

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

September 2021

Parole Interview Transcript/Decision - FUSL000090 (2004-10-19)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

Recommended Citation

"Parole Interview Transcript/Decision - FUSL000090 (2004-10-19)" (2021). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/136>

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

STATE OF NEW YORK EXECUTIVE DEPARTMENT

DIVISION OF PAROLE

MINUTES OF PAROLE BOARD HEARING

REAPPEARANCE

■■■■■ ■■■■ DIN ■■■■ NYSID ■■■■

INSTITUTION: AUBURN C.F.
DATE: OCTOBER 2004 BOARD
BEFORE: COMMISSIONER TAPPAN
COMMISSIONER LOOMIS
COMMISSIONER NITTI

DIVISION OF PAROLE
RECEIVED
JAN 18 2005
AUBURN CORRECTIONAL
FACILITY

HEARING REPORTER: JOSEPH D'AMBROSIO

BY COMMISSIONER LOOMIS:

- Q Have a seat right there, sir, [REDACTED] [REDACTED]
- A Yes.
- Q Good afternoon, I'm Commissioner Loomis. With me is Commissioner Tappan. This is Commissioner Nitti.
- A Good afternoon.
- Q This is a reappearance for you. It looks like you're serving 15 to life for Murder 2nd and pled guilty, right?
- A Yes, ma'am.
- Q Okay, according to the record, it indicates that back in [REDACTED] of '83, that you stabbed [REDACTED] in the chest and stomach with a knife, causing her death, and I think I read she was an ex-girlfriend?
- A Yes.
- Q And that was outside a bar?
- A Yes.
- Q Do you want to say anything about that to us today?
- A I'm very sorry for what I did, the pain I caused the family, taking of a life. I wish there was some way I could, you know, go back in time and change it. I should have walked away that night.
- Q You were under probation, right?
- A Yes.
- Q At that time for Assault 3rd. Did that involve a girlfriend as well?
- A Yes, ma'am, when I was younger, ma'am, I was very insecure, and I had problems with relationships.
- Q So, what did you do to the other girl that you got probation for?

A Grabbed her by the neck.

Q Were you working somewhere back then?

A Yes, I was -- well, I worked from 1979 to about '81 for a company called [REDACTED], it was a restoration company, doing sandblasting, painting and --

Q Okay.

A And I did work at the bar prior to that incident.

Q Were you having any problems with drugs or alcohol at all?

A Prior to maybe a year's time, I was starting to use prior to that incident.

Q All right, and what did she do that got you so angry that night?

A Well, she didn't do -- we broke up. She didn't do anything. It was my insecurities, and the alcohol didn't help at all.

Q Okay, so were you --

A Well, she pushed me outside the bar, and I was very intoxicated, you know. I lost control of myself.

Q I did read that earlier in the evening, you had been at the bar, and you left and had gone home for a little bit?

A Yeah, went home to get a razor blade. I was going to, you know, cut my wrist in front of her and ask her to get back to me. It was a dumb thing, you know.

Q But, you didn't get a razor, you went back with a knife instead?

A I looked for one. I couldn't find it. I saw my brother's hunting knife, and I grabbed that instead.

- Q** So how long were you back at the bar with the knife before all this occurred?
- A** Probably hours, I would imagine. I know hours.
- Q** Hours?
- A** I think the incident happened at 3:30 in the morning, something like that.
- Q** So those hours you were back at the bar, you forget about hurting yourself, part of it?
- A** Yeah, I was just continuing to drink, and she was going home, and I was asking her to, you know, I was begging her to go back out with me, and you know, she pushed me, and I lost my head.
- Q** So you followed her outside the bar to her --
- A** She told me come on, you want to talk to me, I'm going home. I'll talk to you while I'm getting in the car.
- Q** All right, so you got a 24-month hold last time you appeared before the Panel. What have you done in your 24 months?
- A** I've worked different jobs, law clerk. I'm currently in food services here, and I want to go to the [REDACTED] in [REDACTED] and they have a culinary arts. I enjoy what I'm doing. I want to continue culinary arts, and they have computer training there, and I have the restoration building career, you know, skills to fall back on for employment if need be.
- Q** Did you contact that program, [REDACTED] ?
- A** Yes, I have letters in my file.
- Q** Okay.

A I've had assistance since '98, since --

Q [REDACTED] (phonetic), he mentions -- did he write a letter?

A I wrote him and asked him, but I don't know if he did.

Q I don't know. He's mentioned in the August 5, 2000 --

A It says -- you want to see it?

A [REDACTED], is that the [REDACTED] letter?

A Okay, this is a previous one that I'm looking at here.

Q And who is he?

A He's an assemblyman.

Q [REDACTED] -- I can't read the last name.

A I don't know how to pronounce his name, either.

Q He's the assemblyman?

A No, [REDACTED] is the assemblyman.

Q Who's this [REDACTED] I don't know, person?

A He's one of the persons at the housing industry and [REDACTED], the secretary to [REDACTED]. I've been in contact with them prior to '98, and they're willing to accept me and help me out.

Q All right.

A They have all the different programs for alcohol programs. They have, you know, you go -- they find you a job, you know.

Q What's this contact with the assemblyman? Were they just contacting him because of you or discussing you for some reason --

A He knows my father. He used to be mayor of [REDACTED] my hometown.

Q Did your father maybe contact him regarding your release?

A I've written him in the past about my release.

Q I just want to know whether he's tied in with the [REDACTED] Program, but apparently somebody contacted him somewhere along the way.

A Yes.

Q All right, and there are letters here, it looks like, on your behalf, from your mother.

A Yes.

Q Okay.

A She has a very bad heart.

Q Right, she can't get here to see you?

A No.

Q And you have something indicating here a medical condition in her --

A Her medical condition.

Q Right, that's something from the hospital?

A Yes.

Q And there's something from a [REDACTED] (phonetic), the School of Criminal Justice, the School of Albany. Did you know him before you came to prison?

A No.

Q It's somebody you contacted after you came to prison and developed a relationship?

A Yes, as far as my programming, ma'am, over the years I've had the Merle Cooper Program, my GED, college credits before the discontinued the college program, Father Self-Help Group, two

parenting courses, two Alternative to Violence Programs, ART, Alcoholics Anonymous, Narcotics Anonymous, ASAT. I was ASAT clerk, vocational masonry, Phase 1, Phase 3, Industrial Training, Mig Welding, Industrial Training --

Q We have all that in your file. You don't have to list every program you were in. We do have that.

A As far as the Phase 3, there was a little discrepancy when I came here that I had the certificate right here.

Q okay, for completion?

A Certificate of completion.

Q okay, I believe you.

A It's in my file, also. They claim they couldn't find it, that I didn't complete it, but I've had it. It's been accepted since '98 by DOC --

Q okay, well, you're going to [REDACTED] Program, hopefully, but the concern, though, is the Tier III since the last Panel for sex offense.

A I made one mistake when I was in medium. A homosexual came on to me, and I said, to be discrete, I gave him a note, and a couple of people that had time in pulled me on the side and said he's trying to use you. He thinks you have money, so I disassociated myself with him. I said I'm going to the Board next year. I don't want any problems, and he sent me one to my cube and tried to actually, in a sense, extort me for some commissary food, and I told him not to, and when that happened, he turned the note in, and they got me for solicitation. I accepted my responsibility. I told the captain, and he

was kind of very biased about that type of activity. We didn't do nothing. I just gave him a note.

Q You had a previous Tier III, same thing, sex offense, out of place.

A Yes, I was getting involved in -- I ended that behavior. That was almost two years ago now. I disassociated myself with that.

Q All right.

A Basically, what it was, I started letting the time do me. I started losing hope, and I saw that I started, you know, making a couple of wrong decisions, and that is not for me. I stay away from them people. I stay to myself. I just want to go home to my family. My mom is real sick.

Q And you have one child who's an adult now?

A Yes, 26.

Q So she takes care of herself, I assume?

A Yes, I have two grandchildren.

Q All right, any other information we should have?

A I just wanted to ask two questions, if you don't mind.

Q Sure.

A In reviewing my record, is there any particular concern you have which would lead you to believe that I cannot be released without violating the law?

Q Well, we have not discussed your case yet. I don't know what the other commissioners think, and when you leave, we'll discuss it and our concerns or how we feel about it and make a decision. That's all I can tell you at this point.

- A** The other one is, is there anything you see at this hearing that you believe I should have done or worked harder to achieve or better prepare myself?
- Q** Well, there's really no set number. If you complete this, this and that, you're going to automatically get released. You do what you feel you need to help you. You know better than anybody else what you need to benefit you from the programs, and if you think you've done all those programs that you can gain --
- A** What I'm going to do is, I'm going to change people, places and things when I get out. I no longer -- I'm 43, I'll be 44 in February. I'm not a young man that's going to hang out with old acquaintances, you know. I changed that. I'm not going to -- I'm not going to the bar scene anymore, and I want to work. I want to earn a paycheck. I want to spend some time with my parents. When we were growing up, all of us in this room, our parents took care of us. My family has been there all my life, and 21 years of my incarceration, and now my mom is really sick, and I need to be there.
- Q** Okay.
- COMM. LOOMIS:** Anything further from any of the commissioners?
- COMM. TAPPAN:** Nothing further.
- COMM. NITTI:** Nothing further.
- BY COMMISSIONER LOOMIS:**
- Q** We'll let you know. Thank you.
- A** Have a good night, everybody.

Q Thank you.

(After due deliberation by the Parole Board Panel, the following decision was rendered).

DECISION

Parole is denied, hold 24 months. Next appearance 10/06 Board.

Reasons: After careful review of the record and this interview, parole is again denied for the following reasons: While serving a period of probation supervision upon an Assault 3rd conviction, you were in possession of a knife, which you used to stab your ex-paramour numerous times, causing her death. Since your last Panel appearance, you have received an additional serious disciplinary infraction. Your brutal attack on a vulnerable victim in an unprovoked situation, in conjunction with your continued inability to abide by the rules, makes you a poor candidate for early release. Guidelines are unspecified. All commissioners concur.

BAK