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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In the Matter

-of-

[REDACTED] [REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

TYPE OF INTERVIEW: Postponement

LOCATION: Otisville Correctional Facility
Video-conferenced to NYS DOCCS
20 Manchester Road,
Poughkeepsie, New York

DATE: May 18, 2016
DECISION DATE: May 18, 2016

BEFORE: COMMISSIONER LUDLOW
COMMISSIONER ELOVICH
COMMISSIONER THOMPSON

ALSO PRESENT: SORC Glebocki
ORC Brooks

AT FACILITY: APA Stevens

HEARING REPORTER: Lori Ciofalo

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

1 COMM. ELOVICH: Hi. Are you ██████████ ██████████

2 THE INMATE: Yes.

3 COMM. ELOVICH: Hello, Mr. ██████████ I am
4 Commissioner Elovich. With me today are Commissioners
5 Ludlow and Thompson.

6 COMM. LUDLOW: Good afternoon.

7 COMM. THOMPSON: Hello.

8 THE INMATE: Good afternoon.

9 INTERVIEW BY COMMISSIONER ELOVICH:

10 Q. You are here today for a reappearance before the
11 Board. You are serving fifteen-to-life for Murder in
12 the Second Degree; is that correct?

13 A. That's correct.

14 Q. And you have been in now for almost twenty-five
15 years?

16 A. Yes, that's correct.

17 Q. According to the record, on July 12th of 1991,
18 you, acting in concert, choked and strangled a female
19 victim, causing her death.

20 The victim was left in a lot, ██████████ ██████████, by the
21 East River, after being set on fire.

22 The victim was eight and-a-half months pregnant
23 at the time of her death. She was burnt beyond
24 recognition. An autopsy disclosed that the cause of
25 death was asphyxia by violent means.

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1 Is that an accurate description of what happened?

2 A. Yes.

3 Q. What was your part in that?

4 A. That night we decided we wanted to go out, and we
5 didn't have enough money, so I decided that we should
6 rob someone.

7 It was my decision that we should rob a
8 prostitute, because at that time I felt that no one
9 would care about someone like that.

10 My co-defendant and I, we agreed. I had a
11 vehicle. He hid in the backseat of the car. I drove to
12 where I knew there were known prostitutes, and I
13 solicited one.

14 When she got into the car, I drove to an area,
15 where she performed a sexual act on me. At this time I
16 felt that maybe I should call it off, because I just had
17 this moment with her, but I decided to go on with the
18 robbery.

19 I decided to drive out of the area, because I
20 didn't want anyone to see what we were doing. As I was
21 driving away, she realized that I was going the wrong
22 way from where I picked her up, and she panicked. She
23 asked me where I was going, and I didn't say anything.

24 My co-defendant jumped from the backseat and
25 grabbed her and held onto her. Of course, she began to

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1 struggle.

2 At this time I felt that, you know, there was so
3 much commotion, that I didn't want to get caught, so I
4 continued to drive as far away from the area as
5 possible.

6 While I was driving, my co-defendant was holding
7 her. The more she struggled, the harder he held her.
8 As I drove away from the area, I realized that her
9 motions slowed down. She just stopped moving.

10 I didn't ask my co-defendant anything, because I
11 was more worried about getting out of the area, and not
12 being seen by anyone.

13 I asked ██████████, "What's going on?" He said, "Well,
14 she stopped moving." I realized that she was in the
15 front seat of the car, and there was traffic where I
16 was, so I asked him to move her to the backseat of the
17 car.

18 He retracted the seat and pulled her to the back,
19 and that's when we realized that she was pregnant. At
20 no time did we know she was pregnant, at all.

21 Once he pulled her to the back, I found an empty
22 lot that I drove into. Once I drove into it, me and my
23 co-defendant stepped out, and there was a bunch of
24 teenagers there.

25 When they saw us drive in, of course they left

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1 the lot. Once they left the lot, I helped ██████ remove her
2 from the vehicle.

3 Once we removed her from the vehicle, we took her
4 purse, spread it onto the floor to look for the money,
5 because our purpose was to rob her.

6 Once we founded the money, I realized that I had
7 this big truck in the lot, so I asked ██████ to stay back
8 and clean this up, while I take the car out.

9 I drove about a block and-a-half away. When I
10 came back, ██████ had picked everything up, and he had
11 covered her with garbage.

12 Once I saw that he covered her with garbage, I
13 said let's get out of here. Before we got out of there,
14 he had a lighter in his hand, and he set the garbage on
15 fire.

16 My concern was getting away, this whole time,
17 without getting caught, without leaving anything there,
18 without anyone seeing us.

19 Once he set this fire I knew someone was going to
20 see this, so I grabbed my co-defendant, and we ran
21 towards the car.

22 As we were running towards the car, somebody
23 stopped us and asked us for the time, and he followed us
24 to the vehicle.

25 He took the license plate from the vehicle and

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1 five hours later they were at my house, and I was
2 arrested.

3 Q. You said, originally, you were innocent. That
4 your intent was to rob a prostitute, not kill a
5 prostitute.

6 You said you spent some time alone with her, when
7 she performed a sexual act on you. Why not just take
8 the money then, that she had, rather than put her back
9 in your car and drive around with her?

10 A. She never left the vehicle.

11 Q. So she performed the sexual act in the vehicle?

12 A. Yes.

13 Q. So why not just take the money and leave her?

14 A. I wanted to do that, but I just made the choice
15 to continue with the plan to rob her.

16 Q. I'm saying if you wanted to rob her, why not just
17 take the money and tell her to get out of the car?

18 And when your co-defendant grabbed her, and
19 asphyxiated her, and she wasn't moving, why, at that
20 point, wouldn't you call for help, medical attention, or
21 were you just only concerned with getting away with it?

22 A. I was only concerned with trying to get away. I
23 was being selfish, and I didn't want to get caught and
24 come to prison. All I was thinking about was getting
25 out of the area and not getting caught.

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1 Q. How do you feel about what you did now, killing
2 this victim, while she was eight and-a-half months
3 pregnant?

4 A. I feel terrible. At that time, at
5 twenty-three-years old, I felt that this was a person
6 that nobody cared about, that she was simple to rob,
7 that she wasn't gonna call the police on us, that she
8 wasn't gonna chase us.

9 I knew that I was wrong. I knew that I was
10 wrong. For many, many years, I thought about why would
11 I make a decision like that, you know, to hurt someone.
12 Today, I know I was wrong for doing that, and for
13 thinking that way, and not rationalizing.

14 Q. What efforts have you made towards
15 rehabilitation?

16 And we will note your expression of insight and
17 remorse right now.

18 What efforts have you made towards
19 rehabilitation, since you have been in?

20 I see you've completed IPA training. You've done
21 well with the metal assembly. You've been in the
22 administration runners. You've been involved with
23 chaplain service.

24 Is there anything in particular that you would
25 like to highlight for us, in terms of your

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1 rehabilitation efforts?

2 A. I think the most important part of my
3 rehabilitation was my responsibility project with the
4 Osborne Association.

5 I've been meeting with them since 2009. We have
6 been discussing this case, specifically. You know, why
7 did I think this way, and my responsibility towards it.

8 We had been discussing my effects of this crime
9 to my community, and to the family of the person whom I
10 killed. So much so that they arranged for a crime
11 victim visit.

12 It was a surrogate crime victim visit, where a
13 woman from the neighborhood, who suffered the same
14 crime, her sister was murdered in the same way, came to
15 visit me, so that she could share her experiences, her
16 pain of raising her sister's daughters, of having to be
17 there for her sister's daughters during graduation and
18 very life-important moments for them.

19 We sat there for about three hours, and she
20 expressed to me the pain that she and the family has
21 gone through.

22 Q. I did read the letter you wrote about that
23 surrogate victim visit. The victim's name was ██████████
24 that came to visit you.

25 A. Yes.

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1 Q. And you gave the name ██████████ to your victim, even
2 though you didn't know her name, because you wanted to
3 give her a name.

4 A. Correct.

5 Q. I did read your letter, where you were expressing
6 your remorse for that, and expressing some empathy for
7 the victim of the other crime and trying to relate it to
8 your crime. We did see that in the file, and we
9 appreciate you submitting that.

10 I also saw some other letters in the file of
11 support for you. There is one from a retired professor
12 from ██████████ and there's also a retired pastor, that wrote
13 on your behalf, ██████████ ██████████.

14 A. Yes.

15 Q. There is also a letter from the Exodus Society,
16 and Hudson Valley Re-entry Network, as well, and Hudson
17 Link. We will take those into consideration, as well.

18 You have some other letters of support in the
19 file, which we will consider.

20 We have your COMPAS Re-entry Risk Assessment in
21 the file, and we will consider that. Did you answer all
22 the questions for COMPAS? Because I see some of the
23 factors, the risk for rearrest and absconding were
24 unable to be filled out.

25 Do you know why? Was that because you weren't

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1 able to answer some of the questions?

2 A. I answered all of the question in the file.

3 COMM. ELOVICH: Can I ask the SORC, could
4 you come over here for a minute?

5 COMM. LUDLOW: Do you want to mute?

6 COMM. ELOVICH: Yes.

7 (Off-the-record discussion.)

8 COMM. ELOVICH: Mr. ██████████ I apologize.

9 Upon reviewing your COMPAS, it looks like there could be
10 some kind of a mistake here.

11 Under the arrest and absconding section of the risk
12 factor, it's blank. Usually, we see it blank if someone
13 refuses to answer questions, in order to allow the staff
14 to assess them.

15 But we did go through all of your questions and you
16 did answer all of your question; is that correct?

17 THE INMATE: Yes.

18 COMM. ELOVICH: It appears that you answered
19 everything, and you were being pretty forthright, today,
20 with all of the questions that have been asked of you so
21 far.

22 We are going to have to postpone this, just for one
23 month, and have a new COMPAS drawn up for you. Make
24 sure you speak with your counselor about it, work with
25 your counselor, so we can make sure all of the questions

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1 are answered and the COMPAS is done correctly.

2 This is no fault of yours, as far as we know. It
3 appears just to be a mistake in the computation process
4 of the COMPAS.

5 We will figure it out within the next month, and
6 we'll see you next month.

7 THE INMATE: Okay. Thank you.

8 COMM. ELOVICH: You're welcome.

9 (Interview concluded.)

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

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: May 18, 2016