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Riverview

**STATE OF NEW YORK EXECUTIVE DEPARTMENT
DIVISION OF PAROLE**

MINUTES OF PAROLE BOARD HEARING

REAPPEARANCE

██████████ DIN ██████████ NYSID ██████████

INSTITUTION:

AUBURN C.F.

DATE:

OCTOBER, 2002

BEFORE:

COMMISSIONER MEVEC

COMMISSIONER VIZZIE

DIVISION OF PAROLE
RECEIVED

DEC 13 2002

RIVERVIEW PAROLE OFFICE

HEARING REPORTER:

JOSEPH D'AMBROSIO

██████████ ██████████

BY COMMISSIONER MEVEC

Q ██████████ ██████████

A Yes.

Q I'm Commissioner Mevec, with me today is Commissioner Vizzie. And we're going to consider you for parole. You're here, sir, for a conviction for which you pled guilty to, Murder in the 2nd Degree, Murder in the 2nd Degree is a class A-1 felony in this state and you were sentenced to 15 to Life in prison.

A Yes.

Q As indicated on ██████████ on ██████████, 1983 you on ██████████ in front of ██████████ in the county of ██████████ you stabbed a female victim with a hunting knife about the chest and stomach area repeatedly causing her death.

A Yes, sir.

Q Why did you do such a horrendous vicious violent act against another human being?

A I was very insecure young man, it was my girlfriend.

Q How old were you, by the way?

A 22.

Q Okay.

A And we were -- it was during the break up and I was having trouble dealing with it and I was intoxicated. I was really depressed and I just couldn't handle all the break up. I was

going -- I was going to hurt myself as an attention getter, I was going to cut my wrists and --

Q Instead you just killed her.

A She pushed me and I just lost control of myself. I'm sorry for it. Sir, if there was some way I could change it I would. I'm sorry for the pain I caused the family and the death.

Q Well, let's see. In [REDACTED] you pled guilty to Assault 3, what was that for, do you recall?

A I had trouble with the relationships.

Q You certainly did. I mean, you go out, you go all the way to the top.

A I was an insecure possessive young man.

Q Okay, sir. Since you've been here, actually, last time I guess your last parole appearance you were in Bare Hill?

A No, Elmira.

Q Elmira. Okay. Well, you've been transferred. Okay. Now, I understand that presently you're employed in the wood shop?

A Well, I was in the wood shop, now I'm the yard porter.

Q Okay. Before that you were a plate finisher.

A Yes. It was -- I was in the license plate shop and I was transferred to the wood shop. It was to industry. I got allergies of dust and they gave me the porters job.

Q Okay. And you've also been a clerk in the library at Bare Hill, apparently, right?

A Yes, in Elmira.

Q Any other programming?

A ASAT, Alternative to Violence program, ART, vocational Masonry, GED, some college credits.

Q What have you learned from all that, what have you really gotten out of that?

A Out of the programming.

Q Yeah. The programming you've had.

Q The Alternatives to Violence program I've learned to control my anger and think about things rationally before I act. I matured over the years. The vocational Masonry helped enhance my masonry skills, my trade on the streets was restoration of building, masonry, sand blasting, printing.

Q Okay.

A I furthered that in here.

Q All right.

A What helped me the best was Alternative to Violence program, that helped with the aggression, you know, and Anger Replacement, it was in a positive way without acting out like I used to. I wasn't able to control it when I was younger.

Q So, you feel that you fully gained something actually from this period of incarceration that you've had?

A Yes, sir.

Q Now, I do see that you've had two Tier IIs as a result of direct order and smuggling violations. What were they about?

- A** Direct order. I was in Bare Hill and I requested to move to another dorm, and they were going to move me to the Annex. And I was -- I have respiratory problems and the doctors policy at Bare Hill at that time to keep people with medial problems in the main compound. I tried to explain that to the officer and Sargent, and I said I'm not refusing to move. I have a medical problem. I see the doctor every day. And they wrote me up for refusing to move. And I have the ticket and the medical right here, if you would like to see it.
- Q** Yes, actually, I would. Before we -- I'm taking a look at an ambulatory health record from DOCS and there is a yellow that's been highlighted moved to, what is it?
- A** Main.
- Q** Moved to main which --
- A** Main compound.
- Q** Main compound. And I also have before me a copy of the inmate's misbehavior report and I'm just reviewing that briefly right now. Now, did you appeal that?
- A** No.
- Q** Okay. All right.
- A** It was, I think loss of rec, 15 days.
- Q** Well, I do see that you have Tier III here for sex offense.
- A** Yes.
- Q** What is that, what was going on there?
- A** Well, the second ticket he said smuggling --

Q Right.

A Because I went to Bare Hill and I met an overt homosexual and he -- we became friends and he has epilepsy, and he suffered from grand mal seizures, and I help him. He was in the Annex. He had a seizure and they moved him. And as an inmate I couldn't get on the phone to call and find out where he was. I couldn't leave the dorm, so I sent a letter through correspondence with his name on it and a fake address with a letter to him asking him if he needed coffee, cigarettes, is he all right, let me know what dorm he went to so I can get him the coffee and cigarettes.

Q Right.

A And they matched my handwriting and wrote me up for correspondence violation and smuggling letters from one area to the prison, to another, and I got the ticket here.

Q Okay. You can take those. I'm going to now take a look at the inmate's misbehavior report from the Bare Hill facility for smuggling and circumventing correspondence procedures. And did you appeal this particular ticket?

A No.

Q Okay. All right.

A As far as why I brought that up, first was because that's the individual that I was involved with, he was an overt homosexual. The Tier III is he moved into the dorm with me and I guess after all these years of negative environment, I

just became -- it's conducive to -- I got a ticket for consensual oral sex.

Q And you were, obviously, caught in the act with this?

A Yes.

Q Were you in your cube?

A I was in his cube. He occasionally came on to me and I just -- it kind of -- he was kind of feminine and I just got close. I didn't bring the ticket. I have not had a ticket, I don't keep it in my cell, it's embarrassing if whoever happens to see it.

Q Yes, obviously you did not appeal that.

A I appealed it to Albany but I never took it to court or anything. I just appealed to Albany.

Q And they denied the appeal?

A Denied the appeal.

Q Okay. Because they put you in the box as a result of this?

A Yes.

Q 106 days. Now, if we were to release you at this point, where are you going to go?

A To [REDACTED] in [REDACTED].

Q Okay.

A I got photocopy, brochures, and placed them in my file.

Q Yes. And I would note for your file there have been, of course, been extensive amount of correspondence. I have a letter from actually a friend of yours, Mr. [REDACTED] which I've had a chance to look at, there's an indication of parole speaking

with a Mr., I guess, [REDACTED] of the [REDACTED] program and stated he'll accept you into the program if an open date is granted and there's another correspondence in that here, and I do see a letter here from your parents, a letter to the Parole Board, and I do see you had written a letter to our executive director, Mr. [REDACTED] and there are other indications, other letters here, inmate progress reports to show what you've done.

A As far as the [REDACTED] [REDACTED] [REDACTED] they have a culinary arts program and computer system operations training that I am interested in.

Q That's what you're interested in working on?

A Well, I guess it's part of the program.

Q They find you a job?

A I have skills in construction, you know, I'm taking anything I can as far as work, but I really like to participate in these programs they have offered, their alternatives to violence programs, alcohol programs, it's all part of the curriculum as part of the services provided there.

Q Well, I also see here it was noted that you have your former experience as a contractor.

A Yes.

Q So, you have that also as back up for employment.

A Yes.

Q Former trade as a contractor, all right.

COMM. MEVEC: Commissioner,

any questions?

COMM. VIZZIE: No further questions.

BY COMM. MEVEC

Q Mr. [REDACTED] is there anything else you would like to add other than what we've already discussed here this afternoon, anything else you'd like to add or like us to know?

A Sir, I realize the crime is serious and I'm not trying to minimize what I did. I wish I could change it, but something happened in [REDACTED] I can never change, nobody can ever change. I can't change it 50 years from now, and I feel bad, which I wish I could do something to make amends to the family other than saying I'm sorry. I would really like to go home. I'm tired of doing time. I feel trapped in here, 19 years in prison, I'm 41, I'll be 42 in February. I still feel I can get out, I still have 20 years or so to put in the work force toward retirement. I just want to go out and earn a paycheck and build a normal life again. I don't have any desire to drink. I'll abide by parole. I have no problem with that at all. I'm just tired of doing time. Inmates are getting worse in here. As far as the tickets, I guess it's wrong judgement, it's the second, they sent me to a medium, you know, and the person came on to me and I was just lonely.

Q Right. I hear you.

A You know.

Q Well, we're going to consider all those factors and everything's considered and we appreciate you coming down and advising us of what happened. You've been up front and honest with us. That's also important, but we'll consider everything and we'll get a decision out to you in a few days. I wish you the best of luck.

A Can I say one more thing?

Q Surely.

A If you're going to hit me, can you please show me a little hope, like less than two years, because two years hurts. I got 19 years in prison, my mom has a heart problem. I have a 95 year old grandmother that just fell in a nursing home and broke her hip. I have not seen her for --

COMM. VIZZIE: What would less than two years do for you, why do you propose that?

INMATE: Two years, I'm 41, it just takes a little bit more of life, you know, I took a life and I'm sorry for it.

COMM. VIZZIE: But, you also have life at the end of your name. You didn't go to trial and a judge says I hereby sentence you to 15 to Life, you took that plea and you realize what the life at the end of your name is, it's always possible. I don't know what we're going to do,

DECISION

Parole denied, hold 24 months 10/04. Gravity of your offense, Murder 2nd Degree, wherein you brutally stabbed your female victim repeatedly causing her death militates against discretionary release. Additionally, since your last appearance before the Board you have incurred two Tier II and one Tier III disciplinary infraction. We note your explanation for these violations. Your actions both in and out of prison show a disregard for both human life and laws of the state. For this Panel to hold otherwise would so deprecate the seriousness of your crime as to undermine respect for the law. Guidelines unspecified. Commissioner Vizzie concurs.

SGP