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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: Reappearance

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

DATE: June 28, 2016
DECISION DATE: June 28, 2016

BEFORE: COMMISSIONER W. SMITH
COMMISSIONER C. HERNANDEZ
CHAIRWOMAN T. STANFORD

ALSO PRESENT: SORC Glebocki
ORC Brooks

AT FACILITY: ORC Raimondo

HEARING REPORTER: Lori Ciofalo

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

1 COMM. HERNANDEZ: Hi. What is your name,
2 sir?

3 THE INMATE: ██████████ ██████████

4 COMM. HERNANDEZ: Mr. ██████████ I am
5 Commissioner Hernandez. We've met before.

6 THE INMATE: Yes.

7 COMM. HERNANDEZ: I'm here with Commissioner
8 Smith and Chairwoman Stanford.

9 COMM. STANFORD: Hello, sir.

10 COMM. SMITH: Hello.

11 COMM. HERNANDEZ: We're your panel, today.

12 INTERVIEW BY COMMISSIONER HERNANDEZ:

13 Q. I do note for the record that this is a
14 reappearance for you. You were on a panel with the
15 Chairwoman two years ago. You were held 24 months. I
16 saw you in 2010, and I'm not sure if you saw
17 Commissioner Smith.

18 But I do want you to know, Mr. ██████████ that each
19 time you come before the Parole Board, it's an
20 opportunity to talk about what brought you into prison.

21 We're going to talk about your rehabilitative
22 efforts, because you've done a lot and you didn't fall
23 apart when you got denied, which says a lot about you.

24 We're going to talk about what your plans are for
25 your future. Perhaps, it's time for you to go home, but

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

1 we have not made that determination. We're going to
2 talk about it. You have been in a long time.

3 How long have you been in?

4 A. Almost twenty-five years.

5 Q. You were sentenced fifteen-to-life; is that
6 right?

7 A. Correct.

8 Q. Now, you and your co-defendant apparently were
9 soliciting -- was it a prostitute, you were looking to
10 rob?

11 A. That's correct.

12 Q. And she happened to be eight-months pregnant; is
13 that right?

14 A. Yes.

15 Q. And she ends up getting choked and strangled, and
16 then set on fire, to try to cover up the evidence. Is
17 that what happened?

18 A. Yes, that's correct.

19 Q. How are you doing today?

20 A. I'm all right. I'm nervous. Very nervous.

21 Q. I remember when we talked about this case, six
22 years ago, it was an appalling case.

23 You were a National Guard soldier; is that true?

24 A. That's correct.

25 Q. What happened here?

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

1 A. The night that that happened?

2 Q. Yes.

3 A. That night my friends and I wanted to go out, and
4 we didn't have enough money to go into the city, because
5 we wanted to go to the clubs.

6 So I decided, and I take full responsibility for
7 this, that it would be easier if we robbed someone, that
8 I believed, back then, no one cared about, and I thought
9 she would give her money right away.

10 I, along with my co-defendant, decided to go to
11 where there was known prostitutes, and he would hide
12 behind the seat, and I would solicit one.

13 Once I would get her in the car, I would drive to
14 a secluded area, and then we would rob her, and I would
15 remove her from the car, or we both would remove her
16 from the car, and then just drive off, and not think
17 about it; because we didn't think she was going to call
18 the police or chase us. This is the way I used to
19 think, when I was twenty-three-years old.

20 So when I did solicit one, she did come into the
21 car. I did drive to a secluded area, and we did have a
22 moment. She did perform a sexual act on me.

23 At this moment, I know that I could've removed
24 her from the vehicle, at that time, but I don't know why
25 I chose not to do it. I decided to drive a different

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

1 way.

2 At this time she noticed that I was going
3 opposite of where I picked her up, and she panicked, and
4 that's when my co-defendant jumped from the backseat and
5 grabbed her, and held her, as I was driving away.

6 I must've drove about five to ten minutes. The
7 longer I drove, the harder she struggled and the harder
8 he held her, to the point where she wasn't moving
9 anymore.

10 At this time, I realized that she just wasn't
11 moving. I continued to drive, and I found a place where
12 I felt we could remove her from the vehicle and just get
13 away.

14 So I drove into an empty lot, on the south side
15 of Brooklyn. When I drove in, there were a bunch of
16 kids there. When they saw that I drove in, they decided
17 to leave.

18 We waited until they left, and I got out of the
19 vehicle. I helped my co-defendant remove her from the
20 vehicle. We put her on the floor, and I told my
21 co-defendant that I'll be right back, that I wanted to
22 removed the vehicle from the area, because I didn't want
23 anyone to see it.

24 I asked him to stay back, so that he could clean
25 up any mess that we had made, so that no one would

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1 notice, and I drove out. I drove about two and-a-half
2 blocks, and I came back.

3 When I came back, I noticed that she was covered
4 with garbage, and he did clean up the area. When I
5 asked him, "Let's go, let's get out of here, before we
6 got caught," he had a lighter in his hand, and he set
7 the garbage on fire.

8 At that time it was such a big blaze, that we
9 just ran out of there. Someone had stopped me and asked
10 me for the time, and he witnessed us going into the
11 vehicle. He took the license plate number, and he
12 reported it to the firearm department.

13 Q. Okay. Very sad set of circumstances. When did
14 you realize she was pregnant?

15 A. While I was still driving, and I noticed that she
16 wasn't moving, I decided that it would best if we moved
17 her to the back of the vehicle, so that no one would see
18 her. It was at that moment that we noticed that she was
19 pregnant.

20 Q. What do you think about that? You've got to live
21 with this. What do you think about it?

22 A. I think it's a horrible, horrible -- the first
23 mistake I made that day, was deciding to go rob someone.

24 I was so selfish to not even think about the
25 other person, to bring harm to somebody, because I

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1 wanted to go out and party; but at twenty-three-years
2 old, that's the way I thought. I was just a selfish,
3 selfish man.

4 Today, twenty-five-years later, having children
5 of my own, and being a grandfather, I'm always ashamed
6 to speak about what happened that night. I'm just
7 embarrassed.

8 Q. Were you married at the time?

9 A. I was married, yes.

10 Q. So was it something that you did often, step out
11 on your wife?

12 A. No. Actually, this was the first time I ever did
13 that. It was a situation where -- and I know this now,
14 that I felt trapped in my marriage.

15 I was married when I was eighteen-years old, and
16 I was witnessing my friends living the life that I
17 wanted to live.

18 I decided, this one night, that I wanted to live
19 the life that my friends were having. Unfortunately,
20 this tragic event happened.

21 Q. This is your only crime of conviction.

22 I also want to note, for the record, that you
23 have only had two disciplinary infractions. One was
24 protective custody, in 2007. The other was a Tier III,
25 in 1993, twenty-three years ago, for violent conduct, at

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

1 Sing Sing, right?

2 A. Yes.

3 Q. How have you dealt with being denied parole? How
4 have you dealt with that? That has to be hard. You
5 didn't fall apart.

6 A. It's been very difficult, mostly, for my current
7 wife, now. She's waiting for me to come home, and it's
8 very difficult. It's very hard for the entire family,
9 as a whole.

10 Recently, we just had a tragedy in our life,
11 where we lost our youngest granddaughter, who was
12 seven-years old.

13 The senior counselor is aware of it, and so is
14 the administration, here. It's just heartbreaking to
15 not be able to be there and comfort my family, when they
16 needed me the most.

17 Q. I know we talked, when I met with you in 2010.
18 You didn't tell your wife everything, right away. You
19 told her in pieces, and I remember us having that
20 conversation. She knows all about it now, right?

21 A. Oh, yes. She knows everything, yes.

22 Q. You know, tragic set of circumstances, all the
23 way around, Mr. [REDACTED] How old are you today?

24 A. I'm forty-eight-years old. I'll be forty-nine in
25 September.

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

1 Q. Your COMPAS Risk Assessment, you're a 1, out of a
2 scale of 1 to 10, across the whole spectrum.

3 Risk of felony violence is low. Arrest,
4 absconding risk, low. Criminal involvement, low.
5 History of violence, prison misconduct, low.

6 Unlikely that you're going to need re-entry drug
7 or substance-abuse treatment.

8 It indicates you have family support out there.
9 You do have numerous letters of support in your file,
10 from people in the facility, outside of the facility,
11 people who served time with you, while you were
12 incarcerated.

13 I do see letters from Exodus Transitional
14 Services. I know that you've reached out to the Osborne
15 Association, Hudson Valley Re-entry Network. I do see a
16 letter in here from ██████████ ██████████, from Hudson Link.

17 How far have you gotten with your education?

18 A. I have a Master's Degree, from the Sing Sing
19 program.

20 Q. Okay, that's good.

21 We also have a letter from ██████████ ██████████, Ph.D., a
22 retired professor of psychology from SUNY. He has
23 written several times on your behalf.

24 New York Prisoners Parole Support Center, they
25 wrote a letter to the Chairwoman, the Executive

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

1 Director, ██████████ ██████████, that's in your file. Numerous
2 letters.

3 I'm not going to go through all of them, but
4 different programs, different people, who have advocated
5 for your release, over the years. We have that in your
6 file.

7 We also have your Sentencing Minutes, and I did
8 want to put this on the record. We look at the
9 Sentencing Minutes to see if the Judge says anything
10 that could be of interest to us.

11 You did appear before the Honorable ██████████
12 down in ██████████ is that right?

13 A. That's correct.

14 Q. Your Sentencing Minutes are four-pages long. The
15 Judge says on page 3, "Mr. ██████████ I feel terrible, that
16 you're not the typical person that comes through the
17 court system, and it's a tragedy. It's a tragedy for
18 the life that was lost. It's a tragedy for your family,
19 and it's a tragedy for you. It was a stupid act, that
20 can't be undone, now, obviously. And I just wish you
21 the best in the time that you do, and that you make
22 something of that time." Then he goes on to sentence
23 you fifteen-to-life.

24 A. That's correct.

25 Q. Obviously, he wanted you to use this time

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

1 productively. You have done that. There is no doubt
2 about that. Okay?

3 A. Yes.

4 Q. We do have the packet. You have expressed
5 remorse in your packet, provided us with a letter from
6 the Long-Termers Responsibility Project, through
7 Osborne, your release plans.

8 Where are you going to live? How are you going
9 to support yourself?

10 A. I will be living with my wife in ██████████ And I
11 have a letter of assurance from the Osborne Association,
12 Workforce Development Project.

13 I also have a letter of support from ██████████
14 as you now, as well as ██████████.

15 Q. I did see that letter in your file, too, from
16 Exodus, and from ██████████ ██████████, and Hudson Link.

17 Thank you for putting together your resume. You
18 have made good use of your time and, certainly, people
19 within the facility have written on your behalf, as
20 well, that has known you more than us.

21 I also see ██████████ ██████████ (ph) has written on your
22 behalf, too.

23 What kind of work are you going to do?

24 A. I'll be working for the task force. Once they
25 teach me the program, I'll be able to facilitate it and

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

1 keep the program going.

2 Q. What task force?

3 A. The Workforce Development Project, with the
4 Osborne Association.

5 Q. You understand you have life behind your term,
6 sir? If you are given the opportunity to go out, you
7 cannot afford to get into anymore trouble, because that
8 life term is controlling. Do you understand?

9 A. Yes, Commissioner.

10 Q. We reached out to the Judge, District Attorney,
11 and your defense attorney, to let them know you were
12 coming up for parole. They had the option to tell us
13 how they felt about it. We did not hear back from them.

14 We do have a letter from an attorney that was
15 representing you, talking about your risk assessment.
16 That is ██████████ ██████████ ██████████ ██████████ ██████████ is that
17 right?

18 A. That's correct.

19 Q. We do have a letter from Mr. ██████████ ██████████. He
20 put together a little packet with your risk assessment.
21 We do realize that it does indicate that if you're
22 released, you would not be a threat to society, at this
23 point. Okay?

24 A. Thank you.

25 COMM. HERNANDEZ: Commissioners, any

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

1 question?

2 COMM. STANFORD: No, thank you.

3 COMM. SMITH: I have nothing else. Thank
4 you.

5 CONTINUED BY COMMISSIONER HERNANDEZ:

6 Q. Mr. ██████████ anything else?

7 A. I just wanted to add that I've been working many,
8 many years to understand why I made the decisions that I
9 did.

10 I want to mention that I did have a
11 surrogate-crime-victim visit. I don't know if you're
12 aware of that, in the packet.

13 Q. Yes.

14 A. I met with the victim of a crime, very similar to
15 my own. When I spoke with her, she helped me to
16 understand the pain that I brought into this world.

17 Even though I couldn't have contact with her
18 after the visit, I continued to work with the Osborne
19 Association, to continue to keep in my memory that, you
20 know, what I did was a terrible, terrible thing, and I
21 take full responsibility for it.

22 I'm completely aware of the decisions that I
23 made, but I'm not the same person that I was, when I was
24 twenty-three-years old.

25 Q. I also want to point out, your mental-health

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

1 level is a 6. It doesn't indicate that you're receiving
2 any services, or that you have any mental-health needs,
3 at this point. Okay?

4 A. Yes. Thank you.

5 COMM. HERNANDEZ: Thank you for coming in,
6 sir. Good luck.

7 THE INMATE: Thank you. Have a good
8 evening.

9 (Interview concluded.)

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

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

4

5

DECISION

6

7

[REDACTED] [REDACTED] open date 8/8/16.

8

Conditions of Release:

9 1. I will seek, obtain and maintain employment and/or
10 an academic/vocational program.

11 8. I will abide by a curfew established by the Parole
12 Officer.

13 16. I will not associate in any way or communicate by
14 any means with Jonathan Mitchell, without the permission
15 of the Parole Officer.

16 17. I will not associate in any way or communicate by
17 any means with victim's family, without the permission
18 of the Parole Officer.

19 20. I will comply with all court orders, including
20 those ordering fines, surcharges, and/or restitution.

21 (All Commissioners concur.)

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

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: June 28, 2016