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### Parole Interview Transcript/Decision - FUSL000090 (2008-08-13)

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**COPY**

PAROLE BOARD HEARING

*East 810 Reap*

1 STATE OF NEW YORK  
2 EXECUTIVE DEPARTMENT  
3 DIVISION OF PAROLE

4 \*\*\*\*\*X

In the Matter of

5 [REDACTED]

6 DIN# [REDACTED]

7 NYSID# [REDACTED]

8 \*\*\*\*\*X

9 HELD AT: Eastern Correctional Facility  
Napanoch, New York

10 Parole Board Hearing

11 August 13, 2008

**DIVISION OF PAROLE  
RECEIVED**

SEP 02 2008

ULSTER CORRECTIONAL FACILITY

12 BEFORE: COMMISSIONER THOMAS GRANT

13 COMMISSIONER GERALD J. GREENAN, III

14 COMMISSIONER MARY R. ROSS

15  
16 ALSO PRESENT: L. ALVARADO, SPO  
17 P. JOHNSON, FPO II  
18 M. PALMER, FPO I  
19 D. GRAUBARD, APA  
20

21 M&F REPORTING SERVICE  
22 P.O. Box 4279  
23 NEW WINDSOR, NEW YORK 12553  
24 (845-562-5190)  
25

1 INTERVIEW CONDUCTED BY COMMISSIONER GREENAN:

2 Q. Come on in. Are you [REDACTED] [REDACTED]

3 A. Yes.

4 Q. Did I say it right?

5 A. Yes.

6 Q. I'm Commissioner Greenan. Commissioner Grant and  
7 Commissioner Ross are also with us here today.

8 Mr. [REDACTED] this is a reappearance for you. It  
9 likes like your sixth?

10 A. Yes, sir.

11 Q. You've been held twenty-four months ever since  
12 1998. This is a Murder 2nd conviction, via plea,  
13 fifteen-to-life, right?

14 A. Yes, sir.

15 Q. It likes like in the -- somewhere in and around

16 [REDACTED] you stabbed a [REDACTED] multiple  
17 times, causing her death. I guess it was in  
18 front of a tavern; is that right?

19 A. Yes -- my girlfriends.

20 Q. Your girlfriend?

21 A. Yes.

22 Q. And it was some sort of fit of passion; is that  
23 what it was?

24 A. Yes, sir.

25 Q. Terrible crime. You've been in prison for how

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1 long now?

2 A. Twenty-five years.

3 Q. A long time. Prior to this, your criminal record  
4 included an Assault 3rd, which was you choking a  
5 wife or a girlfriend; is that what that was?

6 A. I had a problem with relationships when I was  
7 young.

8 Q. I read through everything that you submitted,  
9 both in the past and recently, and I see that you  
10 see that now, that you were controlling, like  
11 your father had been controlling of your mother.

12 A. Yes.

13 Q. And that you know, you now realize, that you know  
14 that's why you were the way you were?

15 A. Yes.

16 Q. I know you've been in a long time, twenty-five  
17 years. Are you that same person now?

18 A. No, sir.

19 Q. How old are you now?

20 A. 47, I'll be 48 in February.

21 Q. Okay. You've done well in here. No tickets in  
22 the last twenty-four months. You've been a  
23 porter in the Gym. You're an industry worker in  
24 the sign shop, and you've done Phase II. Any  
25 other programs that I'm missing? I know you've

- 1 done a lot in the past.
- 2 A. In '98 I did Phase III, and completed it, but  
3 they never put it in the computer. They just  
4 corrected that, and put it in the computer.
- 5 Q. Oh, good. Okay. There are a lot of different  
6 letters of support. There's a letter from you,  
7 the most recent one, where you described kind of  
8 how you got where you were at. There is a letter  
9 from your dad -- is that who that is?
- 10 A. Yes.
- 11 Q. He asks that you be released. He pleads for it.  
12 [REDACTED] who is that?
- 13 A. [REDACTED]
- 14 Q. Yes.
- 15 A. I'm not familiar with [REDACTED] [REDACTED] What's the  
16 letter in reference to?
- 17 Q. He says here you're a regular attender and  
18 participant in the Friends worship services.
- 19 A. Oh, okay. He's from the Quakers.
- 20 Q. Yes.
- 21 A. The fellowship here.
- 22 Q. He speaks on your behalf.
- 23 A. I just know him as "[REDACTED] They never say their  
24 last names.
- 25 Q. I understand. I'm not trying to sandbag you



1 here. I know that you've reached out to the  
2 [REDACTED] program, but I think you've reached  
3 out to him before, right?

4 A. Yes, he's been instrumental since '98 in writing  
5 letters.

6 Q. That's great. That shows that you're trying.  
7 Those are all the recent ones, and there are  
8 things prior to that, as well.

9 A. Right.

10 Q. I notice you were having some problems with  
11 somebody in one of the facilities, a Mr.  
12 [REDACTED] at one point.

13 A. He's a sign shop supervisor.

14 Q. Have you worked that out at this point?

15 A. Oh, yes. I spoke to the superintendent, and  
16 asked to be changed from that program.

17 Q. But he didn't give you any tickets, or anything  
18 like that, did he?

19 A. No.

20 Q. It was just a personality conflict, or what was  
21 it?

22 A. It was -- yeah, I had asked for a pay rate jump,  
23 because they do that in industries in other  
24 facilities, too, and I had very good program  
25 evaluations, and he said they didn't do it, so I

1           [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
2           went over his head to the superintendent, and he  
3           didn't like that, so it went downhill from there.

4           Q.    Yeah, that will mess up a relationship.

5           A.    And then he tried to get me out of the shop, so I  
6           asked for change.

7           Q.    At least you didn't get a ticket for it.  The  
8           Phase III is in here, just so you know.

9           A.    Thank you.

10          Q.    I don't know when it's dated.  It's dated '98, so  
11          they must have found it, or maybe you gave it to  
12          them.  And then, you've reached out to [REDACTED]

13          [REDACTED] over the years.  You've done well in here.  
14          You've got your -- did you get your GED in here?

15          A.    Yes, sir, and some college credits, a whole bunch  
16          of programs.

17          Q.    I see that.  Your release plans are to go to  
18          [REDACTED] [REDACTED] as I said, or at least to give it a  
19          try, right?

20          A.    Yes.

21          Q.    I also see there was a letter from a legislator,  
22          or that you have reached out to them to try to  
23          push that.  What kind of work do you plan to go  
24          into?

25          A.    They have a computer training and culinary arts  
                program there that I can take, and I also have a

██████████ ██████████ ██████████ ██████████ ██████████  
1 trade from when I was home, the restoration of  
2 buildings. I did occasional masonry.

3 Q. What would you like to do if you had your choice?

4 A. I was thinking about working my way into some  
5 kind of administrative spot in one of ██████████  
6 ██████████ programs. I know how to play the guitar.

7 I want to continue that. Maybe, you know, do  
8 something with a music career, as far as maybe  
9 sessions player, or something like that.

10 Q. Do you think you're capable at this point of  
11 having a relationship with a woman? I mean,  
12 because, you know, you've had two bad, really  
13 bad, things here?

14 A. I was -- growing up, I was in a dysfunctional  
15 family. My father is an abusive alcoholic. As I  
16 said, in my letter, he would come home and abuse  
17 my mother. She was the type, she was a  
18 housemother. She stayed home. She didn't have  
19 hardly any friends, always stayed in the house,  
20 never worked, and to vent her frustrations out,  
21 she would turn and abuse myself and my brothers  
22 and sister. It's ongoing behavior. It's not  
23 right. It's something I grew up with. I acted  
24 out. I realize that now. I can have a  
25 relationship, but that's not a priority. My



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1 priorities are to go out and report to my parole  
2 officer, so I don't have to come back here. My  
3 father is going to be 70. He's worried about am  
4 I going to be in prison and he's going to die. I  
5 already lost two grandmothers, and my mother  
6 passed away a few years ago. That's just in the  
7 last five years.

8 Q. Okay.

9 A. So, I'd really like to go home.

10 Q. Well, at your age, that's what happens.

11 A. I'd really like to go home, and do the right  
12 things, and spend some quality time with my  
13 father. I have a daughter that's going to be 30  
14 next month. I have two grandchildren I never  
15 met. I don't get visits. They're too far from  
16 home. My dad doesn't have a car. He's elderly.  
17 He's seriously worried that at his age the  
18 longevity of life comes into question. He's  
19 seriously worried about me being in prison, and  
20 him passing away. He never saw me come home, and  
21 that bothers me. I want to go home so bad. As  
22 far as relationships, I'm not in a hurry. I have  
23 to take care of myself first.

24 Q. Right, and I think you have to be exceedingly  
25 careful because of your past.

██████████ ██████████ ██████████ ██████████ ██████████

1 A. I don't want to put myself in a position -- I'm  
2 not in a hurry, like other guys are, to run out  
3 there, and get involved in a relationship.  
4 That's not a priority. I know now what to look  
5 for. I don't want to get into dysfunctional  
6 relationships, like I did before. I grew up in a  
7 dysfunctional relationship. I saw how  
8 dysfunctional relationships work out. I don't  
9 want that again. That's why it's just not a  
10 priority right now.

11 Q. Well said. Well said. All right.

12 COMMISSIONER GREENAN: Commissioner Grant,  
13 anything you'd like to ask?

14 COMMISSIONER GRANT: No, thank you.

15 COMMISSIONER GREENAN: How about you,  
16 Commissioner Ross?

17 COMMISSIONER ROSS: No, thank you.

18 Q. I'll give you the last word. I think we've  
19 covered it all, but if there's anything that I  
20 missed, or anything else that you want to talk  
21 about, now would be the time.

22 A. I know it's serious. I can never bring her back.  
23 I know that. I'm really sorry -- sorry for what  
24 I did and the pain I caused her family. This my  
25 sixth year. I'm ten years over my minimum. I'm

██████████ ██████████ ██████████ ██████████ ██████████  
1 not saying you owe it to me, no. But I'm asking  
2 for a break, just to give me that one brake, so I  
3 can go out, and put my life together. I'm going  
4 to be 48. I have twenty years now to put in the  
5 work force before I would retire at 68 years old.  
6 I have to make a serious effort.

7 Q. All right. We'll let you know in a couple of  
8 days. Good interview.

9 A. Have a good day.

10 AFTER DUE DELIBERATION BY THE PAROLE BOARD  
11 PANEL, THE FOLLOWING DECISION HAS BEEN RENDERED:

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
D E C I S I O N

1  
2 Parole is denied. Hold twenty-four months.  
3 Next appearance 8/10.

4 Parole is denied. After a careful review of  
5 your record, your personal interview, and due  
6 deliberation, it is the determination of this  
7 panel that, if released at this time, there is a  
8 reasonable probability that you would not live at  
9 liberty without violating the law, your release  
10 at this time is incompatible with the welfare and  
11 safety of the community, and will so deprecate  
12 the seriousness of this crime as to undermine  
13 respect for law. This decision is based on the  
14 following factors: You appear before this panel  
15 with the serious instant offense of Murder 2nd,  
16 wherein you stabbed a female victim in front of a  
17 tavern, causing her death. This panel is  
18 disturbed by the extreme violence associated with  
19 this terrible crime. You were on probation for  
20 assaulting another woman at the time of the  
21 crime. Consideration had been given to any  
22 program completion and any satisfactory behavior;  
23 however, your release at this time is denied.

24 (THE COMMISSIONERS CONCUR)  
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REPORTER'S CERTIFICATION

I, MALKIE FINER, a Shorthand and reporter  
Notary Public within and for the State of New  
York, do hereby verify that the foregoing is a  
true and correct transcript of the minutes  
recorded by me and reduced to typewriting under  
my supervision.

  
\_\_\_\_\_  
MALKIE FINER