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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview

In the Matter of:

██████████ ██████████

DIN # ██████████

NYSID # ██████████

TYPE OF INTERVIEW: REAPPEARANCE

LOCATION: EASTERN CORRECTIONAL FACILITY
(VIDEO CONFERENCE)

DATE: AUGUST 13, 2014

BEFORE: COMMISSIONER J. FERGUSON
COMMISSIONER L. ELOVICH
COMMISSIONER G. HALLERDIN

ALSO PRESENT: P. JOHNSON, SORC
A. MARTINEZ, ORC
H. ANCELET, SORC
S. AVERY, KBS II
K. DEDRICK, ORC

REPORTER: ROBERTA O'ROURKE

M & F REPORTING SERVICE
(845) 562-5190

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

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1 INTERVIEW BY COMMISSIONER ELOVICH:

2 Q Hi, please state your name for the record?

3 A ██████████ ██████████

4 Q Hi, Mr. ██████████ I'm Commissioner Elovich.

5 With me today is Commissioner Ferguson and

6 Hallerdin. How are you today, sir?

7 COMMISSIONER FERGUSON: Hello.

8 A I'm all right.

9 Q I know you've met me a few times before.

10 A Yes, ma'am.

11 Q But I want to let you know that we have a
12 different configuration of the panel today that
13 we have had in the past and I believe you've
14 never met Commissioner Hallerdin. So we are not
15 bound in any way by past decisions, okay?

16 A Yes, ma'am.

17 Q Now, you are serving 15 to life for murder in
18 the second degree, correct?

19 A Yes.

20 Q And the instant offense involved you stabbing
21 a female victim numerous times with a hunting
22 knife causing her death. You had a romantic
23 involvement with the female victim at one point
24 and you were not happy with her lack of attention
25 to you the night of the murder and as such you

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

3

1 ended up killing her, is that correct?

2 A Well, I was out drinking that night and she
3 was playing head games, we had broke up and I'm
4 wrong for what I did, I killed her. I committed
5 a terrible act and I am deeply sorry for that.

6 Q And I want to let you know I read your
7 personal statement, your current personal
8 statement in the parole packet that you submitted
9 to us for today's interview and we are going to
10 go over all of this in a moment, okay?

11 A Yes, ma'am.

12 Q Now, I see you did have a prior misdemeanor
13 assault which you got probation for and you were
14 on probation at the time of the instant offense.
15 That misdemeanor assault also involved a female
16 victim, correct? Was it your fiance or
17 girlfriend?

18 A Fiance.

19 Q And you had been convicted of the misdemeanor
20 assault for putting your hands around her neck
21 basically choking her, she didn't die as a result
22 of your actions, but you did have your hands
23 around her neck which is what you stated --

24 A Yes, ma'am.

25 Q -- in the past interviews. And I know you

██████████ DIN ██████████ NYSID ██████████ 4

1 wrote about some of this in your personal
2 statement. Do you think you had some major
3 issues with impulse control concerning women?

4 A Yes, ma'am, I was very, I was controlling.
5 As a young man I was controlling and possessive
6 and I had impulse control. Over the years of my
7 incarceration I've learned to control my anger
8 and to think rationally when I make decisions.

9 Q What do you think the rage towards women
10 stemmed from?

11 A I grew up in an abusive alcoholic household
12 and I feel it was instilled in me growing up, a
13 learned behavior and I feel over the years I've
14 changed that. I want to break the cycle of what
15 I grew up with. I always thought it was wrong
16 what my dad did to my mom but I ended up doing it
17 myself. It was like a pattern that I learned.

18 Q And it escalated in nature?

19 A Yes, it did.

20 Q Tell me what efforts you've made towards
21 rehabilitation since your last Board interview?
22 And I do see the letter that you wrote to the
23 Board where you did make some current revelations
24 about yourself and you also talked about some of
25 your medical issues with some hearing loss?

██████████ ██████████ DIN ██████████ NYSID ██████████ 5

1 A Yes, ma'am.

2 Q And you talked about some of your
3 accomplishments which include masonry and food
4 service?

5 A I'm currently in food service now for six and
6 a half months and to show that I don't have
7 problems financially I've saved up \$100 in the
8 last five months. And I'm going to ██████████ ██████████
9 ██████████ halfway house. In his program if you
10 release me, he offers job training skills and
11 culinary arts and computer training and helps you
12 find a job and also going to outpatient
13 treatment. In domestic violence I would like to
14 utilize my situation to help others that weren't
15 able to see the problems they were going through
16 as I did when I was 22 years old in 1983.

17 Q What's the name of the program that you'd
18 like to go into? You listed the ██████████ program,
19 ██████████ ██████████

20 A ██████████ ██████████ ██████████ has different programs up
21 in ██████████ they have a halfway house.

22 Q Yes. And we are familiar with their
23 programs. Okay, and I see that you do have some
24 past letters of support from family --

25 A Yes.

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

6

1 Q -- as well?

2 A Yes.

3 Q And friends.

4 A Yes, I'd like to bring up one thing, in the
5 risk assessment it has me for a low family
6 support. Six of my family members have passed
7 away and DOCCS has kept me far from home, it's
8 been difficult for my family to travel. There is
9 a letter from my niece on Monday informing me
10 that my sister [REDACTED] has stomach cancer and I have
11 a disabled brother who's been disabled from a car
12 accident, he's blind, brain damaged and he is in
13 a nursing home wearing diapers and confined to
14 bed and a wheelchair for 30 years, they can't
15 come and visit me.

16 Q I am sorry for that. In terms of low family
17 support we will cross out the probable, based on
18 what you said and based on what I saw in the file
19 you did have some past family support. So that
20 is understood. In terms of your overall risk in
21 the COMPAS they score you as a low for future
22 felony violence and re-arrest, that's basically
23 based on your age and the amount of time that
24 you've served. In terms of your criminogenic
25 needs the need that they have as the highest goes

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

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1 from your prison misconduct which is ability to
2 follow the rules, and that's based on your past
3 overall behavior in prison. And I see that it
4 has, your behavior has improved over time. Since
5 your last Board appearance you only have one tier
6 II ticket for harassment, direct order and
7 creating a disturbance and you didn't get any
8 keep-lock time for that. Prior to that you had a
9 tier III and I remember we went into an extensive
10 explanation about that, that was back from June
11 of 2011. But since your last Board interview you
12 only have the one tier II. But the reason I
13 only, I mention the tier III is not that we're
14 considering it at this time but that's what
15 COMPAS, the prison misconduct high is based on
16 was your overall adjustment in prison. So --

17 A Commissioner?

18 Q Yes.

19 A My counselor advised me to explain to you
20 that I've only got the one ticket within the two
21 years and I was just trying to watch TV, I have a
22 hearing loss.

23 Q So you're saying the tier II was based on an
24 argument you had with someone over the TV?

25 A No, I was sitting there trying, I explained

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

8

1 it in the summary statement I was trying to watch
2 TV and an officer in the general population
3 bleachers and there was sensorially disabled unit
4 tables that are clearly painted yellow and marked
5 SEU, I was not sitting there because I'm not SEU.
6 I only have 30 percent hearing loss for
7 background noise. And the officer told us to
8 move but I didn't hear him with all of the noise
9 inside the armory which is sports TV, basketball
10 game, the buzzers and whistles is a lot of noise.
11 I tried to explain myself afterwards before I
12 could tell him I have a hearing loss he became
13 aggressive and chest-bumped me, he assaulted me.
14 Sports people do that they, chest bump each
15 other. He bumped me with his chest. And then I
16 was allowed to go back into the armory. He never
17 put me in handcuffs, I was just trying to explain
18 myself. And he didn't want to hear it. So after
19 when the yard closed I went back to my cell
20 that's when they keep-locked me and I got the
21 ticket the next day. I went to the hearing,
22 explained everything, saw my audiology report.

23 Q Is that when they knocked it down to the tier
24 II creating a disturbance and harassment?

25 A It was a tier II.

██████████ ██████████ DIN ██████████ NYSID ██████████ 9

- 1 Q It was always a tier II. After the hearing
2 did they change it?
- 3 A They found me guilty, he just gave me 12 days
4 and they cut me loose.
- 5 Q That's understood. And I also see your
6 audiology report that you submitted to the Board
7 with your papers today. So we'll take that into
8 consideration. It says that the hearing loss is
9 non-significant, the measured hearing loss of
10 less than 40 DBs in this patient's unaided better
11 ear. So you're not wearing a hearing aid or
12 anything, right?
- 13 A I have two hearing aids.
- 14 Q You do have two hearing aids, okay, all
15 right.
- 16 A One is being fixed, now they are going to
17 call me back out sometime this month to get it.
- 18 Q All right, well according to this audiology
19 report it doesn't say that it's very severe.
- 20 A It's background noise.
- 21 Q Background noise, okay, got it. Well, we
22 will take that into consideration when making our
23 decision as well. I also see you submitted your
24 high school equivalency diploma as well as your
25 ██████████ ██████████ Community College transcript. So

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

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1 you've had some educational accomplishments while
2 you've been here as well as your vocational
3 programming and we have all of your certificates
4 for that. You've done well with the food
5 service, masonry, brick layer as well as some
6 other vocations. And we have your certificates
7 in here for all of those as well. You've also
8 had some certificates for alcohol and substance
9 abuse and you've taken ART. So what would you
10 say was your most significant accomplishment
11 while you've been in here?

12 A I've learned to control my temper. I don't
13 act out violently. In 31 years I've never hurt
14 anyone and I act rational. I make rational
15 decisions before I make decisions, before I do
16 things. I am also, I would like to bring to your
17 attention as far as relationships it took me a
18 while to realize this but I'm gay. I'm
19 homosexual.

20 Q I did see that in your personal statement
21 that you wrote to the Board. I think that was
22 the first time that you had written that in your
23 personal statement so I notice that you did --

24 A Yes, it is.

25 Q -- have some further reflection about

[REDACTED] [REDACTED] DIN [REDACTED] NYSII [REDACTED] 11

1 yourself.

2 A I've taken time over the years and
3 acknowledged and accepted who I am. And if I am
4 released, I'm 53 years old I would like to get a
5 job and work, get a good rapport with my parole
6 officer and work toward retirement. I'm not a
7 young man anymore.

8 Q Okay. Thank you, sir and we appreciate you
9 taking the time to share that with us and also
10 being comfortable enough to share that with us
11 and also the thoughts that you put in your
12 personal statement. What do you think your
13 actions of murdering this young woman have done
14 to the family of the woman? How do you think
15 that affected them and may still continue to
16 affect them because that is something that we
17 have to consider legally when making our
18 decision?

19 A Terrible impact on their lives. I took
20 [REDACTED] life. I caused them tremendous pain and
21 suffering over the years and also my own family
22 for killing my girlfriend [REDACTED] Because of my
23 actions she never got a chance to get married or
24 have children or grow old. It's a tremendous
25 impact on what I've done. It's a terrible thing.

██████████ ██████████ DIN ██████████ NYSID ██████████ 12

1 Q All right, thank you, sir.
2 COMMISSIONER ELOVICH: Commissioners?
3 A I am ashamed.
4 COMMISSIONER FERGUSON: Nothing additional.
5 COMMISSIONER HALLERDIN: Nothing additional,
6 thank you.
7 Q All right, is there anything that I have not
8 mentioned that you'd like us to know?
9 A I guess I covered everything.
10 Q Okay, we'll review everything, we have a lot
11 to think about. And you've been in for a long
12 time, we realize that. You know it is a brutal
13 crime, we can't just completely disregard that.
14 We do have a lot to think about here and a lot to
15 balance to make our decision. I'm not sure what
16 we're going to do but we wish you well.
17 A I would just like to go out and get a job and
18 work and put my life back together.
19 Q Okay, thank you, sir.
20 A Thank you.
21 (Whereupon, the Inmate was excused.)
22 (After due deliberation by the Parole Board Panel,
23 the following decision has been rendered:)
24
25

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

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1 D E C I S I O N

2 BY COMMISSIONER ELOVICH:

3 Parole is denied, hold 24 months, next
4 appearance August 2014.5 After a review of the record and interview, the
6 panel has determined that if released at this time,
7 your release would not be compatible with the
8 welfare of society. The Board has considered all
9 required statutory factors including your risk to
10 society, criminogenic needs for successful re-entry,
11 release plans, and institutional adjustment. More
12 compelling, however, is the callous disregard you
13 have for the life of the young female victim whom
14 you stabbed multiple times with a hunting knife
15 causing her death. This brutal crime was a
16 continuation and severe escalation of a prior
17 assault third degree conviction which involved you
18 choking a female victim with whom you were also in a
19 relationship. You were on probation for that crime
20 when you committed the murder. Your pattern of
21 extreme violence against women is of concern to the
22 panel. Since your last Board appearance you
23 incurred a tier II infraction for harassment and
24 creating a disturbance. The Board notes your
25 personal statement, letter from the [REDACTED] [REDACTED]

██████████ ██████████ *DIN* ██████████ *NYSID* ██████████¹⁴

1 program, educational accomplishments, masonry,
2 completion of ART, good work in food service and
3 other accomplishments. The Board also notes your
4 medical submissions. All factors considered your
5 release at this time is not appropriate.

6 (All Commissioners concur.)

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[REDACTED] *DIN* [REDACTED] [REDACTED]

CERTIFICATION

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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 15 pages, is a true and correct copy of same and the whole thereof.

Dated: August 22, 2014

Roberta O'Rourke

Roberta O'Rourke