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September 2021

### Parole Interview Transcript/Decision - FUSL000089 (2016-06-28)

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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
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Parole Board Interview

In the Matter

-of-

[REDACTED] [REDACTED]

DIN # [REDACTED]  
NYSID # [REDACTED]

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TYPE OF INTERVIEW: Initial

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

DATE: June 28, 2016  
DECISION DATE: June 29, 2016

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

ALSO PRESENT: SORC Glebocki  
ORC Brooks

AT FACILITY: ORC Raimondo  
Jennifer Fritz, Interpreter

HEARING REPORTER: Lori Ciofalo

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

1                   COMM. STANFORD: Hello. Are you ██████████

2 ██████████

3                   THE INMATE: (Through the interpreter) Yes.

4                   COMM. STANFORD: Do you speak English?

5                   THE INMATE: (Through the interpreter).

6                   A little bit, but not perfectly, not the way I'd  
7 like to express myself.

8                   COMM. STANFORD: Would you like to use an  
9 interpreter?

10                  THE INMATE: (Through the interpreter).

11                  That would be much easier to answer you, with the  
12 correct response.

13                  COMM. STANFORD: Thank you.

14                  Ms. ██████████ would you please put your name on the  
15 record?

16                  THE INTERPRETER: Yes, ma'am. ██████████

17 ██████████ ██████████ ██████████

18                  COMM. STANFORD: You have interpreted for  
19 the Parole Board, in the past?

20                  THE INTERPRETER: Yes.

21                  COMM. STANFORD: Including today?

22                  THE INTERPRETER: Correct.

23                  COMM. STANFORD: You will interpret  
24 verbatim, to the best of your ability?

25                  THE INTERPRETER: Yes.

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

1                   COMM. STANFORD: Thank you.

2           Mr. ██████████ I am Commissioner Stanford. I am  
3 joined by Commissioners Smith and Hernandez.

4                   COMM. HERNANDEZ: Hello.

5                   COMM. SMITH: Hello.

6 INTERVIEW BY CHAIRWOMAN STANFORD:

7           Q. I understand this is your Initial appearance  
8 before the Parole Board; is that correct?

9           A. Yes.

10          Q. It looks like you have served over twenty-four  
11 years for your crimes.

12          A. Yes.

13          Q. And it appears, also, that after being found  
14 guilty after trial, you received a sentence, with an  
15 aggregate term of twenty-five years to fifty years. Is  
16 that also correct?

17          A. Yes.

18          Q. I have your Parole Board packet. (Indicating.)

19          A. Yes.

20          Q. And I note that it includes letters of family  
21 support from your mother, and your wife, your sister,  
22 two nephews, your daughter, another sister, and your  
23 stepdaughter.

24          A. Yes.

25          Q. Is it still your plan, if you are released, to go

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1 live with your wife?

2 A. Yes.

3 Q. I also have a letter from a family friend or from  
4 a community friend.

5 A. Yes.

6 Q. And I have many inmate progress reports for you.

7 A. Yes.

8 Q. I know the courses that you have participated in,  
9 and your academic achievements.

10 A. Yes.

11 Q. I also know that you have four job titles in  
12 custodial maintenance.

13 A. Yes.

14 Q. And your wife has written a letter saying that  
15 you could reside with her.

16 A. Yes.

17 Q. I also have a letter, or rather, it's a  
18 recognition of your accomplishments, that you received  
19 in 2011 --

20 A. Yes.

21 Q. -- from a staff advisor.

22 A. Yes.

23 Q. We have your risk assessment. It suggests that  
24 you present a low risk, that you are probable to have a  
25 need in the area of re-entry substance abuse, and that

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

1 you are unlikely to have any other needs.

2 A. Yes.

3 Q. I also have your Case Plan. One of your tasks  
4 was to continue in a pre-GED class. Have you been doing  
5 that?

6 A. Yes.

7 Q. And how far have you gotten?

8 A. Well, it's helped me quite a bit. It turned me  
9 into a different person. It's helped me to become a  
10 better person, once I get set free.

11 Q. We are talking about the pre-GED program?

12 A. I had two operations on my right eye, I could not  
13 see anything for four years, in 2014.

14 What happened was that every time I would try to  
15 read, it would really hurt a lot. My eyes would start  
16 tearing up, so it was very hard for me to read.

17 Now they are giving me some drops, and it helps  
18 me very much, and it helps me with my GED.

19 Q. How are you doing in terms of your release plan,  
20 beyond your residence?

21 What other plans do you have, after your release,  
22 other than where you are going to live?

23 A. I plan to work with my sister, who lives in ██████████  
24 ██████████ She helps people who have trouble with drugs  
25 and alcohol. She helps people in churches.

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

1 I want to help other young people not to commit  
2 the same crimes that I committed, for them to obey their  
3 mother and father, and to not commit the same crimes.

4 Young ones in the street, they think they know it  
5 all, but that's really not the case. I would help young  
6 ones to understand that they are hurting their mother,  
7 their father, their brothers and sisters, when they  
8 commit these crimes, and when they do these things.  
9 Drugs and alcohol can really mess up a young person. I  
10 have five grandchildren.

11 I really would like to teach them about HIV, as  
12 well. This is something that I studied quite a bit.  
13 This AIDS is really a problem that's affecting the whole  
14 world, and my country in ██████████ ██████████. Crime and HIV  
15 is something that really effects my country, and these  
16 mothers are really suffering.

17 Q. Now, your wife lives in ██████████

18 ██████████

19 A. I have my mother, and my brother, everybody. My  
20 wife lives in ██████████

21 Q. You have a deportation order; is that correct?

22 A. Yes.

23 Q. So if you are deported, you won't be able to live  
24 with your wife; is that correct?

25 A. No. My plan is to go to live in ██████████ ██████████,

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

1 to live with my sister.

2 My brother-in-law has a farm. I plan on working  
3 with him, once I move there, and working with my sister,  
4 to work in the community.

5 Q. You gave your wife as the primary residence in  
6 ██████████ until you can be deported. It doesn't usually  
7 work that way.

8 A. Yes. My counselor told me to put my wife's  
9 residence, as my first residence. I could not put the  
10 one in ██████████ ██████████, or the one in ██████████ ██████████ as well,  
11 because that's another state.

12 Q. Thank you. We do not have letters from the  
13 Judge, the D.A. or your defense attorney, though we've  
14 asked for them.

15 We do not have your Sentencing Minutes, though we  
16 have requested them.

17 We do have your disciplinary history, and except  
18 for protective custody in '96, they're all Tier II  
19 incidents.

20 A. Yes.

21 Q. What would you like to tell us about your crimes?

22 They're numerous, and they include burglary,  
23 rape, robbery, sodomy, and Criminal Possession of a  
24 Weapon. There are three different crime dates.

25 So beginning with the crime in September of 1991,



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

1 involving a teenage-female victim, what would you like  
2 to tell us about your participation in that crime?

3 Before you go on, I don't want to hear the whole  
4 history of your relationship with your co-defendant. I  
5 want you to focus, very exclusively, on what you did  
6 during that crime, or those crimes that occurred on that  
7 date, what you did. If I have any other questions about  
8 background, I will ask them.

9 A. Me and ██████████ went to that apartment. We went,  
10 and he told me to stay in the first apartment, with the  
11 people, once we entered.

12 He took the victim, ██████████ to the back. I  
13 stayed in the front. I was ahead of them. He ordered  
14 me to stay there, so I stayed there.

15 After a while, I got desperate, I was scared. I  
16 never committed any kind of crime, myself. I got  
17 desperate, and I left.

18 Q. Did you get anything? Did you take anything?

19 A. No, I didn't touch anything.

20 Q. The whole purpose for you going was to commit  
21 burglary; is that correct?

22 A. Yes, yes.

23 Q. So you're telling us, you left him there?

24 A. I feel responsible for all the victims, in the  
25 apartment, at that time. I have this pain in my heart.

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

1           Every day that I have been incarcerated, I've  
2 cried thousands of times, for the errors that I  
3 committed to those families, to all the friends, all the  
4 people.

5           Q. I still have more questions. Thank you.

6           Did you assist ██████████ in tying up the people in  
7 the apartment, except for ██████████ Did you assist in  
8 tying up the people in that apartment?

9           A. Yes.

10          Q. And did you have a gun?

11          A. Yes. But I was so nervous, that everything was  
12 falling from my hand.

13          Q. Are you telling us you dropped the gun?

14          A. It did fall, but I grabbed it. I was so nervous.  
15 I was scared.

16          Q. Let's move on to the next crime. ██████████ ██████████ of  
17 1991, the narrative says that you handed a gun to  
18 ██████████ (ph), who tossed it to the ground,  
19 and the police recovered it. You were arrested and  
20 later released; is that correct?

21          A. I was there, but I didn't have a revolver. I had  
22 a beer in my hand, and I threw that to the floor.

23                 When the police came, he started searching me. I  
24 was standing, and I didn't move. He found the revolver.

25          Q. How close to you?

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

1 A. And they arrested me.

2 Q. How close to you was the revolver?

3 A. It was pretty far. Searching me, he thought that  
4 I had it, but I only had a Heineken in my hand, and I  
5 threw that to the floor.

6 He kept searching and searching, and said, here I  
7 have a revolver.

8 Q. So you never handled that revolver; is that what  
9 you're saying?

10 A. No, because it didn't have my fingerprints or  
11 anything.

12 Q. Well, I don't know what it had on it. I wasn't  
13 at the trial. But you were found guilty of possessing  
14 that weapon; is that correct?

15 A. Yes.

16 Q. Then let's move to ██████████ ██████████ of 1991, a few  
17 days later. In this case there was a forty-two-year-old  
18 female victim, and her husband. Their house was also  
19 going to be burglarized.

20 The narrative says, in this case, both you and  
21 ██████████ raped and sodomized this woman.

22 What would you like to tell us about this crime?

23 A. I did participate in the robbery, and I am very  
24 sorry. I am very, very sorry for the victim. The truth  
25 is I did participate in the robbery, but I didn't

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

1 participate in the rape.

2 I got to know about the rape, once the officer  
3 told me, "Do you know what you got involved with?" I  
4 told him, I didn't know.

5 He said, "Do you know you are involved in a  
6 really big problem right now?" I said, "I don't know."  
7 I started to cry.

8 Q. Did this woman testify at your trial and testify  
9 that you raped and sodomized her?

10 A. Yes, she was there.

11 Q. No, no. At your trial. I'm talking about your  
12 trial, now.

13 A. Yes, yes.

14 Q. Did she testify that you raped and sodomized her?

15 A. Yes, she did say it, that's true, but I didn't  
16 participate in the rape, but I am guilty for the  
17 robbery.

18 Q. Well, we have to accept the verdict as it has  
19 been given. Do you understand that?

20 A. Yes, I do understand.

21 COMM. STANFORD: I will ask my colleagues,  
22 if they have any questions?

23 COMM. SMITH: I have nothing else. Thank  
24 you.

25 COMM. HERNANDEZ: I have no questions.

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

1 CONTINUED BY CHAIRWOMAN STANFORD:

2 Q. We do have your deportation order from the  
3 ██████████.

4 We do not have any letters on file from the  
5 Judge, D.A., or the defense attorney, involved in these  
6 crimes.

7 Is there anything else you want to tell us, that  
8 we have not discussed?

9 A. Yes. I want to say I am so sorry to all of the  
10 victims involved in this case.

11 I have a very big family. I have five daughters.  
12 I would never want anybody to cause harm to any of my  
13 sisters, to any of my nieces.

14 I cried thousands of times. I spoke the truth to  
15 my daughters, and my mother. I come from a family that  
16 we worked very hard.

17 Q. I see, for the record, you are getting emotional  
18 now.

19 A. I have a very big pain in my heart, that I have  
20 to die with this pain, for the victims involved in this  
21 case, that I will never be able to forget.

22 I have caused the victims in this case pain.  
23 This kind of pain, I have to live the rest of my life  
24 with this pain.

25 COMM. STANFORD: Thank you, sir.

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

1 THE INMATE: I sincerely apologize and say  
2 I'm sorry thousands of times.

3 COMM. STANFORD: Thank you, sir. We will  
4 make a decision, and get it to you, in writing, and give  
5 it to you as soon as possible.

6 THE INMATE: Okay.

7 COMM. STANFORD: Thank you.

8 (Interview concluded.)

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

3

4

DECISION

5

6 [REDACTED] [REDACTED] denied. Hold 24 months. Next  
7 appearance, 6/2018.

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

15 The panel found your expression of remorse and  
16 accountability for your crimes to be shallow and  
17 self-serving. You continue to deny the level of  
18 participation in your crimes, that you were found guilty  
19 of committing.

20 The panel considered your risk assessment, Case  
21 Plan, available Sentencing Minutes, parole packet, that  
22 does not contain a personal statement, and other  
23 information, that we possess, that is related to factors  
24 we must consider.

25 (All Commissioners concur.)

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25CERTIFICATION

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

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: June 29, 2016