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September 2021

### Parole Interview Transcript/Decision - FUSL000086 (2017-08-08)

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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

\*\*\*\*\*

Parole Board Interview

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]  
NYSID # [REDACTED]

\*\*\*\*\*

TYPE OF INTERVIEW: Initial

LOCATION: Bedford Hills Correctional Facility  
Video-conferenced to NYS DOCCS  
314 West 40th Street  
New York, New York 10018

INTERVIEW DATE: August 8, 2017  
DECISION DATE: August 8, 2017

BEFORE: Commissioner W. Smith  
Commissioner Ludlow  
Commissioner Agostini

ALSO PRESENT: Yesenia Cheverez, SORC  
Edna Crespo, APA

PRESENT AT FACILITY: Ricardo Morales, SORC  
Jorge Figueroa, ORC  
Andrea Williams, ORC  
Gina Spaulding, ORC  
Steve Dice, ORC  
Alejandra Hidalgo, ORC

COURT REPORTER: Anthony D'Ambrosio  
Certified Shorthand Reporter

DIN# [REDACTED]

NYSID# [REDACTED]

2

1 BY COMMISSIONER W. SMITH:

2 Q. Okay. Good afternoon. Would you tell us your name,  
3 for the record, please?

4 A. [REDACTED]

5 Q. What is your name again?

6 A. [REDACTED]

7 Q. Very good, Ms. [REDACTED] I'm Commissioner Smith,  
8 joined by Commissioner Ludlow and Commissioner Agostini.

9 COMMISSIONER LUDLOW: Good afternoon.

10 COMMISSIONER AGOSTINI: Good

11 afternoon.

12 INMATE: Good afternoon.

13 Q. You are appearing having been seen previously in  
14 March, that was a limited credit time appearance, is that  
15 right?

16 A. Yes, sir.

17 Q. The record that we have has much of the same  
18 information. We do have some new information as we  
19 determine whether now is an appropriate time for you to  
20 go into the community. In terms of your -- you have had  
21 no additional discipline since you were seen last time.  
22 Your last Tier III and last violation was in 2001, is  
23 that correct?

24 A. Yes, sir.

25 Q. So more recently it's been good, that was a Tier III

DIN# [REDACTED]

NYSID# [REDACTED]

3

1 for some facility correspondence, it looks like you had  
2 throughout your sentence maybe eight or nine disciplinary  
3 violations. Why do you think you struggled early on?

4 A. I think I entered a difficult facility and I was  
5 trying to adjust to my new environment.

6 Q. We have what's known as a COMPAS risk and needs  
7 assessment and it scores you low on prison misconduct.  
8 You're also a low risk for many areas, including risk of  
9 felony violence, arrest, abscond risk. You have low  
10 scores as it relates to your family support and re-entry  
11 financial and employment expectations. So, for example,  
12 it's a scale of 1 to 10, 1 is low risk, 10 is high risk.  
13 Your family support, even though it's called low family  
14 support and the score is a 1, that's what you want it to  
15 be, low numbers, low risk. I'm just trying to help you  
16 understand that, does that make sense?

17 A. Yes, sir.

18 Q. Okay. Scores that are higher than that, re-entry  
19 substance abuse, it's a 2, and you've described in the  
20 past the night of the crime you were abusing drugs, is  
21 that right?

22 A. Yes, sir.

23 Q. What was the drug or drugs that you were abusing at  
24 that time in your life?

25 A. Crack cocaine, sir.

DIN# [REDACTED]

NYSID# [REDACTED]

4

1 Q. How old were you when you first started using crack?

2 A. About 19.

3 Q. Okay. And it looks like you were 25 when the instant  
4 offense occurred?

5 A. Yes, I was.

6 Q. What were you using in crack a day if you had enough  
7 money?

8 A. Excuse me.

9 Q. How much were you using in crack a day if you had  
10 enough money?

11 A. Well, I didn't actually get high every day. It was  
12 periodically from the time I was 19. I never got high  
13 during my work hours or anything like that. So, it  
14 wasn't every day that I was abusing drugs.

15 Q. Your history of violence score is a six out of ten,  
16 raised quite a bit in the medium range and although you  
17 have a limited criminal history, the instant offense  
18 involved murder, so significant level of violence in that  
19 charge, in that conviction. Now, you were convicted at  
20 trial. Do you have any appeals outstanding in the  
21 matter?

22 A. No, sir.

23 Q. The reason I ask is I think you have been cautioned  
24 before, there is a record being made that could be used  
25 at any post-conviction proceeding, do you understand

DIN# [REDACTED]

NYSID# [REDACTED]

5

1 that?

2 A. Yes, sir.

3 Q. The COMPAS is also one of the ways that your  
4 counselors try to create a plan for you to reduce your  
5 risk in the community. There is a case plan which has  
6 talked about, in your folder, it talks about you working  
7 for the parenting center, kind of enhancing your  
8 employability skills. Some involvement with the TAC  
9 application from the law library, parenting center. What  
10 have you been doing in that regard?

11 A. I work in the parenting center which is a branch of  
12 the Hour Children Organization. My duties there, I  
13 usually help with the transportation for children and  
14 families to come and visit their family members here, as  
15 well as run some little workshops or help with the  
16 parenting classes.

17 Q. Okay. And as far as programs throughout the  
18 sentence, we have a listing, but I'm more concerned with  
19 what you feel has been beneficial to you with  
20 programming. Have there been any particular programs  
21 that you found that have been helpful?

22 A. I think all of my programs have been helpful. I have  
23 done ASAT, which is of course my drug addiction program,  
24 and then all of my violence programs, which are AVP 1, 2  
25 and 3, Down on Violence, Anger in You, Phase II, and so

DIN# [REDACTED]

NYSID# [REDACTED]

6

1 many more, and ART of course.

2 Q. A lot of violence in the instant offense as I  
3 mentioned. What was your role in this death?

4 A. Well, I think that I was the catalyst that put  
5 Ms. [REDACTED] into harm, I believe that after I had  
6 purchased drugs and then continued on to her building, I  
7 believe that I was followed, and I just didn't pay  
8 attention nor watch my back. As I was standing and  
9 speaking to her, that's when the assault began.

10 Q. And what happened to her?

11 A. She was stabbed multiple times.

12 Q. What else?

13 A. That's all that I know. She was stabbed multiple  
14 times, which she died as the end result.

15 Q. Did you try to stop it?

16 A. No, sir, I did not.

17 Q. Why not?

18 A. I was afraid, I believe that the fear coupled with my  
19 intoxication just made me immobile. I just ran. I was  
20 just that afraid. My mind was cloudy, I just didn't  
21 understand what was going on, didn't know why it was  
22 happening. I just ran away.

23 Q. Well, you said that you had been with this individual  
24 earlier, is that right?

25 A. Well, I met him after purchasing drugs in the

DIN# [REDACTED]

NYSID# [REDACTED]

7

1 project. I didn't know him prior to that moment. After  
2 I came from purchasing my drugs, I came out of the  
3 building, he introduced himself and he walked with me  
4 through the projects to the building. I assumed I left  
5 him outside and not into the building. I did not go in  
6 there with him and I didn't ask him to come with me.

7 Q. And how long after were you arrested?

8 A. My arrest came three days after.

9 Q. You know, one of the things when I look at your  
10 pre-sentence investigation report, is that the victim is  
11 described as being 78 years old, elderly. In one spot it  
12 said she was about four foot tall, is that right?

13 A. Yes, she was very small.

14 Q. And you say that you didn't know this individual, you  
15 weren't friends with him. You saw what happened, but you  
16 didn't go to the police. I mean, if you truly didn't  
17 know what was going to happen and some woman that you  
18 knew, that you described as apparently going to give  
19 money to for some, I don't know if it was for mittens or  
20 something that she was making for you, I mean, this was  
21 somebody that you had met, it looks like dozens of times,  
22 is that right?

23 A. Excuse me. Ms. [REDACTED]

24 Q. Yes, the victim.

25 A. Yes, I knew her.

DIN# [REDACTED]

NYSID# [REDACTED]

8

1 Q. And she was friends with what, your grandmother?

2 A. She was friends with my mother.

3 Q. With your mother. And she's beaten, she's stabbed,  
4 and then you didn't tell the police?

5 A. No, sir, I didn't tell the police until the next day.

6 Q. Why?

7 A. I was just afraid. My mind was cloudy, I couldn't  
8 think straight, I had never been in such a situation in  
9 my life. I just didn't -- I didn't understand what was  
10 going on, and I believe that, you know, I don't want to  
11 blame my intoxication, but under that fear coupled with  
12 the intoxication, I just ran, I just couldn't think  
13 straight, I couldn't focus, I couldn't understand why  
14 this had happened. I just have no excuse today, but then  
15 I was just afraid.

16 Q. You know, the pre-sentence investigation report  
17 indicates that you were seen leaving the decedent's  
18 apartment and when the officers did finally confront you,  
19 you had bruises on your hands and your elbow did not  
20 coordinate with the time of death, why is that?

21 A. I can't answer that question. I really don't know  
22 why. I tried to -- both during my trial they asked me  
23 about the small cut that was on my hand. I couldn't tell  
24 them exactly how I had gotten it and I can't tell you  
25 right now how I had gotten it. I really don't remember.

DIN# [REDACTED]

NYSID# [REDACTED]

9

1 I don't remember hitting my hand that night. I know I  
2 didn't hit anyone with my hand that night, but when I  
3 spoke to them the next day, I spoke to, I want to say  
4 Lieutenant [REDACTED] and I explained I was there at the  
5 apartment and he started to question me, at which point  
6 in time my mother got ill. One of the officers drove me  
7 and my sister to the hospital to see my mother that same  
8 morning and brought us back to my mother's apartment. He  
9 questioned me some more and he let me go. Each time they  
10 called me to the precinct, I willingly went, I didn't try  
11 to hide, I was there, and I answered all of their  
12 questions they asked. I never changed my story.  
13 Everything I said to them is what I'm saying to you now,  
14 and this is the result.

15 Q. And the pre-sentence investigation goes on to say,  
16 upon further investigation, the defendant's alibi  
17 continued to change. And do you see why having known  
18 this woman, it doesn't make much sense, that if you were  
19 that scared, if you were that concerned, you would have  
20 called the police right away?

21 A. Yes.

22 Q. At sentencing you talk about the things that you had  
23 done for the victim. Do you know I walked in the snow to  
24 get your mother some eggs, do you know that I bought  
25 booties for my niece and nephew from your mother. Do you

DIN# [REDACTED] NYSID# [REDACTED] 10

1 remember saying that?

2 A. Yes, I do.

3 Q. And yet you saw her beaten and stabbed and didn't  
4 think you should call the authorities, I mean, do you see  
5 why that doesn't seem to make a lot of sense?

6 A. Yes, sir, I see that.

7 Q. At sentencing did you tell the victim family member  
8 that spoke, basically said the victim's family had lied,  
9 is that what you were saying?

10 A. Well, I didn't want to say that they had lied, but  
11 some of the things that they testified to was not true.

12 Q. You had said at sentencing that, I didn't prepare  
13 anything because I usually speak right off the top of my  
14 head. I never touched your mother, okay, I never killed  
15 anybody in my life. As far as showing remorse, I've been  
16 fighting for my life since [REDACTED] [REDACTED], to this  
17 day. The only thing I could have asked for the whole  
18 time I was sitting here was that I did die that night  
19 because suffering with what I've been through for a year  
20 and a half doesn't make any sense. Okay, yes, I got  
21 scared. How many people can sit here and say what you  
22 would have done in the same situation or at least  
23 similar. How many people can sit here and say you've  
24 been in a similar situation. None of you, none of you.  
25 I don't think it's fair that I'm standing here still

DIN# [REDACTED]

NYSID# [REDACTED]

11

1 fighting for my life and I tell you time and again, I  
2 didn't do this. And as far as [REDACTED], you  
3 say, I don't understand why you or your husband got on  
4 that stand and lied for whatever your reasons were. I  
5 can understand it was your mother, but just like somebody  
6 just took her life, you could have just took my life the  
7 same way. For the reasons that you lied, I don't know.  
8 What are your thoughts about the victim's family and  
9 their loss now?

10 A. I'm very sorry for their loss. Excuse me. I'm  
11 sorry. I'm sorry for their loss, and at the time when I  
12 was speaking at the trial, in retrospect now, I realize I  
13 was being immature and I wasn't being considerate enough  
14 of people that had lost their mother, but I did not kill  
15 Ms. [REDACTED] sir, I did not do it. I was a coward and I  
16 ran, but I didn't mean to be callous towards them. I  
17 should have been more sympathetic to their loss, but  
18 during trial, it was so stressful and I was just trying  
19 to understand and I couldn't understand why this was  
20 happening or why any of it happened. I told them exactly  
21 what happened, I told them the same thing I'm telling you  
22 right now, and then each time they would say I changed my  
23 story when I know I did not. I never changed my story,  
24 not from day one. I always stayed around so if they  
25 wanted to question me, I was there, but I didn't mean to

DIN# [REDACTED]

NYSID# [REDACTED] 12

1 be cold toward the family and I know they wanted justice  
2 for their mother and they had a right to, but in my  
3 maturity -- my immaturity, I'm sorry, and just not  
4 understanding, you know, why this was occurring, I just  
5 spoke out of turn and I so apologize to them, I  
6 apologize. I've been sorry for this for a quarter of a  
7 century. I've been doing nothing but everyday  
8 apologizing, and I know there's nothing that I can do to  
9 change what I've said, but it doesn't change the fact  
10 that I'm very very sorry.

11 Q. Okay. And you have written in your submissions, and  
12 we have a nice submission that you have given along with  
13 the help from the National Lawyer's Guild, is that right?

14 A. Yes, sir.

15 Q. Now, this was, I believe, submitted originally when  
16 you had the limited credit time interview, is that  
17 correct?

18 A. Yes, sir.

19 Q. So, I want to highlight in particular your  
20 educational accomplishments. Did you go to [REDACTED]?

21 A. Yes.

22 Q. And what was your success with that, how far have you  
23 gone?

24 A. I achieved my bachelor's degree.

25 Q. Okay. And certainly that shows that if you focus,

DIN# [REDACTED] NYSID# [REDACTED] 13

1 you can get positive results. You have a number of  
2 individuals that wrote on your behalf, I believe your  
3 husband, that's your primary proposed residence, is that  
4 correct?

5 A. Yes, sir.

6 Q. And who else is in the household?

7 A. Right now just my husband.

8 Q. And how long have you been married to him?

9 A. I've been married 24 years this year.

10 Q. Okay. And were you married just prior to coming in?

11 A. I was married on Riker's Island while I was being  
12 detained.

13 Q. And he has stuck with you the whole time?

14 A. Yes, sir.

15 Q. So, he must be a remarkable gentleman?

16 A. He is.

17 Q. And you are fortunate in that regard, that's part of  
18 the reason that we have such a low score as it relates to  
19 COMPAS in that matter. You have some others that have  
20 written, including your, I believe it's your sister

21 [REDACTED] is that right?

22 A. Yes.

23 Q. She's supportive. Your sister [REDACTED] I believe  
24 with the last name -- how many siblings do you have?

25 A. I now have two sisters. My two brothers are

1 deceased.

2 Q. Okay. And so there's positives that are there. You  
3 got other family members, including -- well, you got  
4 nieces and I believe nephews, a lot of them have taken  
5 the time to sit down and put the pen to paper, so we want  
6 to let you know that they have a lot of input into what  
7 we look at. Your letters as they relate to remorse and  
8 responsibility also are here. I've spent a period of  
9 time talking to you about that, so I want you to know  
10 that we've had a chance to review those as well. The  
11 record has a lot to consider, not just what we have in  
12 front of us, but what you have said as well. I don't  
13 know if Commissioner Ludlow has any additional questions?

14 COMMISSIONER LUDLOW: Nothing further.

15 Thank you.

16 COMMISSIONER W. SMITH: Commissioner  
17 Agostini, do you have any additional questions?

18 COMMISSIONER AGOSTINI: No, I have  
19 listened carefully and I have no questions at this  
20 time. Thank you.

21 Q. All right. Ms. [REDACTED] we are going to discuss  
22 what you said. This occurred in 1992, so you have now  
23 served what is approaching the court imposed minimum, we  
24 certainly consider input as required by statute. The  
25 record also includes some updated information that is not

DIN# [REDACTED] NYSID# [REDACTED] 15

1 in the packet since the LCTI. We have a nice letter from  
2 [REDACTED], who I think is involved in the schooling  
3 program there at Bedford, is that right?

4 A. Yes, sir.

5 Q. And you've had a chance to reach out to the [REDACTED]  
6 [REDACTED], you talked about working with them. We  
7 have a letter that's written from the director of that  
8 program, and others as well. How often do you have  
9 interaction with that program?

10 A. [REDACTED]?

11 Q. Yes.

12 A. Every day, sir.

13 Q. Okay. So, that's been beneficial. We have some  
14 updated letters as well from the -- some of the family  
15 members that I mentioned, so I thank you again for that.  
16 I asked you a lot of questions. Is there anything else  
17 that you feel we should know that we haven't discussed?

18 A. No, nothing that we haven't discussed.

19 Q. Okay. We will let you know in writing. Thank you  
20 for coming in today.

21 A. Thank you, sir. Enjoy the rest of your day. Get  
22 home safe.

23 Q. You as well.

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

DIN# [REDACTED]

NYSID# [REDACTED] 16

DECISION

1  
2  
3  
4 Denied 24 months. Next appearance August 2019. This  
5 panel has concluded that your release to supervision is  
6 not compatible with the welfare of society and therefore  
7 parole is denied. This finding is made following a  
8 personal interview, record review and deliberation. Of  
9 significant concern is your course of conduct during the  
10 instant offense of murder second, where an elderly female  
11 known to you was viciously attacked with a knife causing  
12 death. The factors considered include your admission  
13 that you were under the influence of drugs and in the  
14 residence when the crime occurred. You also admit that  
15 despite your shock at what occurred, you failed to  
16 immediately go to authorities for help. In addition,  
17 your comments during sentencing were noted, including  
18 those directed at the grieving relatives of the victim.  
19 Your document submissions, case plan, COMPAS report, and  
20 programming are positive. Your behavior early in the  
21 sentence was marginal, but has improved since July 2001.  
22 Required statutory factors have been considered,  
23 including your risk to the community, rehabilitation  
24 efforts, and your needs for successful community  
25 reintegration. To grant your release at this time would

DIN# [REDACTED]

NYSID# [REDACTED] 17

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so deprecate the seriousness of your offense as to  
undermine respect for the law.

(All 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.

*Anthony Dambrosio*

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Anthony D'Ambrosio, CSR