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September 2021

### Parole Interview Transcript/Decision - FUSL000087 (2016-05-04)

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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
\*\*\*\*\*

2 Parole Board Interview

3 In the Matter

4 [REDACTED]

5 [REDACTED] [REDACTED]

6 DIN# [REDACTED]  
7 NYSID# [REDACTED]

\*\*\*\*\*

8 TYPE OF INTERVIEW: Reappearance

9  
10 LOCATION: Ulster Correctional Facility  
11 Video-conferenced to  
12 Poughkeepsie Area Office  
30 Manchester Road  
Poughkeepsie, New York 12603

13 DATE: May 4, 2016  
14 DECISION DATE: May 4, 2016

15 BEFORE: COMMISSIONER HERNANDEZ  
16 COMMISSIONER THOMPSON  
COMMISSIONER HALLERDIN

17 ALSO PRESENT: C. WRIGHT, APA  
18 L. CANDELARIA, ORC

19 AT FACILITY: W. ST. LOUIS, SORC  
20 J. DEJESUS, ORC

21 HEARING REPORTER: Roberta O'Rourke

██████████ ██████████ **DIN** ██████████ **NYSID** ██████████

1 INTERVIEW BY COMMISSIONER THOMPSON:

2 Q Good afternoon. ██████████ ██████████

3 A Yes.

4 Q I'm Commissioner Thompson. Also on the panel  
5 with me today are Commissioners Hernandez and  
6 Hallerdin.

7 COMMISSIONER HERNANDEZ: Hello, sir.

8 COMMISSIONER HALLERDIN: Hello, sir.

9 A Good afternoon, commissioners.

10 Q You're here today for a reappearance. Crime  
11 of conviction murder second serving 15 to life  
12 year sentence and that's by plea, is that  
13 correct?

14 A Yes, that is correct.

15 Q All right, the instant offense involved you  
16 causing the death of the victim when you stabbed  
17 her multiple times approximately 20 times causing  
18 her death with a screwdriver. You then cleaned  
19 up the blood, took off the victim's clothes, put  
20 her in a van and dumped her body in a wooded  
21 area. Is there anything you want to say in  
22 regards to that? What occurred?

23 A Yes, that is what happened, we were smoking  
24 free base cocaine and I had some kind of an  
25 irrational, irrational, I got like paranoid and

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1 had some kind of hallucination. I started  
2 irrational conversation with her while we were  
3 high blaming her at that time for us using the  
4 drugs and she didn't know what I was talking  
5 about. And she tried to get away and then I  
6 remember stabbing her in the back and she called  
7 out for help and I remember then it went, she got  
8 left. It started in the bedroom and it ended up  
9 in the kitchen. And I ran after --

10 Q And this happened in your home?

11 A In my home, yes. This happened in my  
12 apartment, yes.

13 Q And how did you know the victim?

14 A I knew her as a friend. We had, it was sort  
15 of a relationship at first and then it became  
16 strictly drug relationship. She lived with  
17 someone else and we just, she just came over once  
18 in a while and we used drugs. And there was no  
19 kind of a relationship at that time.

20 Q So what escalated this time to this, for you  
21 to commit this horrendous crime against her?

22 A I was using the free base cocaine, okay, and  
23 I had some kind of hallucination from the drug  
24 caused by the drug.

25 Q All right. You say that but I mean do you

██████████ ██████████ **DIN** ██████████ **NYSID** ██████████

1           feel responsible for what you did as opposed to  
2           the drug?

3       A       I feel that drugs is not an excuse for this  
4           and I knew that they were dangerous and I've seen  
5           people use them before and I knew that they were  
6           dangerous. And had I not used any drugs I would  
7           have not committed this crime.

8       Q       Well, you say you were using drugs prior to  
9           this. You were doing the same thing even with  
10          the victim. But why this time?

11      A       I don't know why. It was something wrong  
12          with the drug, that particular drug or something.

13      Q       How about you, how about something wrong with  
14          you?

15      A       There was something wrong with me for using  
16          the drug, yes, there is. There was something  
17          very wrong with me.

18      Q       We'll move on. All right, and then why did  
19          you, I mean you say you were hallucinating but,  
20          you know, you thought about putting her in a van  
21          and dumping her body in a wooded area so she  
22          wouldn't be found?

23      A       Right.

24      Q       So you know --

25      A       I passed out.

**DIN** **NYSID**

1 Q -- so you thought about it?

2 A I passed out.

3 Q Go ahead.

4 A I passed out at some point and then I woke up  
5 I found her in the kitchen. And the first thing  
6 that came to my mind was I was frightened and I  
7 didn't think of her at all or her family or  
8 calling the police or nothing. I just thought of  
9 myself and just to get away with the crime.

10 Q How long did you know the victim prior to  
11 this?

12 A I have known her for approximately seven  
13 years, six or seven years. We lived with each  
14 other on and off.

15 Q But the relationship was off when this  
16 occurred?

17 A Yeah, it was off when that occurred.

18 Q And did you reside by yourself?

19 A I lived by myself, yes. And she lived with  
20 somebody else and it was a drug relationship.

21 Q All right. Horrific crime. Since you've  
22 been in you've completed ASAT, ART. We do have  
23 your sentencing minutes as well. And the family  
24 spoke at sentencing, correct?

25 A Yes.

██████████ ██████████ *DIN* ██████████ *NYSID* ██████████

1 Q Okay. And how do you feel about that, how  
2 this has impacted her family?

3 A I think I caused them great devastation.  
4 It's something I will never forget the pain that  
5 I caused her family.

6 Q Did you know her family?

7 A And anyone who -- I met, I met her mother  
8 once. I knew her grandmother. She lived with  
9 the grandmother sometimes and I knew the  
10 grandmother. I met the mother once and they were  
11 both very, they were very good people.

12 Q And does she have any siblings or was she an  
13 only child?

14 A She was an only child. And she didn't do  
15 anything wrong to me to deserve this or anything  
16 like that. This was something that came about  
17 because I was using drugs. It was something that  
18 she thought that there were bugs crawling on her  
19 and she has before in the past like I knew this  
20 was a dangerous drug free base and I used it  
21 anyway and it's the reaction I got.

22 Q Committing this horrific crime did you  
23 continue to use drugs while incarcerated and what  
24 drugs were you using?

25 A I never once used drugs in my entire  
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1       incarceration. I advocated for a condition which  
2       shy bladder syndrome. I had this condition long  
3       before I was arrested. I recognize what it was  
4       after I went to my first urinalysis from it and  
5       went to the box. I was advocating and --

6       Q       Well, you would agree that in '08 you did get  
7       a drug use ticket and that ticket was affirmed?

8       A       Yes.

9       Q       And your most recent ticket which was August  
10       of 2015 --

11      A       Yes.

12      Q       -- was for violent conduct fighting?

13      A       Yes.

14      Q       Was that with another inmate?

15      A       That was, it involved two inmates, okay, they  
16       had grabbed me and carried me from the kitchen  
17       area, two inmates, and brought me into the mess  
18       hall area and I got loose from one of them and I  
19       struck one of them out of fear.

20      Q       Okay.

21      A       And then I got struck in return twice.

22      Q       All right. It seems that everything is  
23       somebody else's fault, you know. When are you  
24       going to take responsibilities for you?

25      A       Well, I fully take responsibility for this  
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1 crime, okay. Nobody made me do drugs.

2 Q Okay.

3 A I knew they were dangerous.

4 Q You keep blaming it on the drugs. It's a  
5 little more than that I would think, right? And  
6 I hope you learned something when you took -- did  
7 you complete ART?

8 A Yes, I completed ART in 2001.

9 Q Okay. Hopefully -- was that helpful at all?

10 A Yes, it was. Yes, it was. I learned not to  
11 internalize and to speak to people in a hot  
12 situation, in an argument, in a calm assertive  
13 manner, okay? And as far as this last incident I  
14 always keep to myself. I don't, I don't mess  
15 with people that much. I just do my own thing  
16 and I study. I study these drawings and stuff  
17 like that and I just try to better myself.

18 Q Upon release you can live with your brother?

19 A I can live with my brother, yes. I would  
20 prefer that the ██████████ has a Ready, Willing and  
21 Able and they have substance abuse treatment  
22 there and they have vocational trades,  
23 particularly building maintenance.

24 Q Okay, and how are you going to support  
25 yourself?

██████████ ██████████ *DIN* ██████████ *NYSID* ██████████

1 A Excuse me?

2 Q How are you going to support yourself?

3 A I saved some money. I have about 500. My  
4 brother will fully support me.

5 Q How about a job, how about a job or a skill?

6 A Oh, I have, I have skills that I learn on my  
7 own through architectural drafting and I try to  
8 learn, this helps me, teaches me the construction  
9 trades. I put that in my package and I made some  
10 requests for college.

11 Q Okay.

12 A And I got a lot of things lined up. And my  
13 brother says he can get me a job in the marble  
14 terrazzo business. I sent a letter to him.

15 Q Okay.

16 A And I got a lot of things ready for a job.

17 Q All right. We do have your COMPAS risk  
18 assessment. Concerns are prison misconduct high  
19 nine out of 10 and re-entry substance abuse is  
20 probable.

21 A Yes.

22 Q Everything else is low. We also have your  
23 case plan. Your goals are to continue to study  
24 architecture and home design. Also how far have  
25 you gone with your education?

██████████ *DIN* ██████████ *NYSID* ██████████

1 A Throughout all of my free time I practice  
2 architectural drafting and I design homes and I  
3 spent a lot of time with it and I have colleges  
4 lined up.

5 Q How far have you gone with the education? Do  
6 you have a GED, do you have an Associate's  
7 degree? Just answer the question. It's not that  
8 difficult.

9 A I got a couple of college credits from  
10 ██████████ University. I already have, I learned  
11 the computers in here too from the vocational  
12 trades.

13 Q Okay, thank you, sir.

14 COMMISSIONER THOMPSON: Commissioners, any  
15 other questions?

16 COMMISSIONER HERNANDEZ: I don't have any  
17 questions.

18 COMMISSIONER HALLERDIN: I have a question.  
19 When's the last time you actually used drugs,  
20 sir?

21 A The last time I used drugs was during the  
22 crime. It was just before I committed the crime.

23 COMMISSIONER HALLERDIN: Okay. Let me just  
24 tell you I'm sitting here looking at your  
25 disciplinary. I see the urinalysis test that you

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1           couldn't do.

2       A       Yes.

3           COMMISSIONER HALLERDIN: I see that that's  
4       back in 2010 direct order, they told you to pee  
5       in the cup you couldn't or whatever?

6       A       Yes.

7           COMMISSIONER HALLERDIN: I see the urinalysis  
8       test. What I'm concerned about in 2008 there is  
9       actually a drug use ticket which is not the same  
10      as not being able to pee in the cup, okay?

11      A       I know that.

12           COMMISSIONER HALLERDIN: I'm asking you in  
13      2008 what was the drug that you used that you  
14      were accused of using?

15      A       The drug I was accused of using was opiates  
16      and it's a drug that I never liked. It's a drug  
17      that I never liked.

18           COMMISSIONER HALLERDIN: I just wanted to  
19      know because usually that requires a positive  
20      test. There's a test so somehow it ended up in  
21      your urine. You did give urine that time and you  
22      did show positive for opiates?

23      A       Yes.

24           COMMISSIONER HALLERDIN: Okay.

25      A       And I'm honestly telling you I have never  
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1       once used drugs my entire incarceration. And to  
2       the best of my knowledge, the best of my  
3       knowledge they did this to discredit me. I have  
4       a long story and I put it in my packet. My  
5       parole packets. The shy bladder pamphlet it  
6       explains everything.

7               COMMISSIONER HALLERDIN: I know about the shy  
8       bladder I see that and that was in 2010. I see  
9       that. I understand what that is and you're not  
10      the only person that's done that and you had  
11      that, you know, that direct order and urinalysis  
12      test also in 2004. So I know what that is. I  
13      got that. I just wanted to ask you what the  
14      other thing was. Thank you very much.

15    Q       We also reached out to the judge, DA and  
16       defense attorney on your behalf opposing to  
17       release consideration and we do have opposition  
18       to your release from the DA and judge. Okay,  
19       thank you very much, Mr. ██████████ we will review  
20       your case and you will hear from us in writing in  
21       a couple of days. Take care.

22    A       All right, thank you.

23               (Whereupon, the Inmate was excused.)

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

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~~D E C I S I O N~~

1  
2 BY COMMISSIONER THOMPSON:

3 Denied 24 months, next appearance May 2018.

4 Parole is denied for the following reasons:

5 After a careful review of your record and this  
6 interview, it is the determination of this panel that  
7 your release at this time is incompatible with the  
8 welfare of society. This decision is based on all  
9 required statutory factors including your risk to the  
10 community, rehabilitative efforts, needs for a  
11 successful reintegration, institutional adjustment,  
12 case/release plans and sentencing minutes. The  
13 serious heinous nature of the instant offense of  
14 murder second involved you stabbing the victim multiple  
15 times with a screwdriver approximately 20 times causing  
16 her death. You then placed her in a van, dumped her  
17 body in a wooded area. Your actions clearly displayed  
18 a propensity for violence and a callous disregard for  
19 the sanctity of human life. During interview you  
20 lacked insight into the seriousness of your actions  
21 and blamed drug use. Since your last parole board  
22 you have incurred a disciplinary infraction for  
23 violent conduct and fighting. The positive efforts are  
24 also duly noted, however all statutory factors  
25 considered discretionary release is inappropriate at

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this time.

(All commissioners concur.)

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

CERTIFICATION

1  
2  
3 I, ROBERTA O'ROURKE, Court Reporter and Notary  
4 Public in and for the State of New York, do hereby  
5 certify that I attended the foregoing proceedings, took  
6 stenographic notes of the same, that the  
7 foregoing, consisting of 15 pages, is a true and  
8 correct copy of same and the whole thereof.

9  
10 Dated: May 12, 2016

11  
12 

13 \_\_\_\_\_  
14 Roberta O'Rourke, Court Reporter  
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