my co-defendant, that
9 [REDACTED] [REDACTED] was armed. I didn't know him. They knew
10 each other from where, I don't know.

11 I was led to believe, by my co-defendant, that he
12 was armed. During the argument he made some sort of a
13 gesture, my co-defendant started screaming, and I shot
14 him.

15 Q. Where did you get the gun?

16 A. From my other co-defendant.

17 Q. You have kind of a history of having guns. It's
18 not the first time you got busted with a weapon; so
19 that's why I asked you. Okay?

20 A. Yes, ma'am.

21 Q. Now, you're what, fifty-years old now?

22 A. I just turned fifty, yes.

23 Q. And how many times have you appeared before the
24 Parole Board, sir?

25 A. This is my fifth appearance.

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

1 Q. Now, I need to tell you that when I looked at
2 your disciplinary history, the one thing I noted, that
3 you have not had any sort of disciplinary, at all, since
4 2007, and that's to your credit.

5 Understand that one of the things we are looking
6 at, is whether or not you can follow the rules and
7 follow the rules of Parole.

8 You are fifty-years-old now. If you get out on
9 parole, your Parole Officer may be younger than you.
10 Your Parole Officer says you need to be in at eight
11 o'clock. Okay? Do you understand what I'm saying?

12 Can you take an order from someone that is
13 younger than you, without giving him a lot of lip?

14 A. I've been living with that for approximately
15 thirty years.

16 Q. Is that yes or a no?

17 A. Yes, ma'am, certainly.

18 Q. That's one of the things that we have to take a
19 look at.

20 The crime is there, your pattern of crime,
21 whatever has been going on with you. You have been in
22 jail now for over twenty-nine years, on a fifteen to
23 life.

24 A. Okay.

25 Q. So let's look at who you are today, and then I

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

1 want to find out what your plans are for being not the
2 person that came into jail, but for staying out of jail.

3 This is your second bid. This is not your first
4 bid, right?

5 A. Yes.

6 Q. So you know how to get out, you just don't know
7 how to stay out. You have been successful on parole
8 before, but when I look at when the crime is committed,
9 and your max date, it looks like you actually -- were
10 you actually on parole, when you did this?

11 A. Just before.

12 Q. Just before?

13 A. Just before.

14 Q. Okay. I have that you were arrested on [REDACTED]
15 [REDACTED] 1986, right? I have that the crime actually took
16 place [REDACTED] [REDACTED] 1986.

17 When I looked at when you maxed out, you maxed
18 out on that weapons charge, that '83 conviction, you
19 actually maxed out in 1987. That's when you were
20 actually discharged from Parole. Do you understand?
21 You were still on parole. There is an overlap there.
22 You got my drift?

23 A. Yes.

24 Q. That's what I'm saying. You were close, but no
25 cigar, sir. You got me? You were that close.

[REDACTED] NYSID # [REDACTED]

DIN # [REDACTED]

1 I know that you can do it for a period of time.
2 I want to know what it's going to take for you to do it,
3 period. Because now you're fifty-years old. Unless you
4 like it in jail, and I don't think you do.

5 So that's the kind of discussion I want to have
6 with you. What are you going to do? What do you plan
7 on doing when you get out? How are you planning to stay
8 out?

9 Let's talk about where you are going to live, and
10 what type of employment are you going to have.

11 Do you have any letters of assurance?

12 I have your packet. There's a lot of things that
13 are in here, good things. I really want to find out
14 what you really intend to do.

15 You've come before the Board many, many times.
16 Right? What is it that you want to do? What do you
17 feel you need to have to be successful, so you don't
18 come back?

19 A. Well, you know, as I looked around me, I saw a
20 lot of older guys, who, you know, basically had been in
21 and out of jail, or had been around for so long that
22 they are practically part of the furniture. I said that
23 I'm not going to be that.

24 You know, I can't see that in my future, so I
25 took stock of myself, and I understood what led me to

[REDACTED] NYSID # [REDACTED]

DIN # [REDACTED]

1 fall into the situation that brought me here today.

2 Around that time, this wasn't very long after my
3 mother passed. She was killed by a doctor.

4 She had a doctor friend, who told her it was okay
5 to drink. She became, like, addicted to the drink. She
6 ended up in the hospital. The doctor killed her, doing
7 some unnecessary surgery.

8 That messed me up, you know, mentally,
9 emotionally. I kind of developed sort of a, I would
10 say, nihilistic attitude towards society at large and
11 life in general.

12 I can see kind of what motivated me, or
13 unmotivated me, so to speak, to take stock of my
14 situation and take advantage of the opportunities that I
15 had when I was home.

16 But thinking of that in reflection, while
17 incarcerated, I made it my business to make sure that if
18 I ever got an opportunity to get out, I would be
19 prepared to do the right things, successfully.

20 This is why I done all the programs and tried to
21 develop as many employment-related skills that I
22 possibly could.

23 Q. You've got a two-year degree, don't you?

24 A. No. I've got two years worth of college credits.

25 Q. What have you been gearing that towards?

[REDACTED] NYSID [REDACTED]

DIN # [REDACTED]

1 And I know that it is kind of limited, because
2 you have to take what is offered. I understand that.
3 We understand.

4 So, what do you have those in?

5 A. Mainly in legal assistance, counseling, things of
6 that nature.

7 Q. Do you think that any of that would be useful to
8 you when you get out?

9 A. I certainly believe so. Most recently I
10 completed a real state investment course, where I
11 learned how to own and manage property. You know, if I
12 ever got out, I could have an opportunity to work in
13 that field.

14 Q. Are you good with your hands?

15 A. In what sense, ma'am?

16 Q. Well, you have been in for awhile. I don't know
17 if you've had any carpentry.

18 A. Mechanically?

19 Q. Not mechanically. You just mentioned houses.
20 When you own a house you have to pay a carpenter to do
21 this, you have to pay a plumber to do that; that's what
22 I meant.

23 Since you were thinking about the management
24 part, I was wondering if you had any other skills, on
25 the other side, maintaining that house.

[REDACTED] [REDACTED] NYSID # [REDACTED]

DIN # [REDACTED]

1 A. I haven't done anything of that nature since I
2 had my summer-youth job as a teenager, but I've always
3 been mechanically inclined, so I don't think it would be
4 a problem for me to update or get some skills.

5 Q. I see the Fortune Association, so I know you know
6 everybody that's out there. I see the Osborne Society.
7 Do you understand?

8 What is it that you specifically intend to
9 actually do?

10 A. Well, I was offered housing and assistance from
11 [REDACTED] [REDACTED] [REDACTED] in [REDACTED], and that's what I
12 intend to do, take advantage of that opportunity.

13 Q. Were you doing drugs when you were out there?

14 A. No.

15 Q. I know you said you took stock of yourself,
16 right?

17 A. Yes, ma'am.

18 Q. What do you feel helped you take stock? What
19 program or whatever it was?

20 It wasn't just looking at the guys, seeing
21 fifty-year olds and fifty-five-year olds. It was more
22 than that. Something had to give you the tools, because
23 you could look forever.

24 What was it you felt gave you something to hang
25 on to work with?

[REDACTED] NYSID # [REDACTED]

DIN # [REDACTED]

1 A. Well, one of those things was the opportunity I
2 had to sit in therapy sessions with Dr. Sistin (ph) at
3 Green Haven.

4 She's a psychotherapist. She ran therapy groups
5 for guys with violent crimes.

6 She was real skillful at getting us to see it
7 ourselves, rather than her saying you're suffering from
8 this or that.

9 Q. Now, you know if you're released on parole, you
10 still may have to continue to get some sort of therapy
11 or follow-up or something. Are you opposed to that?

12 A. No, ma'am.

13 Q. Like I said, you've completed all of your
14 programs. You have done ART. You have done your
15 Vocationals. You have done Transitional Services 1, 2
16 and 3, right?

17 That's unusual. Usually, they don't give
18 Transitional Services to somebody, until they get a
19 date. You actually have done 3.

20 You're currently working. What work are you
21 doing around the facility now?

22 A. Well, my assignment is paralegal in the prison
23 law library.

24 COMM. HALLERDIN: Commissioner Hernandez, I
25 don't know if you have any question?

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

1 COMM. HERNANDEZ: I've listened very
2 carefully. The interview was very thorough.

3 Certainly, you accomplished a lot during your
4 incarceration. You were a very young man when you came
5 in.

6 You are how old today?

7 THE INMATE: Fifty.

8 COMM. HERNANDEZ: Do you believe that you
9 are a threat to society at this point?

10 THE INMATE: Absolutely not.

11 COMM. HERNANDEZ: Okay. I needed to ask
12 that question, because that's what our role here, sir,
13 is, whether we believe you are ready.

14 Do you think you are ready?

15 THE INMATE: I understand. Yes, I am.

16 COMM. HERNANDEZ: Thank you.

17 COMM. HALLERDIN: I am going to ask
18 Commissioner Ludlow, if he has anything he'd like to
19 ask?

20 BY COMMISSIONER LUDLOW:

21 Q. You did the shooting, sir?

22 A. Yes, sir.

23 Q. Did the co-defendants have weapons, as well?

24 A. No, sir.

25 Q. Did the victim have a weapon or display a weapon

1 to you?

2 A. Not to me. When I asked my co-defendant where is
3 the gun you told me about, and he could not find it,
4 that's when I left.

5 Q. Is this your only State bid?

6 A. No, my second.

7 Q. And you just turned fifty, the big 5 0?

8 A. Yes, sir.

9 COMM. LUDLOW: Thank you. Good luck to you.

10 THE INMATE: Thank you.

11 COMM. HALLERDIN: Mr. [REDACTED] I've got
12 to tell you, we don't know what we are going to do. It
13 was a brutal crime.

14 What I am trying to get from you is where you are
15 now as a person. You were a young guy then, but, you
16 know, I am trying to figure out like now, where you are
17 really, you know, and it's not easy.

18 Commissioner Ludlow wants to ask one more question.

19 BY COMMISSIONER LUDLOW:

20 Q. Did the crime take place at the victim's
21 residence, sir?

22 A. No. The crime happened in the street, at a weed
23 spot, a place where marijuana was sold.

24 Q. A weed spot?

25 A. Yes.

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

1 Q. Was that at a street corner or a building?

2 A. Inside a building, yes.

3 COMM. LUDLOW: All right. Thank you.

4 COMM. HALLERDIN: Okay, we are going to have
5 to deliberate over this. We will get back to you in the
6 form of a written decision.

7 Don't know what we are going to do yet, but we are
8 trying to at least hit you with those things, let you
9 know those things that we are concerned about. All
10 right?

11 THE INMATE: Yes.

12 COMM. HALLERDIN: Good luck to you. You
13 will get the result of our deliberation in the form of a
14 written decision.

15 As I told you, we have all your letters of support.
16 We have the various programs that you actually have
17 completed.

18 THE INMATE: Excuse me.

19 COMM. HALLERDIN: Yes.

20 THE INMATE: Did you receive a letter from
21 an attorney by the name of [REDACTED] [REDACTED] (ph)?

22 COMM. HALLERDIN: Yes, that's in there, too.
23 You have quite a bit of support in there. Do you
24 understand?

25 My focus is that people can't be with you 24/7. I

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

1 am trying to look to see if you are the kind of person
2 that can even reach out if you need help, and not keep
3 it inside. Do you understand?

4 THE INMATE: Yes, ma'am.

5 COMM. HALLERDIN: That's a difficult thing
6 for a lot of people to do. You have been in jail a long
7 time. All right?

8 Thank you very much, sir. We will get back to you
9 in the form of a written decision.

10 THE INMATE: Thank you for the opportunity.

11 (Interview concluded.)

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

DECISION1
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COMM. HALLERDIN: [REDACTED] [REDACTED] open

date 8/6/15.

Conditions:

1. I will seek, obtain and maintain employment and/or an academic/vocational program.

6. I will not frequent any establishment where alcohol is sold or served as its main business, without the written permission of the Parole Officer.

8. I will abide by a curfew established by the Parole Officer.

10. I will participate in anti-aggression/anti-violent counseling, as directed by the Parole Officer.

16. I will not associate in any way, or communicate by any means, with (see file), without the permission of the Parole Officer.

(Commissioner Hallerdin and Commissioner Hernandez concur.)

(Commissioner Ludlow dissents.)

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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
16 pages, is a true and correct copy of the same and
whole thereof.

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: June 24, 2015