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Parole Interview Transcript/Decision - FUSL000090 (2000-10-04)

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1 STATE OF NEW YORK : DIVISION OF PAROLE
2 -----x

3 In the Matter
4 of the
5 NEW YORK STATE PAROLE COMMISSIONER'S
6 PAROLE BOARD TELECONFERENCE
7 HEARING RE:

8 [REDACTED]

9
10 NYSID # [REDACTED]

11 DIN # [REDACTED]

12 REAPPEARANCE

13 -----x

14
15 INSTITUTION: Elmira Correctional Facility

16
17 DATE: Wednesday, October 4, 2000

18
19 B E F O R E: Commissioner Irene Platt
20 Commissioner Daizzee D. Bouey

21
22
23
24 HEARING REPORTER: Debra Iadevaio

25

1 EXAMINATION BY COMMISSIONER PLATT:

2 Q. You are [REDACTED] [REDACTED]

3 A. Yes, ma'am.

4 Q. Mr. [REDACTED] I'm Commissioner Platt. With
5 me today is Commissioner Bouey.

6 Your making a reappearance before the
7 parole board for release consideration on your
8 conviction for murder in the second degree and your
9 penalty was 15 years to life; is that correct?

10 A. Yes, ma'am.

11 Q. You saw the parole board, as I said, two
12 years ago and they denied you parole and went back to
13 today for a second go round. The record tells us
14 that in December of 1983 in Albany County you stabbed
15 a woman with a hunting knife in her chest and stomach
16 area and it caused her death.

17 Commissioner Bouey and I have reread the
18 file. We know that this was a girlfriend. That she
19 rejected you, I believe, or she once had been a
20 girlfriend, rejected you and that got you angry and
21 you took her life. What would you like to say to us
22 about the crime for which you are convicted?

23 A. I'm very sorry for what I did and the pain
24 I caused her family. I accept responsibility for my
25 actions, and my inactions at the time were not

1 seeking any type of counseling for my alcohol problem
2 and anger problem, domestic violence.

3 Q. You were under the influence of drugs or
4 alcohol rather at the time you killed her?

5 A. Alcohol.

6 Q. How long had you been drinking?

7 A. About a year, year and a half at the
8 time. I was only 22.

9 Q. Were you working? Describe your life to
10 me at that time.

11 A. At that time I was out of work. I used to
12 work at a bar and it just got to be too many problems
13 and I quit. A lot of fights and things like that.
14 Prior to that I worked construction for a couple of
15 years doing restoration of buildings for a general
16 contractor. I have skills in masonry, sand blasting,
17 painting.

18 Q. How young were you when you started to
19 drink?

20 A. 20, 21.

21 Q. Did your family know that you were
22 drinking what would be considered excessively or did
23 they all view it as just teenage kind of behavior?

24 A. I think it was kind of viewed as teenage
25 behavior.

1 Q. Did you ever lose a job or get reprimanded
2 on your job or get fired from a job because of your
3 alcohol use?

4 A. No.

5 Q. You were able to get up every morning and
6 go to work or do what you had to do?

7 A. I wasn't drinking excessively like that.
8 Like usually on Friday night or Saturday night I
9 would go out partying. That was basically prior to
10 the homicide itself where it really became a problem.

11 Q. Now, was she an active girlfriend or had
12 she rejected you at the time this took place?

13 A. Yes.

14 Q. She had already rejected you?

15 A. We were going out together and we broke up
16 and I was very depressed over it.

17 Q. So how did it escalate to this kind of
18 behavior?

19 A. I believe my insecurities,
20 possessiveness. I just wanted someone to love me at
21 the time. I was a very insecure young man and the
22 rejection -- I was trying to talk to her outside the
23 bar and she got in the car and pushed me in the chest
24 and I just lost control of myself.

25 Q. Did you always walk around with a knife in

1 your pocket?

2 A. No.

3 Q. You just happened to have it that night?

4 A. I was looking for attention from her. My
5 thoughts at the time were to cut my wrist in front of
6 her like a little sympathy for her to get back with
7 me, but it was a childish thought. I was just crying
8 out for help.

9 Q. Did you have a prior marriage?

10 A. Yes.

11 Q. How was your relationship with that woman?

12 A. We argued a lot about financial problems.
13 I was 17 when I got married.

14 Q. But you didn't have the same kind of
15 reaction to the break up of that marriage as you did
16 to the rejection of this woman?

17 A. No. We split up. We just went our own
18 way.

19 Q. So obviously you had more of a feeling for
20 her than you did for the first woman you married,
21 right?

22 A. I believe so. Like I said, I was very
23 insecure.

24 Q. Prior to this you didn't have much of a
25 criminal record. I mean, 1980 you pled guilty to

1 disorderly conduct. You got a fine. That was an A
2 misdemeanor. In '82 you pled guilty to assault,
3 misdemeanor level, but you got probation. Who did
4 you assault? What was that about?

5 A. That was my fiancée, the one I was going
6 to get married to.

7 Q. You hit her?

8 A. I grabbed her by the neck.

9 Q. That was somebody else or the woman that
10 eventually lost her life?

11 A. Someone else.

12 Q. So in-between the first marriage and the
13 crime you had a rip with somebody else that resulted
14 in the assault?

15 A. Yes. I was living with a woman and we
16 were engaged to get married.

17 Q. What's the biggest difference in you today
18 Mr. [REDACTED] than when you came to prison 17 years
19 ago?

20 A. I'm much older. I feel I'm more mature
21 now. I've taken time to educate myself with the
22 programs available, Alternative to Violence Program.
23 I have taken three of them. I feel a lot better
24 about myself, more secure.

25 Q. You didn't think any of this behavior

1 would reoccur if you were out in the street?

2 A. No, ma'am, I never want something like
3 that to ever happen again. I never want to come back
4 to prison. It's a terrible place.

5 Q. Well, people do terrible things in society
6 and community says, "Take you away, take you off our
7 streets" so that it won't happen again?

8 A. Yes, I know.

9 Q. We do have a copy of a letter that you
10 wrote to Chairman Travis and that is part of your
11 record and we are giving that consideration.

12 A. Can you say that again?

13 Q. I said, We have a copy of the letter that
14 you sent to Chairman Travis dated October of the year
15 2000 and we are giving that consideration. It's part
16 of your folder.

17 A. Yes. Ma'am, as far as the residence, I
18 have a residence now at [REDACTED] in [REDACTED] on
19 [REDACTED]. They have accepted me. And
20 part of that is I have to go through intensive
21 outpatient treatment while I stay there. I also have
22 a letter of consideration for employment for the
23 Center of Law and Justice in Albany to do legal
24 research.

25 Q. You have learned that skill while you have

1 been in prison?

2 A. Yes.

3 Q. Our record says that since your last board
4 appearance you have been involved as a law library
5 clerk. You have been a porter. You have been going
6 to ASAT. You have been continuing that; is that
7 correct?

8 A. Yes.

9 Q. And you have been in general business
10 since June of this year and fire safety. You have
11 completed an ART program, alcohol and substance
12 abuse. You were in the Meryl Cooper therapeutic
13 community for 14 months. You got your GED. You got
14 some college credits. This is over the entire period
15 of incarceration. And you've had two Tier III
16 tickets since the last time you saw the board, is
17 that right?

18 A. Yes, ma'am.

19 Q. Those tickets --

20 A. I had loaned my radio out and some
21 clothing. And me being too gullible, helping out
22 someone who didn't have anything, I got a ticket for
23 it.

24 Q. You would think after being in prison so
25 many years you wouldn't be so gullible about what you

1 could do?

2 A. I felt sorry for the person who didn't
3 have anything.

4 Q. That ticket was back in June of '99,
5 right?

6 A. Yes.

7 Q. What do you see in your future?

8 A. Hopefully five years from now I would like
9 to have a stable job and have some money saved up. I
10 would like to continue my computer course upon
11 release taking a course out in society and eventually
12 when I'm financially stable I would like to return to
13 college and go part time, maybe get a degree.

14 Q. I understand from the record that you have
15 written to the victim's mother, is that true?

16 A. Yes. We used to correspond '84 to '86.
17 And in the last year when I was in the ASAT program I
18 participated in a seminar making amens. At the same
19 time there was a murder in my hometown outside of
20 [REDACTED] and the newspaper printed the article and also
21 mentioned my crime of '83. The victim's mother went
22 to my brother and upset about it. They have a good
23 rapport. And I happened to call home and my
24 sister-in-law told me -- I misinterpreted as her
25 trying to get back in touch with me. I felt very bad

1 that they brought the crime up again and I wrote a
2 letter of apology and I guess her son complained and
3 I got a misbehavior report for correspondence. It
4 was just my way of saying I'm saying.

5 Q. I understand. They think that is
6 inappropriate conduct.

7 Mr. [REDACTED] needless to say, we have a
8 very serious crime here?

9 A. Yes, ma'am, I know.

10 Q. Many years have past, we are aware of
11 that. We know what you have done in prison. We are
12 going to weigh all the factors and we will give you
13 our decision in a couple of days.

14 Is there anything else you would like to
15 add at this point?

16 A. I feel confident that I have adjusted well
17 and I never want to put myself in a position to
18 return to prison. Right now I would like to be with
19 my mother because she's waiting any minute to get a
20 heart transplant. She's at high risk of sudden
21 cardiac death. [REDACTED] Medical Center issued her and
22 my father pagers and she is waiting to be paged to go
23 to the hospital for the transplant. I have only seen
24 her three times in about nine years and I would
25 really like to be home to help support her right now.

1 Q. We will take what you say into
2 consideration. Thank you for coming in.

3 A. Thank you.

4 (Room cleared.)

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D E C I S I O N

1
2 Parole denied. Hold 24 months. Next
3 appearance 10-2002.

4 The violent nature and circumstances of
5 the instant offense wherein you repeatedly stabbed
6 your victim causing her death, coupled with a review
7 or your program and disciplinary records, which
8 documents two Tier III infractions since last board
9 appearance, leads the panel to determine that
10 discretionary release is not in the best interest of
11 the community. Any recidivism threatens community
12 safety. Details of this crime document your
13 propensity for violence and a depraved indifference
14 to human life.

15 Guidelines are unspecified.

16 (Commissioner concurred.)
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CERTIFICATION

I, DEBRA A. IADEVAIO,
a Notary Public in and for the State
of New York, do hereby certify:

THAT the foregoing is a true and
accurate transcript of my
stenographic notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this 12th day of
October 2000.



DEBRA A. IADEVAIO

Name: [REDACTED]
DIN: B4A1611
Nysid: [REDACTED]
Facility: ELMIRA
Interview Date: 10/04/2000
Interview Type: REAPPEAR

ME Date: LIFE
CR Date: LIFE
Prev Hold: 24

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

Sentencing Counties: [REDACTED]

Jail Time in Days: 0085
Prison Time in Months: 199

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]
DIN: 84A1611
Nysid: [REDACTED]

Facility: ELMIRA
Interview Date: 10/04/2000
Interview Type: REAPPEAR

Earned Eligibility Certificate : INELIGIBLE
Supervision Fee: ELIGIBLE
Certificate of Relief from Disability: ELIGIBLE

Parole Decision:
DENIED -- HOLD FOR 24 MONTHS, NEXT APPEARANCE DATE: 10/2002

Confidential Comments:

Conditions of Release/Reasons for Denial:

THE VIOLENT NATURE AND CIRCUMSTANCES OF THE I.O., WHEREIN YOU REPEATEDLY STABBED YOUR VICTIM, CAUSING HER DEATH, COUPLED WITH A REVIEW OF YOUR PROGRAM AND DISCIPLINARY RECORDS, WHICH DOCUMENTS 2 TIER III INFRACTIONS SINCE LAST BOARD APPEARANCE, LEADS THE PANEL TO DETERMINE THAT DISCRETIONARY RELEASE IS NOT IN THE BEST INTERESTS OF THE COMMUNITY AND ANY RECIDIVISM THREATENS THE COMMUNITY SAFETY. THE DETAILS OF THIS CRIME DOCUMENT A PROPENSITY FOR VIOLENCE AND A DEPRAVED INDIFFERENCE FOR HUMAN LIFE.

Comments:

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

FPO II : E. TEWKSBURY

Commissioners:
PLATT, IRENE BOUEY, DAIZZEE D.