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STATE OF NEW YORK: EXECUTIVE DEPARTMENT: DIVISION OF PAROLE

MINUTES OF PAROLE BOARD HEARING

INITIAL APPEARANCE

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DIVISION OF PAROLE
RECEIVED
DEC 8 1998
Bare Hill C.F.

INSTITUTION:

BARE HILL CORRECTIONAL FACILITY

DATE:

SEPTEMBER 29, 1998

BEFORE:

COMMISSIONER JONES

COMMISSIONER GAILOR

COMMISSIONER GUISELLA RODRIGUEZ

HEARING REPORTER:

DIANE USAVICH

BY COMM. GAILOR:

Q You're [REDACTED] [REDACTED]

A Yes, ma'am.

Q Mr. [REDACTED], I'm Commissioner Gailor and with me today is Commissioner Jones and Commissioner Rodriguez. This is your initial appearance before the Parole Board for release consideration. You're serving a 15 to life term for Murder in the 2nd Degree, is that correct? ✓

A Yes, ma'am. I killed my girlfriend.

Q Right. That is what the record says, that you were armed with a hunting knife and stabbed the female victim about the chest and stomach area which resulted in her --

A Yes, she was my girlfriend, something I will have to live with the rest of my life, the pain.

Q Why did you do this?

I was very insecure, young man. I was possessive. I guess I know what it feels like to hit rock bottom. I lost control of myself. I was not in control of my emotions. I'm not going to blame the alcohol or snowball anybody. Nobody told me to go out and drink that night. I was very depressed, we broke up and it's been a horrible experience through the whole 15 years. I've written to her mother and we have been corresponding for about three years and the letters should be in my file.

Q Yup, we reviewed the file and you submitted a statement to the file. We reviewed the correspondence between you and the victim's mother, yes, okay. What provoked this?

A I just, I was always an insecure man. The rejection part, I was very depressed and we were trying to talk outside a bar. I was drinking. I said I'm not going to blame it on that. She shoved me in the chest and I lost control of myself. It's something I'll have to live with. It's not going to end when I walk out the door. I keep in my mind that now I am fortunate enough to have a granddaughter; because of this, I'll never have a granddaughter with [REDACTED] and it's been painful.

Q The record said that you were in this bar with this lady or she was in the same bar and you drank beer and you left there and went home and got the knife and came back to the bar.

A No, I went home to get a razor.

Q What was that for?

A I was going to cut my wrist, sort of like I was feeling depressed, like for cutting my wrist.

Q Why didn't you stay home and cut your wrist?

A I guess I wanted her to get back with me, I was going to do it in front of her. It was not a smart thing.

Q So, you got the knife instead.

A We were talking outside the bar and she didn't want to hear what I had to say. I was begging her to go back with me and she shoved me in the chest and I lost control of myself.

Q What happened, how soon after that were you arrested?

A I panicked and I ran and turned myself in, I think about an hour later. Maybe two hours later, something like that. I walked into the police station and knocked on the window an officer

looked at me and said can you help me, you got to let me in, I think I hurt my girlfriend real bad and asked my name and let me in, the [REDACTED] Police Department.

Q How long had this lady been your girlfriend?

A Only a couple of months.

Q You had an Assault 3rd conviction; misdemeanor conviction?

A Yes, ma'am.

Q You got three years probation, what was that about?

A I had a problem with ending relationships and I grabbed my girlfriend by the neck.

Q A different girlfriend?

A Yes. I had a problem, I was ignorant to the fact that I had a problem with the alcohol and domestic violence. If you don't seek counselling, it's going to escalate and sadly enough it did. I never hit [REDACTED] but I took it one step further which again, I'm very sorry for. I wish I could have walked away that night or somebody could have stopped me.

Q So, what happened to the other girlfriend? You tried to strangle her?

A No, I grabbed her by the neck and she passed out. She is a tiny girl.

Q Why did you do that?

A We broke up and we were engaged to get married. I said I had a problem with domestic violence, ma'am. Domestic violence -- I said I'm not going to blame anybody for it, but I grew up in a household where my father beat my mother and I am not using it

for an excuse. It's something I grew up with and it's a learned experience. I am not proud of it. I never want it to happen again. I made a determination years ago I'm through with drinking. I made up my mind a long time ago. I never want anything like this to happen again.

Q You were married to a lady by the name of [REDACTED]

A Yes.

Q What happened to that relationship?

A We were divorced. I was 16 when I got married and I got her pregnant and I was 17 when I got married. It didn't last, only a short time because we had difficulties and we separated and divorced. ✓

Q Was that the same kind of abusive relationship?

A A lot of arguing, things like that.

Q Did you hit her?

A A couple of times.

Q You have spent a long time behind bars, what do you think is the most important thing you accomplished over the years?

A Could you repeat that?

Q What's the most important thing you accomplished over the years that you have been incarcerated?

A The Department of Corrections offers various violent programs and Alternatives to Violence and learning to see what drinking and anger does and to control it better, vent it in a better, positive manner, as far as the alcohol, doing a daily check to make sure I don't want to drink and I utilized this as a

learning experience.

Q How do you spend your days now?

A Now, I spend my time in the law library doing legal research. I am a porter in the dorm and have taken all kinds of programs. I participated in a lot of programs, to make a change in my life and I tried to apply to the Eastern Correctional Facility Alcohol Program and was denied because of the nature of the crimes. Those documents should be in my files also. It was a valid reason to participate in the program, I wanted to go, but they told me no. I have taken all the violence programs available.

Q You have maintained a fairly clean disciplinary record over the years.

A Yes, ma'am. I would like to bring -- I did have a fight, I was jumped by an inmate and I held on to him until they could break it up. I never threw a punch or nothing.

Q That was the fighting ticket back in '91?

A Yes.

Q Now, you want to live in a Halfway House in the Albany area if you're paroled.

A Yes, I was going to ask the assistance of the Division of Parole to assist me with residence and also have here in my file a Hispanic Outreach in Albany, the homeless shelter offered to help me and I wrote the St. Vincent DePaul Society and I'm waiting for a response. My family don't have the available space to put me up and are willing to help me financially and

with clothing.

Q How would you support yourself, Mr. [REDACTED]

A I plan to, since I've been incarcerated, I plan to go to Social Services at first and seek, what they do is give you the services they have available and help you find a job and I would put in an application in the Albany area. I put out various resumes but I've not received any replies. I am willing to work in construction and I also have letters from the Center for Law and Justice in Albany. They told me to get in touch with them for the workshops, as far as legal workshops and when finally --

Q You were in the construction field before you were incarcerated.

A Yes. I do restoration of buildings. As far as the Center for Law and Justice, they told me to contact them and I'm willing to take anything at first, once I can pay back my bail and save a little extra money, I'd like to return to college to get an education and paralegal. I am a bit nervous, ma'am. I waited 15 years for this.

A It's okay. I've asked you a lot of questions, anything you think we should know that we have not talked about today?

A I said this is a learning experience. I never want to repeat it again. It's very painful. I saw the pain in her. I'm sure she saw the pain in me. Once I get out I would like to put my life together. I'm asking for a chance. I know I did a wrong thing. I killed someone. I'm not proud of it, and the way things are in society, being tough on violent felons, I understand that with Governor Pataki and there is a reason for that, it's

because people are out of control when they get out there, I agree they should be tough on violent felons but man, I'm not responsible for what is going on in the status quo, but only responsible for what happened 15 years ago, working up to this parole date, the past 30 days I have been thinking about this left and right. It's always going to be present. I have a granddaughter now. I'll never have a granddaughter with her. I'm just asking for a chance. As far as in prison, I tried my best to make a change. I lived in a violent atmosphere for 15 years and I want to change my life around and I want to go home. I had a lot of family hardships in my family for the last few months, my 90 year old grandmother broke her hip, my mother had a heart attack, I had a brother that was in a car accident 14 years ago, he's in a head recovery center and this past January was sexually assaulted and my father was returned to the hospital for chest pains and, it's been very painful.

Q We'll take all that into consideration as well as the entire record into consideration.

COMM. GAILOR: Any questions, Commissioners?

COMM. JONES: No questions.

COMM. RODRIGUEZ: I have no questions, thank you.

BY COMM. GAILOR:

Q Mr. [REDACTED] we'll discuss your case and consider everything today that you have said and we'll give you our decision in

writing in a few days.

A Ma'am, all I have to ask for is one chance. I've not gotten a chance. I've been locked up 15 years straight and I would not repeat this. I made up my mind not to raise a hand to another woman. No more drinking. I will be 39 years old in January. I will have 30 years to work toward retirement. I have a new span of life that's opened up and I want to be with my granddaughter to be there for her, because I was not there for my daughter. I caused my daughter pain too, because she grew up without a father, so to speak. I'm asking today for one chance, please.

Q Like I said, we'll consider everything and let you know our decision in a few days. Thank you for coming in.

A Thank you. Take care.

DECISION

Denied 24 months 10/00 Board.

Reasons: Parole is denied for the following reasons: The instant offense, Murder in the 2nd Degree wherein you stabbed a female individual to death. Your prior criminal record includes a misdemeanor conviction for Assault in the 3rd Degree with the instant offense being an escalation of your criminal conduct. The instant offense demonstrates a propensity for extreme violence and depraved indifference for human life.

All factors and this interview all considered militates against discretionary release by this Parole Panel.

The guidelines are unspecified.

Commissioners concur.

BAK

Name: [REDACTED] W
DIN: 8401411
Nysid: [REDACTED]
Facility: BARE HILL
Interview Date: 09/29/1998
Interview Type: INITIAL

ME Date: LIFE
CR Date: LIFE
Prev Hold:

CONTROLLING CONVICTION(S)	ATTEMPT	FLCL	MIN SENT (YY-MM)	MAX SENT (YY-MM)
MURDER-2*	NO	A	15-00	LIFE

Sentencing Counties: ALBANY

Jail Time in Days: 0085
Prison Time in Months: 177

OFFENSE SCORE
Felony Class: A
Weapon Involvement: YES
Forcible Contact: DEATH

PRIOR CRIMINAL HISTORY SCORE
Misdemeanor Convictions: 0 THRU 2
Jail Terms: 0 THRU 1
Felony Convictions: 0
Prison Terms: 0
Probation/Parole Revocations: NO
On Probation/Parole: YES
Guideline Ranges: UNSPECIFIED

Transit Case: NO

Name: [REDACTED] W
DIN: [REDACTED]
Nysid: [REDACTED]Facility: BARE HILL
Interview Date: 09/29/1998
Interview Type: INITIALEarned Eligibility Certificate : INELIGIBLE
Supervision Fee: ELIGIBLE
Certificate of Relief from Disability:

Parole Decision:

DENIED - HOLD FOR 24 MONTHS, NEXT APPEARANCE DATE: 10/2000

Confidential Comments:

Conditions of Release/Reasons for Denial:

PAROLE IS DENIED FOR THE FOLLOWING REASONS: THE INSTANT OFFENSE - MURDER 2ND WHEREIN YOU STABBED A FEMALE INDIVIDUAL TO DEATH. YOUR PRIOR CRIMINAL RECORD INCLUDES A MISDEMEANOR CONVICTION FOR ASSAULT 3RD WITH THE INSTANT OFFENSE BEING AN ESCALATION OF YOUR CRIMINAL CONDUCT. THE INSTANT OFFENSE DEMONSTRATES A PROPENSITY FOR EXTREME VIOLENCE AND A DEPRAVED INDIFFERENCE FOR HUMAN LIFE. ALL FACTORS AND THIS INTERVIEW ALL CONSIDERED, MILITATE AGAINST DISCRETIONARY RELEASE BY THIS PAROLE PANEL.

Comments:

FOLLOWING DELIBERATION, THIS DECISION IS BASED ON REVIEW OF THE CASE RECORD AS WELL AS THE INTERVIEW WITH PAROLE BOARD MEMBERS.

PO II : DENISE BERNIER

Commissioners:
AILOR, MARIETTA

JONES, MARY ELLEN

RODRIGUEZ, GUISELLA