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September 2021

### Parole Interview Transcript/Decision - FUSL000090 (2010-10-05)

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STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
DIVISION OF PAROLE

\*\*\*\*\*

Parole Board Hearing

In the Matter of

[REDACTED] [REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

\*\*\*\*\*

TYPE OF HEARING: Reappearance

LOCATION: Eastern Correctional Facility

DATE: October 5, 2010

BEFORE: COMMISSIONER ELOVICH  
COMMISSIONER ROSS

ALSO PRESENT: M. PALMER, FPO I  
D. AMEND, FPO II

HEARING REPORTER: Roberta O'Rourke

M & F Reporting Service  
(845) 562-5190

DIVISION OF PAROLE  
RECEIVED  
NOV 9 2010  
ULSTER CORRECTIONAL FACILITY

[REDACTED] [REDACTED] [REDACTED] DIN [REDACTED] NYSID [REDACTED]

2

1 INTERVIEW BY COMMISSIONER ELOVICH:

2 Q Have a seat, sir. Hi, are you [REDACTED] [REDACTED]

3 A Yes, ma'am.

4 Q Am I pronouncing that correctly?

5 A Yes.

6 Q I'm Commissioner Elovich. With me today is  
7 Commissioner Ross.

8 COMMISSIONER ROSS: Hello.

9 A Hello.

10 Q How are you today, sir?

11 A I'm nervous. Nervous.

12 Q I know you've been before the board of parole  
13 many times before.

14 A Yes.

15 Q And I did receive the letter that you sent to  
16 us and I did read it. So I wanted to let you  
17 know that I am aware of your sentiments in the  
18 letter. And I've also reviewed the file for your  
19 program accomplishments and vocational and work  
20 assignments and all of the things that you've  
21 been doing since you've been in here, okay? I  
22 know that this was postponed, you were supposed  
23 to initially have this interview back in August,  
24 is that right?

25 A Yes.

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

1 Q And at the time you had a tier III  
2 disciplinary infraction that you were appealing,  
3 correct?

4 A Yes.

5 Q And it's my understanding that that's been  
6 resolved since then?

7 A Yes.

8 Q And that the ticket was affirmed?

9 A Yes.

10 Q And it was for harassment and threats and you  
11 did, was it a month SHU --

12 A Yes.

13 Q -- for that? Okay. Now, you are convicted  
14 of murder in the second degree and you continue  
15 to serve 15 to life?

16 A Yes.

17 Q According to the record, sir, you stabbed a  
18 female victim in the chest and stomach causing  
19 her death?

20 A Yes, my ex-girlfriend.

21 Q Is there anything that you would like to say  
22 regarding the instant offense in addition to  
23 things that you've said in the past?

24 A I was 22 and I had a problem with a couple  
25 relationships, I was possessive and controlling

██████████ ██████████ DIN ██████████ NYSID ██████████<sup>4</sup>

1 and had trouble with rejection, excepting other  
2 person's choice to move on.

3 Q You sure she was your girlfriend?

4 A Yes, she was my girlfriend. We were dating  
5 for a couple of months.

6 Q Was she engaged to somebody else?

7 A Engaged?

8 Q Was she dating somebody else?

9 A She was seeing other guys.

10 Q Committed to somebody else?

11 A I guess she was seeing other guys behind my  
12 back.

13 Q Are you sure she considered you to be her  
14 boyfriend?

15 A Yes, for two months, for a couple of months  
16 we were seeing each other quite regularly.

17 Q Why did you kill her?

18 A I had problems. I was possessive. When a  
19 girl showed she cared I clung on and I didn't  
20 want to let go and I had trouble accepting the  
21 choice to end a relationship. And I had problems  
22 with anger and I was abusing the alcohol which is  
23 an excuse, it's not an excuse, I was really  
24 hurting inside and I couldn't see back then that  
25 you know the person has a choice to move on in a

[REDACTED] [REDACTED] [REDACTED] DIN [REDACTED] NYSID [REDACTED]

5

1 relationship. I just wanted to hold on and hold  
2 on because I felt unloved and when she showed she  
3 loved me I just didn't want to let go. It was  
4 hard. It was hard to let go.

5 Q So you stabbed her with what a knife?

6 A A knife. I was going -- I cut my wrist  
7 before like feel sorry for me little thing you  
8 know and I was going to do it again and she got,  
9 she got out of the car and she pushed me and I  
10 just reacted.

11 Q Okay. She was never armed with anything, was  
12 she?

13 A No. We were outside of a bar in Cohoes.

14 Q Now, let's talk about what you've been doing  
15 since your last board interview. I see that --  
16 before we go to that it was your first brush with  
17 the law but this is your only time in state  
18 prison. You had an assault, misdemeanor  
19 assault --

20 A Yes.

21 Q -- prior to this and a disorderly conduct  
22 violation. And I see you got probation for that  
23 misdemeanor assault back in '82. Were you on  
24 probation at the time of the instant offense?

25 A Yes.

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

- 1 Q Let's go back to what you've been doing since  
2 your last board interview. You did get the tier  
3 III for the harassment and threats and I also see  
4 an additional tier III for unauthorized exchange  
5 and out of place --
- 6 A Yes.
- 7 Q -- is that correct?
- 8 A I'd like to explain them. I wrote a  
9 statement explaining but I would like to explain  
10 them.
- 11 Q Okay, go ahead.
- 12 A I have a problem with my short term memory.
- 13 Q Okay.
- 14 A I'm getting older, I'm turning 50 in  
15 February. I wrote a few things down to refresh  
16 my memory.
- 17 Q Okay.
- 18 A I went years without any tickets and I've  
19 been trying to stay away from problem people  
20 here. I have no violence on my record in 27  
21 years. I have propensity to violence when I was  
22 younger all right, I didn't know how to control  
23 anger. I was possessive and controlling and I  
24 did have a propensity for violence. I see that  
25 now. And what I see now is a person has a choice

[REDACTED] [REDACTED] [REDACTED] DIN [REDACTED] NYSID [REDACTED] 7

1 to move on in a relationship. I didn't see that  
2 before and I'm in control of my emotions and my  
3 anger. With the tickets I was a porter and I was  
4 hanging out in a friend's cell and I had a watch  
5 and the watch band was broke and I left it on his  
6 window sill and I walked away that night  
7 forgetting it. The next morning I admonished  
8 this guy, he had a prior assault on another  
9 inmate and he had a proper problem with his  
10 hands, I admonished him about his hands, putting  
11 his hands on me and a friend. I told him pointly  
12 and just couldn't accept it and he hit me in the  
13 back of the head and in the face. Didn't want to  
14 snitch on him so I went to the slop sink and I  
15 wiped the blood from my face and I used the  
16 toilet. All right, I was nervous and everything.  
17 They put me in the box and gave me out of place  
18 and they put me in IPC. I had 30 days out of  
19 place.

20 Q Okay. And what about the harassment and the  
21 threats?

22 A I was getting to that. So I get the ticket  
23 for the out of place and the unauthorized  
24 exchange my friend held onto my watch instead of  
25 turning it in, all right.



[REDACTED] [REDACTED] DIN [REDACTED] NYSID [REDACTED]

8

1 Q Okay.

2 A Now I'm going to my board in August, I'm  
3 staying away from people, I got people harassing  
4 me because they know you're going to your board,  
5 some people didn't like me here, I'm labeled a  
6 snitch in this place. I don't go around hurting  
7 people and I have people harassing me and staff  
8 finally see it and always keeping notes and  
9 everything and complaining but sometimes it fell  
10 on deaf ears.

11 Q Okay.

12 A And I was out minding my business and this  
13 guy didn't like me, right, and someone threw  
14 perverted notes in my cell.

15 Q Okay.

16 A I brought it to the staffs attention because  
17 I wrote a note to the superintendent, nobody even  
18 interviewed me. I'm out in the yard, the man  
19 spit at me, I walked, I walked away, sat at the  
20 table, I got up to do some pull-ups. I was  
21 thinking about my board and I just walked around  
22 I did my pull-ups. I walked around, I did it  
23 like three times. I was going back over, I  
24 didn't even know the guy's name, he come up to me  
25 and he and I said stay away from me, leave me

[REDACTED] [REDACTED] [REDACTED] DIN [REDACTED] NYSID [REDACTED]

9

1 alone, stay away and I turned around and walked  
2 away. I walked towards the tables to sit down,  
3 he followed me. I sat down, he come up to me and  
4 I told him my parole board is next month leave me  
5 alone. I don't know what your problem is, I  
6 don't talk to you, I don't know what it is, leave  
7 me alone please.

8 Q Okay.

9 A He said something about fighting. I said  
10 I'll press charges. If you don't want a new bid  
11 stay away from me. That's all I said to him. He  
12 went to the guard and said I physically  
13 threatened him.

14 Q And you went to the hearing, you tried to  
15 appeal this and they did affirm the harassment  
16 and the threats. You did get one month SHU which  
17 isn't a lot of time, sometimes we see lot more  
18 SHU time than. But they did give you the  
19 harassment and the threats.

20 A Yes.

21 Q Let's talk about the productive things that  
22 you've been doing since your last parole board.  
23 Tell me about any programs that you may have done  
24 since then and how you've been spending your  
25 time? I see that you've been a mobility

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

1           assistant in SDU, you've also been a group leader  
2           on B block and you've been a porter in the  
3           gymnasium.

4       A       Yes, I took phase, transitional service phase  
5           two here, I completed that in '07. As far as my  
6           programs since I've incarcerated I got my GED,  
7           college courses, music theory, vocational  
8           masonry, mason assistant.

9       Q       I did see certificates that you have in your  
10           file and also in addition read what you wrote in  
11           the letter and you have done a lot of programs, a  
12           lot of vocationals and a lot of work assignments  
13           and we'll take that into consideration. We'll  
14           take a good look at all of those things. If you  
15           are released you're going to, I read something  
16           about you want to be a father of Peter Young  
17           housing program?

18      A       Yes.

19      Q       That's in the ██████████ area?

20      A       Yes. They have a culinary arts program  
21           training I want to take when I get there.

22      Q       Good.

23      A       They have outpatient treatment, AA, you know,  
24           various programs like that.

25      Q       Okay. Do you have any family on the outside?

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

1 A My dad, my brothers and sisters.

2 Q I did see letter in the file, you have  
3 letters of support. One is from your dad?

4 A Yes, someone from a friend.

5 Q He wrote a nice letter on your behalf and I  
6 also saw a letter from Larry Hallock and that's a  
7 friend of yours?

8 A An old friend of mine.

9 Q Who has known you for a very long time?

10 A Yes.

11 COMMISSIONER ELOVICH: Commissioner, any  
12 questions?

13 COMMISSIONER ROSS: No, thank you, I have no  
14 questions.

15 Q All right, sir, we will review everything  
16 and --

17 A May I finish?

18 Q Yes.

19 A When I get out I want to report to my parole  
20 officer and find a job and work and never put  
21 myself in a position to be mindful of the  
22 behavior that got me in prison. My mom died four  
23 years ago, I want to go out and get a grave  
24 stone. She doesn't have a grave stone. I'm  
25 really sorry for the pain I caused the victim and

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

1 the pain I caused her family. I'm tired of being  
2 in prison. I've been in prison for 27 years.  
3 I'm tired of being in prison. I'm very, it's  
4 sucking the life out of me in here. I want to go  
5 home to my family. I can't take it in here  
6 anymore. I don't bother nobody out there.  
7 People bother me. Like this guy he don't like  
8 me, he's a pervert. The guy come on to me,  
9 perverted stuff with notes. When somebody is  
10 throwing notes in my cell and I tell them I don't  
11 want to press charges and they put me in the box  
12 and I am the one that gets punished for this? I  
13 tell these people that falls on deaf ears.

14 Q Okay, sir.

15 A I just want to go home with my family and put  
16 my life together.

17 Q Well, we'll discuss that after you leave.  
18 We'll review everything, we'll review all of your  
19 accomplishments and we'll make a decision, we'll  
20 get back to you in a couple of days. Thank you.

21 A I want to go out and do the right thing. I'm  
22 really sorry for taking her life, I didn't mean  
23 it. I'm sorry. Twenty-seven years is a long  
24 time. I'm 12 years over my minimum. I'm going  
25 to be 50. I want to go out and work. I still

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

1        have 18 years left. If you release me to work  
2        towards retirement will put me at 68. I don't  
3        want to die in prison an old man.

4        Q        Thank you, sir. We'll take all of that into  
5        consideration.

6        A        Thank you. Have a good day.

7        Q        You too.

8                (Whereupon, the Inmate was excused.)

9        (After due deliberation by the Parole Board Panel,  
10       the following decision has been rendered:)

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[REDACTED] [REDACTED] DIN [REDACTED] NYSID [REDACTED]

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## 1 D E C I S I O N

2 BY COMMISSIONER ELOVICH:

3 Denied, hold 24 months, next appearance 8/12.

4 After review of the record and interview the  
5 panel has determined that if released at this time  
6 your release would be incompatible with the welfare  
7 of society and would so deprecate the serious  
8 nature of your crime as to undermine respect for  
9 the law. This decision is based on the following  
10 factors, your instant offense is murder second  
11 degree which you are serving 15 to life. Your  
12 instant offense involved you stabbing a female  
13 victim to death. This crime is a continuation and  
14 severe escalation of a negative pattern of behavior  
15 which includes a misdemeanor assault. Since your  
16 last board appearance your institutional behavior  
17 has been poor. You incurred multiple tier III  
18 disciplinary infractions, one of which was for  
19 harassment and threats. The board notes your  
20 program completions, vocational accomplishments,  
21 work assignments and letters of support. More  
22 compelling, however, is the extreme and brutal  
23 violence exhibited in the instant offense, your  
24 callous disregard for the life of the victim, and  
25 your poor behavior in prison. As such your release

██████████ ██████████ DIN ██████████ NYSID ██████████ 15

1 at this time is not appropriate.

2 (All Commissioners concur.)

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[REDACTED] [REDACTED] DIN [REDACTED] NYSID [REDACTED]

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## 1 CERTIFICATION

2

3 I, ROBERTA O'ROURKE, Court Reporter and Notary  
4 Public in and for the State of New York, do hereby  
5 certify that I attended the foregoing proceedings,  
6 took stenographic notes of the same, that the  
7 foregoing, consisting of 16 pages, is a true and  
8 correct copy of same and the whole thereof.

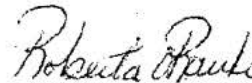
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10 Dated: October 12, 2010

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14 Roberta O'Rourke

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