

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

September 2021

Parole Interview Transcript/Decision - FUSL000085 (2016-10-19)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

Recommended Citation

"Parole Interview Transcript/Decision - FUSL000085 (2016-10-19)" (2021). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/127>

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In the Matter

-of-

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

TYPE OF INTERVIEW: Reappearance

LOCATION: Fishkill Correctional Facility
18 Strack Drive Road
Beacon, New York

DATE: October 19, 2016
DECISION DATE: October 19, 2016

BEFORE: CHAIRWOMAN T. STANFORD
COMMISSIONER E. ALEXANDER
COMMISSIONER O. CRUSE

ALSO PRESENT: SORC K. Chauvin
APA J. Arroyo
APA H. Scott

REPORTER: Lori Ciofalo, Hearing Reporter

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

1 COMM. STANFORD: Hello, sir.

2 THE INMATE: How you doing?

3 COMM. STANFORD: Are you [REDACTED] [REDACTED]

4 THE INMATE: Yes, ma'am.

5 COMM. STANFORD: Sir, I am Commissioner
6 Stanford, and I am joined by Commissioner Cruse and
7 Commissioner Alexander.

8 COMM. CRUSE: Hello.

9 COMM. ALEXANDER: Hello, sir.

10 THE INMATE: How you doing?

11 BY COMMISSIONER STANFORD:

12 Q. Mr. [REDACTED], the record reflects that you are
13 sentenced to twenty-five years to life, for Murder in
14 the Second Degree, after a verdict in Kings County; is
15 that correct?

16 A. That's correct.

17 Q. You received that verdict in 1991 and the
18 sentence, as well.

19 A. Yes.

20 Q. Do you have any appeals pending?

21 A. No, I don't.

22 Q. The narrative reflects that on [REDACTED] of
23 1990, you dragged a female victim to a nearby rooftop,
24 stabbed her three times in the neck, face area, and then
25 threw her from the 7th-story roof.

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

1 The victim was found lying face up, dressed only
2 in white pants, with visible lacerations. The victim
3 reported to EMS, that she had been raped and thrown off
4 the roof.

5 While in the care of EMS, an officer rode in
6 the ambulance with her, where the victim affirmed you,
7 as her perpetrator, and affirmed what happened, until
8 her passing.

9 Upon investigation your bloody handprints
10 were identified at the crime scene, along with other
11 evidence.

12 Additionally, pursuant to a search warrant,
13 police recovered from your apartment a pair of the
14 subject's pants -- a pair of your pants, stained with
15 human blood.

16 I understand that when offered an
17 opportunity to make a statement for today's interview,
18 you told facility staff that you were guilty of the
19 offense, extremely sorry for what you did, and the harm
20 you caused to the [REDACTED] family, your family, and the
21 community. You recognize your behavior and you've made
22 steps to change your thinking.

23 A. Yes, I have.

24 Q. Was that your statement to the facility staff?

25 A. Yes.

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

1 Q. Was the narrative that I read, accurate?

2 A. Yes.

3 Q. Thank you, sir. So far you've served well over
4 twenty-six years, on this twenty-five to life sentence,
5 and this is a reappearance for you, before a Parole
6 panel, correct?

7 A. Yes.

8 Q. You were seen last in October of 2014 and the
9 panel held you for the maximum time allowed, which is 24
10 months.

11 A. Yes.

12 Q. Thank you for preparing a parole packet. It
13 looks like it's very nicely done. You've got several
14 exhibits in it.

15 To highlight the contents, I want to read from
16 your table of contents. You've included an advocacy
17 letter, a personal statement, your re-entry plan,
18 letters of reasonable assurance, from such institutions
19 as the Osborne Association, Strive, Fortune Society and
20 Exodus Transitional Community.

21 You also have as Exhibit D, military
22 commendations. How long were you in the military, and
23 in which branch?

24 A. I was in the New York Army National Guard for,
25 roughly, six years.

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

1 Q. What years were you a participant?

2 A. 1978, until discharge.

3 Q. Thank you for your service.

4 We also have letters from Department of
5 Corrections and Community Supervision staff. There are
6 correction officers listed here, and these are recent
7 letters as of this year.

8 Also from the ██████████ ██████████ ██████████,
9 ██████████ ██████████ ██████████. From
10 teachers, training supervisors, and other administrative
11 staff within the ██████████ program. From superintendent
12 ██████████ ██████████, from 2010.

13 Superintendent ██████████ was the superintendent of
14 what facility at that time?

15 A. He was the ██████████ ██████████ ██████████ in
16 ██████████ ██████████.

17 Q. Correctional counselors and others.

18 We have family letters of support from your
19 mother, your daughter, your sister and nieces. Letters
20 of support from the community.

21 Green Haven Prison Project participants, these
22 are other inmates?

23 A. Some of them are inmates, and other people are
24 Yale law students that interacted with the group.

25 Q. Volunteers to that program?

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

1 A. Yes.

2 Q. Numerous letters from the project at Green Haven.
3 Letters of support from your mentees in prison. These
4 are people that you have helped, you have been a mentor
5 to them?

6 A. Yes.

7 Q. Are all of these individuals, inmates?

8 A. Yes.

9 Q. Were they all in any particular facility or
10 scattered?

11 A. Some was in Green Haven, the other ones was in
12 Fishkill. I spent most of my incarceration period in
13 Green Haven.

14 Q. It's nice to see that you've helped other people,
15 along the way.

16 A. It's part of my giving back to the community, to
17 change the mindset of people incarcerated like myself.

18 Q. You also have included numerous therapeutic
19 programming certificates, including the Road to
20 Redemption Victim Awareness Program, Course of Shifting
21 Powers and Self-esteem, a twenty-week domestic-violence
22 workshop. The youth assistance program. Certificate of
23 Appreciation and Participation, two different
24 certificates. Aggression Replacement Training program,
25 back from 1995.

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

1 You've also included certificates and letters for
2 courses that you have facilitated, including Road to
3 Redemption, IPA training, Project Build/In Arms.
4 Nine-hundred hours, teacher's aide training.
5 Family/domestic abuse awareness, fatherhood dynamics and
6 family relationship.

7 Are you a father?

8 A. Yes.

9 Q. How many children do you have?

10 A. I have one daughter. She is twenty-six-years
11 old.

12 Q. And, so, she was a newborn at the time? She was
13 born after your incarceration?

14 A. She was born while I was incarcerated. I also
15 have two grandchildren.

16 Q. How often do you get visits or calls with your
17 daughter?

18 A. From my daughter, she recently was paroled. She
19 was incarcerated. We was communicating all the time,
20 corresponding. She just went home in April.

21 Q. What was her crime?

22 A. Assault.

23 Q. How do you feel about that?

24 A. I was disappointed, because when she was a young
25 child, and I got in contact with her, I was helping her

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

1 go through the problems of a normal teenager in the
2 street, and I warned her about the pitfalls of hanging
3 out with the wrong crowds.

4 My influence on her was not that strong, because
5 she got involved with gangs, and she ended up assaulting
6 two people.

7 Q. You say you were disappointed in her choices, but
8 did she ever tell you whether or not she was
9 disappointed in yours?

10 A. Extremely. She told me she was disappointed in
11 my choices, because I left her abandoned, and I wasn't
12 there to nurture her as a young child.

13 Being a father, and my first child, I was
14 disappointed in myself. I was extremely sorry and
15 ashamed for what I had done, and to be taken out of her
16 life, while taking someone else's life.

17 She told me later on, after we came together, and
18 we talked, and we communicated as father and daughter,
19 she didn't say she forgives me, but she's glad that I
20 was honest with her, and that we can grow as father and
21 daughter.

22 Q. Her mom, was she your girlfriend, at the time,
23 before your daughter's birth?

24 A. Yes.

25 Q. You knew she was pregnant at the time of this

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

1 crime?

2 A. Yes.

3 Q. We also have your employment history and
4 vocational training.

5 What would you say are the most significant,
6 employable skills you have developed over the years?

7 A. Inventory management. I was doing inventory
8 management with ██████████, for well over twenty years.

9 Q. Did your training include, as things evolved and
10 technology evolved, the use of technology to do
11 inventory?

12 A. Yes. With that training it taught me how
13 purchasing programs worked, Excel, Word Perfect, and how
14 to move around the data processing inventory system.

15 Q. I asked that because I did notice, too, among
16 your letters from Department of Correction and Community
17 Supervision staff, you have some ██████████ ITS
18 professionals; one person, in particular, that wrote
19 letters on your behalf from 2005 and 2006, so I figured
20 you might have had some interaction with technology.

21 A. I learned a lot from ██████████ I was honored with
22 the privilege of furthering my education, and when they
23 hired new civilians, they'd come into my area, and then
24 I'd have to train them. I would show them how to
25 operate, and I would show them how the system works,

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

1 because I had been there for so long. I was honored to
2 do that, because I enjoy teaching.

3 Q. Are you still affiliated with ██████████ here, at
4 Fishkill?

5 A. Yes.

6 Q. And what do you do for ██████████ here?

7 A. I'm what they call the lead man in the shop. I
8 orchestrate the production line and the quality of the
9 work.

10 Q. What products are created for ██████████ from this
11 facility?

12 A. Classroom furniture. In fact, this chair, they
13 make this chair from raw steel, bend it, weld it, and
14 ship it off.

15 Q. We also have additional community service
16 certificates, awards and diplomas, and your academic
17 achievements.

18 You want to tell us how far you have gone in your
19 academic studies?

20 A. In my academic studies, I went as far as high
21 school. I came into the system too late, when college
22 was removed.

23 At that time, when the opportunity for college
24 arose, I was involved in voluntary self-help programs
25 and facilitating other programs, which took up a large

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

1 amount of time.

2 Q. Well, we congratulate you on what you have done
3 to advance yourself in terms of your self-studies and
4 cell study.

5 We have a nice, initialed letter. This is what
6 you call the advocacy letter from National Lawyers
7 Guild, dated October 12th of 2016.

8 They highlight, for our attention, your
9 background, your social background. Your remorse and
10 acceptance of responsibility. Additional service,
11 disciplinary history and risk assessment. Employment
12 history, vocational training and work readiness. Family
13 and community support. Plans for release. They
14 finalize the letter with a conclusion. It is signed by
15 the Parole Preparation Project volunteers.

16 Did you get to meet them, over the phone or in
17 person?

18 A. I've met them in person, and I talked to them
19 over the phone, extensively.

20 Out of all the people I met, while I was
21 incarcerated, very few people you actually get to share
22 who you are with, and what your background is; because
23 with people incarcerated there is a lack of trust, and
24 to sit there and dialog with them was refreshing.

25 Q. That happened when? How long ago?

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

1 A. The last Friday in June.

2 Q. June of this year?

3 A. June of this year, yes.

4 Q. And they culminated that work, with this letter,
5 in mid October?

6 A. Yes.

7 Q. I'm glad that they extended themselves.

8 Programs, like this, are starting to blossom, to help
9 more men prepare for their interviews with us.

10 A. I'll volunteer. I told them if I'm granted
11 release on parole, I would like to volunteer with that
12 project to assist other people.

13 One of my goals is to create a re-entry agency
14 for people that's been in prison for long periods of
15 time.

16 What I found out in prison, is that when you go
17 to programs, and these programs stabilize you, why can't
18 you transition to those programs, to re-enter the
19 community, to make it a smooth transition.

20 Most people in prison is not as fortunate as
21 others, to have family members or to have friends. They
22 lose ties with everybody, and they become unstable, and
23 I want to make that transition more smooth.

24 Q. That's a nice goal, very noteworthy.

25 Your immediate actions, your first

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

1 twenty-four-hour plan: #1, report to the parole
2 Officer.

3 A. That's correct.

4 Q. How do you view the parole officer, in terms of
5 your success, going forward?

6 A. I view the parole officer as a great success,
7 that can be very helpful in my process of re-entry.

8 What I failed to do, on my last incarceration,
9 was trust the Parole Officer. My mindset was
10 antigovernment. I wasn't truly focusing on parole, and
11 who could assist me in my transition. I know that
12 Parole can help me transition, successfully.

13 Q. Your conviction, prior to this conviction, was in
14 1981, for Rape First. It was a B felony.

15 I'm certain that was before many of the changes
16 in the law, that require registration and certain
17 housing conditions.

18 Do you think there might have been something
19 about the nature of your conviction, too, when you were
20 released, that kept you from creating a more solid bond
21 with your parole officer, that may have helped you to be
22 successful in the future?

23 A. Yes, that, and the way of my thinking pattern.
24 My thinking pattern wasn't thinking about the community.
25 I wasn't thinking about being responsible. I wasn't

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

1 ready, at that time, to accept responsibility for my
2 actions.

3 Q. Had you gone through a sex-offender therapeutic
4 program, before your release in 1981?

5 A. No. I failed to take advantage of the programs
6 available to me.

7 Q. Were you an individual who refused the programs,
8 at that time?

9 A. If my memory serves me correctly, the program
10 wasn't offered at that time.

11 Q. But you could be wrong about that?

12 A. I could be wrong about that. I know that I
13 failed to take advantage of the programs, that would
14 assist me in a transition into the community, at that
15 time.

16 Q. Did they try to do anything for you, when you
17 came out, in terms of targeted programing, for a
18 formerly incarcerated sex offender?

19 A. No.

20 Q. Now, I notice you have a lot of work, and I've
21 highlighted where I've seen it. You have done a lot of
22 work during this bid, to interact with
23 domestic-violence-related programing.

24 A. Yes.

25 Q. Is there a connection, in your mind, between the

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

1 things that you can learn from that programming, and
2 your specific crimes, the rape, and then the violent
3 assault of this woman?

4 A. Right. What I've learned from the
5 domestic-awareness programs and workshop, is that my
6 problem stems from my relationship with my live-in
7 girlfriend, that we used to argue. We had different
8 opinions about the responsibility of the household.

9 Q. The mother of your daughter?

10 A. The mother of my daughter.

11 I've learned, due to the domestic-violence
12 program and Road to Redemption, that I didn't have a
13 right to do anything to anyone.

14 Everyone has a right to their own opinion,
15 particularly, my live-in girlfriend, and other women,
16 and I did not have a right to harm anyone.

17 Q. What was it about these two victims, the woman
18 that you threw from the roof, after stabbing her, and
19 the woman that you raped, that set you off, you think,
20 or that made you feel like their rights, their
21 well-being, was something you could take advantage of?

22 A. Being in control, being in control of the
23 situation.

24 Q. Who were they to you? What made you choose to
25 control them in this way?

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

1 A. They was random strangers. I think it was my
2 mindset at that time. I had to be in control of some
3 situation, so I could prove being powerful.

4 Q. Did you exercise any judgment over them? Did you
5 pick them because of age, or their lifestyle, or
6 anything you could see on the outside, or knew about
7 them, somehow?

8 A. No.

9 Q. We've got your Case Plan. Your #1 goal is to
10 obtain information on Veterans benefits. Secondly,
11 improve self-esteem. Third, learn how to budget money.

12 We have your risk assessment. It suggest you
13 present a low risk of felony violence, arrest and
14 absconding. Low criminal involvement. Unlikely to have
15 any criminogenic needs that would statistically tend to
16 lead a person back into criminal behavior.

17 The Department reached out to the officials
18 involved in your prosecution, your trial, your verdict,
19 the judge, the district attorney's office, that was
20 involved, as well as your defense attorney.

21 It does appear that we've got some feedback from
22 the district attorney's office in Kings County, and we
23 will review it and give it whatever weight we think it
24 is due.

25 We also received a letter from a staff attorney

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

1 with the Bronx Defenders in Bronx, New York. This does
2 not seem likely that this person's contact with you
3 would have been as a result of your trial. This is
4 contact after the fact.

5 There is another letter, still, from an attorney
6 that got to know you, during her time at Yale Law
7 School, when she was the director of the Green Haven
8 Prison Project.

9 This letter is probably one of those letters that
10 was also referenced in your parole packets. Do you
11 think that? Her name is ██████████ ██████████ (ph).

12 A. Yes, she is part of the prison project.

13 Q. The other was ██████████?

14 A. Yes.

15 Q. So these are not counsels, who represented you at
16 the time of the crime.

17 A. No.

18 COMM. STANFORD: I'm going to ask my
19 colleagues, if they have any questions.

20 COMM. ALEXANDER: I have no further
21 questions.

22 BY COMMISSIONER CRUSE:

23 Q. How old were you when the crime was committed?

24 A. Twenty-nine-years old.

25 Q. And your age now?

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

1 A. Fifty-five.

2 COMM. CRUSE: Thank you.

3 CONTINUED BY COMMISSIONER STANFORD:

4 Q. I think the letters of support that appear in
5 other parts of your file, look like they also have been
6 made part of your packet.

7 Is there anything else you want to bring to our
8 attention?

9 A. I just want this Board to know that I suffer with
10 deep sorrow for the harm I've caused the ██████████ family.

11 No words that I can say, or amount of time I can
12 do, could weigh or measure to what I've done to the
13 community, to the ██████████ family, and to my family. If I
14 could change what I did yesterday, I would change it.

15 I'm not that same person, I was twenty-five years
16 ago. I made strives to better myself, and I will
17 continue to do that in the future.

18 I will rely on my parole officer for guidance,
19 and to help me through preventive programs, if I'm
20 granted release.

21 Q. What was the victim's name in this case?

22 A. ██████████ ██████████ (ph).

23 Q. Was she about your same age, when this crime was
24 committed, younger, older?

25 A. I believe she was a few years younger than me.

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

1 Q. Now, I haven't dug into the presentence
2 investigation report or anything else that you might
3 have been charged with, originally, as part of that
4 prosecution, but was there a sexual-abuse component?

5 A. No, there wasn't. I was charged with murder in
6 the Second Degree, with intent and depraved
7 indifference.

8 Q. They never had that as one of the charges, in
9 that you were acquitted of some, and some guilty of the
10 murder?

11 A. No, ma'am.

12 COMM. STANFORD: Thank you, sir. We will
13 review everything carefully, make a decision, and get it
14 to you in writing as soon as possible.

15 THE INMATE: Thank you. Thank you for your
16 time.

17 (Interview concluded.)

18

19

20

21

22

23

24

25

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

1

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

4

5 DECISION

6

7 [REDACTED] [REDACTED] parole denied. Hold 24 months.
8 Next appearance, October 2018.

9 A review of the record and interview lead the panel
10 to conclude that if released at this time, there is a
11 reasonable probability that you would not live and
12 remain at liberty without, again, violating the law, and
13 that your release would be incompatible with the welfare
14 of society, and would so deprecate the seriousness of
15 the crime as to undermine respect for the law.

16 The brutal nature of your Instant Offense and
17 choice of victim is great cause for concern.

18 We are particularly persuaded against release due
19 to a prior conviction, less than ten-years earlier, for
20 Rape in the First Degree.

21 It is not clear to this Panel, that you have
22 sufficiently benefitted from appropriate therapeutic
23 programs, for those with histories that include violent
24 sex offenses and crimes against women.

25 We have weighed your length of sentence and

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

1 official letter received, extremely positive parole
2 packet that highlights support, accomplishments and
3 plans, and the results of your favorable risk
4 assessment.

5 Your interview, however, reveals some discrepancies
6 with your record, and your case plans seem shallow when
7 considered in light of your crime.

8 (All Commissioners concur.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

1

2

CERTIFICATION

3

4

5

6

7

8

9

10

11

Lori Ciofalo

12

Lori Ciofalo, Court Reporter

13

Dated: October 19, 2016

14

15

16

17

18

19

20

21

22

23

24

25