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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Hearing

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

TYPE OF INTERVIEW: Initial
HELD AT: Fishkill Correctional Facility
Fishkill, New York
HELD ON: July 21, 2015
BEFORE: COMMISSIONER FERGUSON
COMMISSIONER ALEXANDER
COMMISSIONER J. SMITH
ALSO PRESENT: MARK HEADY, SORC
HEATHER SCOTT, APA
VERBATIM REPORTER: Diana Freund

1 BY COMMISSIONER J. SMITH:

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

4 A. [REDACTED]

5 Q. Mr. [REDACTED] I'm Commissioner Smith. This is
6 Commissioner Ferguson and Commissioner Alexander.

7 COMMISSIONER FERGUSON: Hello, sir.

8 COMMISSIONER ALEXANDER: Hello.

9 THE INMATE: Good afternoon.

10 Q. This is your initial parole board appearance today.
11 The record indicates you're presently incarcerated
12 following convictions after trial for Murder 2nd and
13 Criminal Possession of a Weapon 2nd. The controlling
14 sentence being the murder, 21 to life, both out of
15 Westchester County, correct?

16 A. Yes, it is, Commissioner.

17 Q. Do you have any appeals pending on your case?

18 A. No, Commissioner.

19 Q. I will advise you as a matter of record we have
20 transcription being taken here which would be available
21 for any further proceedings.

22 Prior to your case going to trial, was a plea offer
23 extended to you by the district attorney in Westchester
24 County?

25 A. Yes, it was.

1 Q. Do you recall what it was?

2 A. It was 15 to life.

3 Q. Any reason you didn't take it, sir?

4 A. Yes. Because I was scared. I was scared to come to
5 jail and I wanted to try to do everything I can to
6 downplay what I did and I know that I took [REDACTED]
7 life and she was an innocent person and because I
8 couldn't control my anger and I couldn't control not
9 getting my way, she lost her life.

10 Q. We're going to discuss those things.

11 We do have your sentencing minutes on file and I've
12 read through those. I saw the statements that the
13 family made. I believe you were sentenced on her 16th
14 birthday?

15 A. Yes, I was.

16 Q. This offense dates back to [REDACTED] of 1994. It
17 looks like you were about 17 at the time?

18 A. Yes, I was, Commissioner.

19 Q. You were in a relationship with [REDACTED] She was
20 about 15 at the time. I guess there was an argument at
21 some point in time. You went to your bedroom, got a
22 sawed-off shotgun from your dresser or the bottom of
23 your drawer, came back in, pointed it at her and shot
24 her in the face and torso.

25 A. Yes, Commissioner.

1 Q. The shotgun blast splattered blood and teeth all over
2 the living room. You tried to clean it up. The shotgun
3 fragments were all over the place and you dragged her
4 body downstairs through the basement door, out into the
5 garden and dug a shallow grave and buried her in it?

6 A. Yes, Commissioner.

7 Q. Very violent, very tragic. It appears to be your
8 first crime.

9 A. Yes, it was.

10 Q. So how long had you and [REDACTED] been in a
11 relationship?

12 A. It was a couple of months, beginning of the school
13 year.

14 Q. So what happened on that day that got so out of hand?

15 A. [REDACTED] -- on [REDACTED] 1994, when I took
16 [REDACTED] life, I called her over so we could talk
17 about our relationship because she wanted to change
18 something in me and I wasn't --

19 Q. What did she want to change in you?

20 A. She wanted me to be less on the street and so forth
21 and I didn't want that. The only way I knew how to
22 express myself was with violence. If I couldn't get my
23 way, I would resort to violence. So I went and got the
24 gun and I showed her and I said "This is what I'm about.
25 I'm not ready for change yet." And when I showed her

1 the gun, she's like "What are you going to do with
2 that?" I said "This is my life right now" and I pulled
3 the trigger.

4 Q. Now, you say this was your life right now but you had
5 no prior involvement or at least you were flying under
6 the radar.

7 A. Yes, I was.

8 Q. What were you involved in? What was your life?

9 A. I was in the street and because I was in the street,
10 I was scared so I had to carry a gun because I know
11 other guys in the street were carrying guns too.

12 Q. What were you doing? Drugging it? Selling?

13 A. No, I wasn't selling drugs.

14 Q. Gang?

15 A. I wasn't in a gang. I was a robber. I was robbing
16 people.

17 Q. Robbing people?

18 A. Yes.

19 Q. Were you hurting people?

20 A. No -- yes, I was because I was taking their
21 hard-earned property.

22 Q. But as far as were you inflicting any physical
23 injuries in these robberies, pistol whipping them, doing
24 anything like that?

25 A. Yes. If it came down to it, yes, I was.

- 1 Q. But you weren't arrested or charged for any of those?
- 2 A. No, I was not.
- 3 Q. What gang were you a member of?
- 4 A. It was just a bunch of us who were in the community.
- 5 Q. Not an organized gang?
- 6 A. No, it wasn't.
- 7 Q. So, obviously, she saw some good in you. She could
- 8 have just dumped you and moved on but she thought you're
- 9 worth hanging on to but you need to change.
- 10 A. She saw that. That's the kind of person she was.
- 11 And she'd always tried to get me to don't do that, come
- 12 stay over here and I wasn't -- it was the farthest thing
- 13 from my mind. I just wanted to do what I wanted to do.
- 14 Q. Here you have a gun. You loaded it at some point in
- 15 time, right?
- 16 A. Yes, before, but at that instance, I had an
- 17 altercation in school and I had brought the gun to
- 18 school.
- 19 Q. You took a sawed-off shotgun to school?
- 20 A. Yes. Because I was just carrying a gun.
- 21 Q. That's not something you can tuck in your pants
- 22 pocket.
- 23 A. Yes, because I'm a big guy.
- 24 Q. You're tall, but still.
- 25 A. It was from my knee to my top of my waist, that's how

1 long the gun was. So I would carry it.

2 Q. Stick it down your pants and let it hang parallel

3 with your leg?

4 A. Yes.

5 Q. That's a little screwed up, if you don't mind me

6 saying.

7 A. It definitely was. That mentality was -- that

8 mindset was heinous. There was no place for it in

9 society.

10 Q. Were you two arguing?

11 A. Yes, we was, because she was really trying to get me

12 to change my life for her and she seen I was getting --

13 I was about to graduate high school. She was like you

14 have to change.

15 Q. Now, I believe someone in your family came home and

16 saw the scene.

17 A. Yes. My mother and my sister.

18 Q. What did you say to them?

19 A. I told them that I shot somebody. I told them that I

20 shot somebody and I buried the body.

21 Q. Then what happened?

22 A. Well, my mother brought me upstairs because we live

23 in a two-family house. My sister lived downstairs and

24 my sister called the police.

25 Q. So you were apprehended right away?

1 A. Yes.

2 Q. You have an ICE detainer also, right?

3 A. Yes, I do.

4 Q. For [REDACTED]?

5 A. Yes.

6 Q. How long have you been in the country?

7 A. 32 years. I came to America when I was 5 years old.

8 Q. So all your family is here, right?

9 A. Yes, they are.

10 Q. If you were released and deported, who do you have in
11 Jamaica?

12 A. Well, my father is going to retire and go back to
13 [REDACTED] with me and my mother, she said she would maybe
14 like in 6 months, she'll come and check on me and I have
15 extended family there, cousins and aunts.

16 Q. It sounds like it was a violent death. A shotgun
17 blast caused grave injuries.

18 A. It was horrific and I'm sorry that you all have to go
19 through that again and every day I do think about it
20 because she should have never lost her life and her
21 family trusted me with her kid and I let them down
22 because I took their daughter's life and I never gave
23 them a chance to give them closure with [REDACTED] They
24 never told her they loved her that day or whatever.

25 Q. I'm sure she died instantly.

1 A. And I didn't -- I was so selfish that I didn't know
2 that she died but I never called the police and asked
3 for assistance. I was just thinking about myself and
4 not coming to jail.

5 Q. Didn't somebody, a minor-aged relative see you
6 carrying, dragging the body?

7 A. No. My niece -- my niece was downstairs with my
8 nephew and when the gunshot went off, I went down there
9 and I made sure that they stayed in the house. I didn't
10 want them to see that.

11 Q. Your COMPAS shows you to have a low risk of violence,
12 arrest, and absconding. No reported issues with
13 substances.

14 We do have a number of letters of support on your
15 behalf. Despite the gravity of the situation and the
16 tragic loss of life, we have a number of letters of
17 support and people who are standing by you and want to
18 assist you.

19 I believe you have a daughter?

20 A. Yes, I do.

21 Q. How old is she?

22 A. She's 20 years old now.

23 Q. Good forbid if that was her, what if she gets into a
24 relationship with a guy who was either on the streets or
25 just no good and gets in a domestic and he kills her?

1 A. If that would ever happen to my daughter, the person
2 should get the time that the courts give. If that
3 person realized their mistakes and see that they could
4 change and try to better themselves for society, I think
5 they should deem a second chance to prove to society
6 that they have changed and they want to better
7 themselves in society.

8 Q. So, again, if that was you, God forbid if that was
9 you as the victim's father, you could forgive?

10 A. Yes, I can.

11 Q. That's good. That's good to hear.

12 You've done your parole packet? You did this
13 yourself?

14 A. Yes, I did.

15 Q. You did a nice job on it. Thank you for doing that.

16 A. Thank you, Commissioner.

17 Q. We also note you started with a letter of apology to
18 the victim and her family as well as your personal
19 statement and your accomplishments along with your
20 parole and release plans.

21 Now, if you are not deported, where are you going to
22 live?

23 A. In [REDACTED].

24 Q. That's with your mother?

25 A. My mother and father.

1 Q. What can you do for work on the outside?
2 A. Well, my trade in here was an electrician and I'm
3 found of electricity since I was a child in [REDACTED]. My
4 father is a licensed electrician in [REDACTED].
5 Q. You should certainly get some work in that.
6 A. Yes. I would try to get my license, first and
7 foremost, by being an apprentice. When I do get that,
8 that's what I'm going to do.
9 Q. We have a number of letters of support in the file
10 for you, as I mentioned previously. Also, some family
11 pictures. You have a lovely family.
12 A. Thank you.
13 Q. I have your list of programs and certificates.
14 What's been the most significant program you've taken
15 since you've been in DOCCS?
16 A. My ART started me because it made me realize that I
17 had a very violent personality and it made me work on my
18 violent personality and then I knew I had to take other
19 programs also and I took a program, Overcoming Criminal
20 Thinking, and it got me deeply looking inside myself.
21 It made me see how I could think the way I thought and
22 how I could act the way I acted and I built from that.
23 Q. As far as your discipline is concerned, you've had
24 some Tier IIs over the years as well as three Tier IIIs.
25 The last, however, was in 2007, a Tier III. I'm not

1 sure exactly what that means.

2 COMMISSIONER FERGUSON: Unauthorized organizational.

3 Q. Then you had a Tier II at Coxsackie in 2010?

4 A. Yes, I did.

5 COMMISSIONER J. SMITH: Commissioners, any questions?

6 COMMISSIONER FERGUSON: Nothing additional. Thank
7 you.

8 BY COMMISSIONER ALEXANDER:

9 Q. What happened in '07, that violent conduct ticket?
10 You lost 36 months of good time and 6 months of SHU, 6
11 months of phone. It sounds pretty serious.

12 A. I was still thinking that I had to prove myself
13 because I didn't -- nobody else's feelings then were
14 still not on my thought. I thought I had to do what I
15 had to do because I had to show people that I'm big and
16 I'm violent to keep people off of me. So I gave
17 somebody a knife and I told that person "You got to, you
18 know, defend yourself." I didn't tell that person you
19 talk it out or stuff like that, like I do now. I told
20 that person "Here's a knife. Go handle your business."

21 Q. Thank you.

22 BY COMMISSIONER J. SMITH:

23 Q. That's 12-plus years after you killed this young girl
24 you're still thinking that way.

25 A. I still had that mentality because I was scared to

1 make people see that I'm not violent. I had a persona
2 that I was violent all this time so I kept that up even
3 when I came into the penitentiary because I feel that
4 being soft was weak. I didn't know that -- I didn't
5 know that it wasn't at that time. I didn't know that
6 you could be who you really are.

7 Q. Okay, Mr. [REDACTED]. The last word is yours. Anything
8 else we should know today that we've not discussed that
9 you feel is important for us to consider?

10 A. Yes. It's that, again, that I'm sorry that I didn't
11 give [REDACTED] family closure and I'm sorry that they
12 trusted me with their daughter because I knew the family
13 and I took that trust away from them and I know [REDACTED]
14 was a wonderful person and she would have been a
15 wonderful person in society because she was -- she saw
16 something in me and she tried to always install that,
17 always keep coming and telling me do better, do this, do
18 that, but I didn't want to do that and I'm sorry that I
19 didn't take heed at that time. I'm sorry that it took
20 me so many years to realize that I could be who she
21 wanted me to be and I could be productive for society in
22 here or out on the street and I owe that to her and I
23 owe that to her family. Every day, regardless if I'm
24 here or in the street, I will try to uplift that and I
25 will try to be that.

1 Q. All right, sir. A lot of information for us to
2 consider. We will let you know our decision. We wish
3 you well.

4 A. Thank you.

5 Q. Have a good evening.

6 COMMISSIONER FERGUSON: Have a good night.

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

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D E C I S I O N

Denied 24 months. Next appearance is 7/17.

Parole is denied.

After a review of the record and interview, the panel has determined that your release would be incompatible with the welfare of society and would so deprecate the serious nature of the crime as to undermine respect for the law.

This decision is based on the following factors of Murder 2nd and Criminal Possession of a Weapon 2nd wherein you did shoot your 15-year-old girlfriend to death with a sawed-off shotgun during a domestic dispute. Thereafter, you dragged her body outside and buried her in a shallow grave.

Note is made by this board of your sentencing minutes, COMPAS Risk Assessment, rehabilitative efforts, risk, needs, parole plan, letters of support, disciplinary record, and all other required factors.

(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.

Diana Freund

Diana Freund

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