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September 2021

### Parole Interview Transcript/Decision - FUSL000090 (2012-08-15)

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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION  
DIVISION OF PAROLE

\*\*\*\*\*

Parole Board Interview

In the Matter of:

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

\*\*\*\*\*

TYPE OF INTERVIEW: REAPPEARANCE

LOCATION: EASTERN CORRECTIONAL FACILITY

DATE: AUGUST 15, 2012

BEFORE: COMMISSIONER ELOVICH  
COMMISSIONER THOMPSON  
COMMISSIONER COPPOLA

ALSO PRESENT: M. PALMER, FPO I  
S. CHRISTIE, FPO I  
T. BRIGGS, SORC  
K. TOMLIN, ORC  
C. LOARCA, SORC

REPORTER: ROBERTA O'ROURKE

M & F REPORTING SERVICE  
(845) 562-5190

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

1 INTERVIEW BY COMMISSIONER ELOVICH:

2 Q Have a seat, sir. Can you please state your  
3 name for the record?

4 A ██████████ ██████████

5 Q Mr. ██████████ I'm Commissioner Elovich. With  
6 me today are Commissioners Thompson and Coppola.

7 COMMISSIONER COPPOLA: Good morning.

8 COMMISSIONER THOMPSON: Good morning.

9 Q How are you today?

10 A I'm fine. How are you?

11 Q I'm fine, thank you for asking. I know  
12 you've met me before.

13 A Yes.

14 Q I want to let you know that we are in no way  
15 bound by any prior decisions by the board of  
16 parole and you have a different panel today than  
17 you've had in the past, okay?

18 A Yes, ma'am.

19 Q All right, sir, now you are here for a  
20 reappearance?

21 A Yes, ma'am.

22 Q About how many times have you been before the  
23 board of parole?

24 A This is my eighth time.

25 Q Eighth time? Okay, so how many years have

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- 1           you been in here?
- 2       A       29 on a life to life.
- 3       Q       29? Okay. And how old are you?
- 4       A       51.
- 5       Q       You are in for murder in the second degree --
- 6       A       Yes, ma'am.
- 7       Q       -- correct? According to the presentence
- 8           report, also we're not going to go over -- I'm
- 9           going to try and ask you some different questions
- 10          this time than you were asked on prior occasions
- 11          because I do have the benefit of having all of
- 12          the transcripts from your prior interviews and
- 13          the presentence report, but I am going to mention
- 14          for the record that this involved you stabbing a
- 15          female victim numerous times with a hunting knife
- 16          in the stomach and the chest. She died as a
- 17          result of your actions?
- 18       A       Yes, ma'am, my girlfriend.
- 19       Q       And she was a former person that you had
- 20          dated at one point?
- 21       A       Yes.
- 22       Q       And you were not dating at the time?
- 23       A       We split up.
- 24       Q       Okay. She had rejected you?
- 25       A       Yes, we split up a week before that.

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1 Q And the assault three that you have in your  
2 past, misdemeanor assault, was that the same  
3 victim or that was a different girlfriend?

4 A Fiance from 1981.

5 Q Okay, and she had rejected you as well and  
6 you assaulted her by choking her?

7 A I grabbed her by the neck.

8 Q As a result? Okay. So you did have a  
9 pattern or at least two occasions that we know of  
10 times where you were rejected by women and the  
11 way that you reacted to that rejection was by  
12 harming them. Luckily the first time around it  
13 was choking but the person was okay. This time  
14 around the victim was not so lucky. She ended up  
15 dying as a result of your actions.

16 A Yes, ma'am, it was a terrible thing.

17 Q Very, very heinous crime. What do you think  
18 the impact on the victim's family has been all  
19 these years having to go on --

20 A Tremendous.

21 Q -- without their loved one?

22 A I caused them tremendous pain and suffering  
23 over the years by killing my girlfriend. I took  
24 away an innocent life, someone they loved. They  
25 loved her. Her mother treated me like a son in



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1           the short time I knew her. She was a really nice  
2           person, the mother, and I caused them tremendous  
3           pain.

4           Q           And the woman that you killed was a very nice  
5           person as well --

6           A           Yes.

7           Q           -- is that right?

8           A           Yes.

9           Q           The family will never have the benefit of  
10          seeing her?

11          A           No because of my actions she never got the  
12          chance to get married, have children or grow old.  
13          It was a very terrible thing I did.

14          Q           Is there anything, before we move on, is  
15          there anything else that you want to say  
16          regarding your instant offense or your past  
17          history? And I did see that you put a lot of  
18          notes regarding the COMPAS, you wrote a letter  
19          and we'll go over the things that you wrote in  
20          your letter, but before we move on to talking  
21          about the COMPAS and some other things in the  
22          file is there anything else you want to say  
23          regarding the instant offense or your past  
24          history?

25          A           Yes, ma'am.

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1 Q Okay.

2 A I grew up in a dysfunctional alcoholic  
3 abusive family. Growing up my father was an  
4 abusive alcoholic. He would come home and beat  
5 my mother and abuse us. It was something, like  
6 it was like a learned behavior even though I  
7 didn't like what was going on in the household.

8 Q So you witnessed a father that was  
9 controlling and abusive toward your mother?

10 A Yes.

11 Q And you followed that same pattern?

12 A I followed the same pattern with these two  
13 relationships. It was my mother was abusive too.  
14 I think she acted out because of the abuse she  
15 was getting, she acted out with my siblings and I  
16 hitting us. And I always felt if you love me why  
17 are you hurting me. So when I got involved --

18 Q Let's talk about what you've done to address  
19 that pattern of extremely violent and dangerous  
20 behavior that actually resulted in someone's  
21 death.

22 A I've learned through the ART and the AVP  
23 while controlling anger and see what triggers it  
24 regarding the, it was a learned thing, something,  
25 a learned behavior and I had trouble controlling

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1       anger, communicating with my, I always wanted to  
2       be controlling. I didn't look at it as 50/50 in  
3       a relationship, now it has to be a 50/50  
4       relationship. You have to accept the other  
5       person, how they feel when they want to end the  
6       relationship. I see that now. I know what to  
7       look for in dysfunctional relationships that  
8       controlling. I've been in a relationship where  
9       it's controlling, the woman wanted to be  
10      controlling. And things I can see now and I see  
11      in myself that I don't want to be controlling I  
12      want you to know -- share things open up.

13     Q       Let's talk about controlling anger and you  
14       say that you have addressed those concepts in  
15       ART?

16     A       Yes.

17     Q       And you have tried to reflect on them. I do  
18       see that since your last board appearance and I  
19       saw your response to the tier III ticket what you  
20       wrote to the board, we'll talk about that in a  
21       minute. But you did receive a tier III  
22       disciplinary infraction at Eastern on, from an  
23       incident that stemmed on June 20th, 2011 for  
24       violent conduct and threats and you received a  
25       significant amount of SHU time for that conduct.



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1 Prior to this hearing you had a tier III which  
2 we're not going to consider because we only  
3 consider the disciplinary for each interview  
4 before us, but you seem to have a pattern of  
5 somewhat violent or threatening behavior while  
6 you've been in prison. And I did look at the  
7 ticket, I saw that it involved two inmates and I  
8 also did see your explanation where you said you  
9 felt threatened by these inmates?

10 A I was complaining to staff and they weren't  
11 doing nothing, the guards. I wrote the inspector  
12 general. The inspector general came down, he  
13 says I have no witnesses.

14 Q Has the inspector general done anything as a  
15 result of you writing to them?

16 A No. They came down and they said that you  
17 have no witnesses, nothing we can do, it's your  
18 word against their's. They were causing me, the  
19 time you're referring to, you said you're not  
20 going to take the situation, I was placed in the  
21 box because I told an inmate that approached me  
22 in an aggressive manner, I sat down on the bench  
23 I would press charges, I said stay away from me  
24 as to diffuse the situation and it worked but  
25 then he went and lied to staff saying I

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1       physically threatened him following him in the  
2       yard, I never went by him.

3       Q       You had a hearing July 5th?

4       A       No, that was the one you said you're not  
5       going to address from two years ago at the prior  
6       board.

7       Q       No, I'm talking about the recent tier III --

8       A       Oh, that.

9       Q       -- that you got 90 days SHU for, did you have  
10       a hearing on that?

11      A       Yes, that was over a year ago. I vented my  
12      frustration in a letter that's attached to the  
13      summary.

14      Q       Yes, I saw that.

15      A       And I was wrong. I vented my frustration, I  
16      had no intentions of hurting anybody, I was  
17      just --

18      Q       Let me just make sure this is clear, the two  
19      inmates that you had threatened that was from two  
20      years ago, that's not the recent one which is the  
21      recent incident?

22      A       The recent one is the threat and threat of  
23      violent conduct.

24      Q       Threats of violent conduct, what did that  
25      involve?

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1 A The same inmate was harassing me again, I was  
2 coming up from medium security.

3 Q Why would he pick you to harass?

4 A They were causing me problems here, ma'am,  
5 they caused me problems. I had one of them  
6 telling I'm going to make sure you go back to the  
7 box and lose your board, that was two years ago.

8 Q Why would he have a problem with you? Did  
9 you have any former conflicts?

10 A One of them was a troublemaker and I'm  
11 bisexual. He was coming onto me and I rejected  
12 his coming onto me.

13 Q All right. Now, and while we're on the  
14 subject of anger I saw that you do have some  
15 things you'd like to discuss from the COMPAS  
16 report, a COMPAS was done, you scored as a low  
17 risk of future felony violence and rearrest.  
18 Part of that is due to your age and amount of  
19 time you have served. It's a formula that goes  
20 into COMPAS and they come up with something that  
21 they present to the board. It's one of many  
22 things that we look at. They scored you in terms  
23 of needs on the outside high in terms of prison  
24 misconduct which means that you may need to  
25 address some of your conflict or anger types of

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1 issues on the outside if you were to be released.  
2 You did say you wanted to discuss some of the  
3 anger portions of the COMPAS. You said you  
4 wanted to discuss number 56, I feel other people  
5 get more breaks than me, you wrote you're  
6 uncertain, you don't know. What did you want to  
7 say regarding that? You also said that you  
8 wanted to talk about being in control of most --  
9 that you like to be in control of most situations  
10 and you said no to that. Is there anything you  
11 want to say regarding --

12 A Regarding --

13 Q -- 56 and 58?

14 A 56 I put down uncertain don't know. I don't  
15 know how everybody in the world realistically,  
16 people get breaks, I'm not mad at people that get  
17 breaks, you move on in life.

18 Q Then number 58, I like to be in control, you  
19 said you don't know. And that actually is a more  
20 important one to discuss because one of your  
21 issues when you killed the victim was that it was  
22 part of it was a control issue?

23 A Yes..

24 Q So let's talk about number 58.

25 A I feel we should be in control of our lives



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1 to a certain degree. Not overcontrolling.

2 Q So you're saying you wanted to be in control  
3 of your life but not necessarily other  
4 people's --

5 A My life. My life because if I'm not in  
6 control then I'm like a drug user or alcoholic,  
7 I'm out of control and dysfunctional. I don't  
8 want to be that guy.

9 Q So you want to be in control of your life?

10 A Yes.

11 Q And the choices that you make?

12 A Choices I make.

13 Q What about number 63, it says I prefer to be  
14 the one who's in charge of my relationships with  
15 other people and you wrote mostly disagree.

16 A Did I? It says uncertain, don't know.

17 Q Okay. Mine says mostly disagree.

18 A Wait, wait. What number?

19 Q 63.

20 A 63.

21 Q You said you wanted to discuss that one.

22 A I feel it has to be 50/50. I used to be in  
23 control. I learned from my mistakes of being a  
24 controlling person.

25 Q What about 66, I feel I have been mistreated



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1 by others. You said you wanted to discuss that  
2 one, it says uncertain, don't know?

3 A That was in reference to it was a picture in  
4 my file where I was assaulted by inmates in  
5 another prison and the officer allowed them to do  
6 that. And that's where I was mistreated. I was  
7 referring to that issue.

8 Q What about number 74, you said you wanted to  
9 discuss that, I often get angry quickly but then  
10 get over it quickly, you said uncertain, don't  
11 know. And then actually it's an important one  
12 for us to discuss because part of your pattern in  
13 the past has been getting very angry.

14 A It says I often, I don't often get angry.

15 Q Okay.

16 A I don't often get angry. When I do I get  
17 over it quick. I used ART to see what triggers  
18 it and my response is I use defensive driving in  
19 prison here.

20 Q And I did read that from your letter.

21 A If someone bumps into me I'll say excuse me  
22 rather than because in here in prison people get  
23 attitudes. So if you say, you bump into me I'll  
24 say oh it was my fault, excuse me, try to diffuse  
25 the situation before it occurs.

W: DIN NYSID

- 1 Q Okay. Let's talk about your release plan.
- 2 And I see that over the years you've been trying
- 3 to get involved with the Father Young program.
- 4 You have been reaching out to them?
- 5 A Yes.
- 6 Q I did see the most recent letter from them
- 7 which said that they would have to see if you
- 8 were released --
- 9 A Yes.
- 10 Q -- then they would make a determination, they
- 11 can't make a predetermination on that.
- 12 A That's a policy I guess.
- 13 Q One of the things they asked whether or not
- 14 you completed ASAT. Did you complete ASAT?
- 15 A Yes, I completed that, I think it was 1991.
- 16 Q Yes, you completed all of the DOCCS programs
- 17 that have been asked of you?
- 18 A Yes. Can I --
- 19 Q You also have some letters of support in the
- 20 file that we'll consider as well from friends,
- 21 past letters.
- 22 A My dad passed away last year so.
- 23 Q I'm sorry for your loss. I know your mom
- 24 passed away awhile ago.
- 25 A '06.

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1 Q Now your dad is no longer with you as well?

2 A There was a couple of things that were in  
3 error on here. It says how many prior  
4 misdemeanor assault not domestic violence arrest  
5 as an adult, I put one. It was my fiance when we  
6 were living together for a year, that was  
7 domestic violence isn't it?

8 Q Okay.

9 A It says total number of infractions in the  
10 past 24 months it says fights one. I didn't have  
11 a fight. You have the ticket in front of you, it  
12 was threats and threat of violent conduct. I  
13 vented my frustration about being transferred  
14 away from these individuals and I just I feel I'm  
15 going to hurt them. If you are angry with this  
16 gentleman and you call up the chairman and say  
17 I'm going to punch Coppola, I'm going to punch  
18 Mr. Coppola in the face, you're not going to do  
19 it, it's not your intention, you're venting  
20 frustration.

21 Q Yes but, sir, one of the differences I can  
22 point out to you is that I've never killed  
23 anybody, and I've never choked anybody. So I  
24 haven't shown a pattern of violence that anyone  
25 should be concerned with.

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- 1 A I can explain left and right about the two  
2 individuals. I have stacks, the inspector  
3 general has got all of the letters. They never,  
4 they won't send copies back, they just don't.
- 5 Q Thank you for bringing that to our attention,  
6 we will certainly take your thoughts.
- 7 A I tried every avenue to stay away from these  
8 people and they just, I asked for when I went to  
9 the box for this ticket I asked the hearing  
10 officer please give me 75 days or more to get me  
11 out of this jail. And they denied my transfer.
- 12 Q Okay, let's talk about your release plan. If  
13 you were released you'd like to go to the ██████████  
14 ██████████ program?
- 15 A Yes.
- 16 Q That's located in ██████████
- 17 A Yes.
- 18 Q And how would you support yourself? They  
19 have a culinary arts program that you are  
20 interested in?
- 21 A Yes.
- 22 Q Do you have experience with culinary arts?
- 23 A I've done food service in Auburn for about  
24 two years. I have experience in construction and  
25 restoration of buildings, that's my prior



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1 training from incarceration.

2 Q Okay.

3 A And they offer computer training there. And  
4 they help you with clothing. First I probably  
5 have to be on Social Services. So when I  
6 answered the one about financial problems  
7 everybody has financial problems nowadays. I'll  
8 have to get on Social Services and take the  
9 culinary arts. My aunt and uncle are very  
10 wealthy and when I go out --

11 Q Where do they live? Have you been in touch  
12 with them?

13 A No, no, I saw them --

14 Q What family do you have out there or support  
15 system? I see that you do have some friends on  
16 the outside that have written letters for you.

17 A I have my three sisters and my brothers and  
18 my aunt and uncle. But I have no, I don't know  
19 my aunt and uncle's number. Since the wake  
20 nobody has contacted me, just my niece writes to  
21 me.

22 Q We have sentencing minutes in the file, we'll  
23 consider those as well. We discussed the COMPAS.

24 COMMISSIONER ELOVICH: Commissioners, do you  
25 have any questions?



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1           COMMISSIONER THOMPSON: No further questions,  
2           thank you.

3           COMMISSIONER COPPOLA: No questions, thank  
4           you.

5       Q           Is there anything that I haven't mentioned  
6           that you'd like us to know before we close?

7       A           I just wanted to say one thing.

8       Q           Sure.

9       A           That during the return trip from my father's  
10          wake I thought about because of me killing ██████████  
11          that her mother and family had to be notified of  
12          a death, unexpected death like I had to be  
13          notified of my father's unexpected death. They  
14          had to, because of me, they had to attend a wake  
15          and a funeral and the pain that I put them  
16          through. I thought about that on the way back.  
17          Because I didn't expect my dad to die so quickly.  
18          My mother we knew she was dying from cardiac  
19          failure over a period of seven years. We saw it  
20          progress, so we knew that. We accepted she's  
21          going. When he died it was overnight.

22       Q           I did see the letter in the file from your  
23          dad before he passed away. Thank you.

24       A           I would really like to go home and just get a  
25          job, put that together. Inform my parole

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1 officer. I don't want to drive by a prison, I  
2 just want to go out and do the right things.  
3 Attend programs. I know how to deal with anger.  
4 I know I got the ticket, I was frustrated because  
5 nobody was doing nothing. In society if there's  
6 a problem, somebody tries to rob me cause me  
7 problems, I can call the police. In here  
8 sometimes they turn a blind eye to things.

9 Q Okay, sir. Your explanations are noted.  
10 We'll consider everything and we'll get back to  
11 you in a couple of days.

12 A All right.

13 Q Thank you.

14 A Thank you, have a good day.

15 Q You too.

16 (Whereupon, the Inmate was excused.)

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

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25

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

## 1 D E C I S I O N

2 BY COMMISSIONER ELOVICH:

3 Denied, hold 24 months, next appearance August  
4 2014.

5 After review of the record and interview the  
6 panel has determined that if released at this time  
7 your release would be incompatible with the welfare  
8 of society and would so deprecate the serious nature  
9 of the crime as to undermine respect for the law.  
10 The Board has considered your institutional  
11 adjustment including discipline and program  
12 participation. Required statutory factors have been  
13 considered including your risk to society,  
14 rehabilitation efforts, and your needs for  
15 successful re-entry into the community. Your  
16 release plans have also been considered. More  
17 compelling, however, is your poor institutional  
18 behavior since your last board interview which  
19 includes a tier III disciplinary infraction for  
20 violent conduct and threats for which you did time  
21 in SHU. Moreover, your heinous actions in the  
22 instant offense wherein you stabbed a female victim  
23 to death showed extreme violence and a callous  
24 disregard for the life of the victim and her family.  
25 This crime was a continuation and severe escalation

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1 of a prior misdemeanor assault which involved  
2 another female victim. The Board notes your  
3 successful completions of ART and work assignments.  
4 The Board also notes your letters of support and  
5 letter from the Father Young program. All factors  
6 considered your release at this time is not  
7 appropriate.

8 (All Commissioners concur.)

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CERTIFICATION

I, ROBERTA O'ROURKE, Court Reporter and Notary Public in and for the State of New York, do hereby certify that I attended the foregoing proceedings, took stenographic notes of the same, that the foregoing, consisting of 22 pages, is a true and correct copy of same and the whole thereof.

Dated: August 20, 2012

  
\_\_\_\_\_  
Roberta O'Rourke