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

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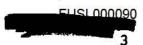
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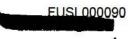
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1	STATE OF NEW YORK :	DIVISION OF PAROLE
2		x
3	In the Ma	tter
4	of th	e
5	NEW YORK STATE PAROL	E COMMISSIONER'S
6	PAROLE BOARD T	ELECONFERENCE
7	HEARING	RE:
8		
9		•
10	NYSID #	
11	DIN #24 A A B B B	
12	REAPPEARANCE	
13		x
14		
15	INSTITUTION: E	lmira Correctional Facility
16		
17	DATE: W	ednesday, October 4, 2000
18		
19	BEFORE: C	ommissioner Irene Platt
20	C	ommissioner Daizzee D. Bouey
21		
22		
23		
24	HEARING REPORTER: D	ebra Iadevaio
25		

- 1 EXAMINATION BY COMMISSIONER PLATT:
- 2 Q. You are
- 3 A. Yes, ma'am.
- 4 Q. Mr. 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?
- 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.
- 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.
- 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?
- A. I think it was kind of viewed as teenage
- 25 behavior.

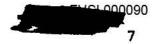


- Q. Did you ever lose a job or get reprimanded
- on your job or get fired from a job because of your
- 3 alcohol use?
- 4 A. No.
- 5 Q. You were able to get up every morning and
- 6 go to work or do what you had to do?
- 7 A. I wasn't drinking excessively like that.
- 8 Like usually on Friday night 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.
- Q. So how did it escalate to this kind of
- 18 behavior?
- 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.
- 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?
- 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.
- 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.
- 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 quilty to assault,
- 3 misdemeanor level, but you got probation. Who did
- 4 you assault? What was that about?
- 5 Α. That was my fiancee, the one I was going
- 6 to get married to.
- 7 0. You hit her?
- 8 I grabbed her by the neck.
- 9 Q. That was somebody else or the woman that
- 10 eventually lost her life?
- 11 Α. Someone else.
- 12 0. So in-between the first marriage and the
- 13 crime you had a rip with somebody else that resulted
- 14 in the assault?
- 15 Yes. I was living with a woman and we A.
- 16 were engaged to get married.
- 17 Q. What's the biggest difference in you today
- 18 Mr. than when you came to prison 17 years
- 19 ago?
- 20 I'm much older. I feel I'm more mature Α.
- 21 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 0. You didn't think any of this behavior

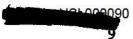


- 1 would reoccur if you were out in the street?
- 2 A. No, ma'am, I never want something like
- 3 that to ever happen again. I never want to come back
- 4 to prison. It's a terrible place.
- 5 Q. Well, people do terrible things in society
- 6 and community says, "Take you away, take you off our
- 7 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.

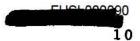
- 17 A. Yes. Ma'am, as far as the residence, I
- 18 have a residence now at in on
- . They have accepted me. And
- 20 part of that is I have to go through intensive
- 21 outpatient treatment while I stay there. I also have
- 22 a letter of consideration for employment for the
- 23 Center of Law and Justice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



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

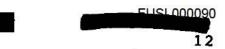


- 1 could do?
- 2 A. I felt sorry for the person who didn't
- 3 have anything.
- Q. That ticket was back in June of '99,
- 5 right?
- 6 A. Yes.
- 7 Q. What do you see in your future?
- 8 A. Hopefully five years from now I would like
- 9 to have a stable job and have some money saved up. I
- 10 would 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
- 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.
- Q. I understand. They think that is
- 6 inappropriate conduct.
- 7 Mr. 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.
- 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. 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 wh	at you	say	into
2	considerat:	ion. Tha	nk you	for com	ing	in.
3	A.	Thank yo	u.			
4	v-	(Room cl	eared.)			
5	*					
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1	DECISION
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.)
17	
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19	arphi
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21	
22	
23	
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25	

2	
3	CERTIFICATION
4	, F
5	:s
6	#3 #8
7	I, DEBRA A. IADEVAIO,
8	a Notary Public in and for the State
9	of New York, do hereby certify:
10	THAT the foregoing is a true and
11	accurate transcript of my
12	stenographic notes.
13	IN WITNESS WHEREOF, I have
14	hereunto set my hand this 12th day of
15	October 2000.
16	et
17	粮
18	*
19	
20	Debre a showing
21	DEBRA A. IADEVAIO
22	es es
23	
24	

FOLDER COPY KORM 9026

State of New York - Division of Parole Parole Board Release Decision Notice

FUSL000090705700

Name: DINI

8461611

Nysidi

Facility: ELMIRA

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

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

MIN SENT MAX SENT (YY-MM) (YY-MM) FLCL CONTROLLING CONVICTION(s) ATTEMPT 15-00 LIFE MURDER-2* MO A

Sentencing Counties:

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

OFFENSE SCORE

Felony Class: Weepen Involvement: YES Forcible Contact: DEATH

PRIOR CRIMINAL HISTORY SCORE

Misdemeanor Convictions:

Jail Terms:

Felony Convictions:

Prison Terms:

Probation/Parole Revocations:

On Probation/Parole:

Guideline Ranges:

O THRU 2

O THRU 1

0

0

NO

YES

UNSPECIFIED

Transit Case: NO , FOLDER COPY FORM 9026

State of New York - Division of Parole Parole Board Release Decision Notice

Date: 10/05/00 FUSL000090

Name: DINE

Nysidil

8441611

Facility: Interview Date: 10/04/2000

ELMIRA Interview Type: REAPPEAR

Earned Eligibility Certificate : INELIGIBLE

Supervision Fee:

ELIGIBLE

Certificate of Relief from Disability:

Parele 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 RECIVIDISM THREATENS THE COMMUNITY SAFETY. 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.

FFO II

: E. TEWKSBURY

Commissioners: PLATT, IRENE

BOUEY, DAIZZEE D.