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September 2021

### Parole Interview Transcript/Decision - FUSL000091 (2015-11-10)

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NYS DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
BOARD OF PAROLE

\*\*\*\*\*

Parole Board Hearing

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]  
NYSID # [REDACTED]

\*\*\*\*\*

TYPE OF INTERVIEW: Reappearance  
HELD AT: Fishkill Correctional Facility  
Fishkill, New York  
HELD ON: November 10, 2015  
BEFORE: COMMISSIONER FERGUSON  
COMMISSIONER STANFORD  
COMMISSIONER THOMPSON  
ALSO PRESENT: LAURIE CAMPBELL, SORC  
JACQUELINE ARROYO, APA  
VERBATIM REPORTER: Diana Freund

1 BY COMMISSIONER STANFORD:

2 Q. Hello. Are you [REDACTED] [REDACTED]

3 A. Yes, I am.

4 Q. Hi, Mr. [REDACTED] I'm Commissioner Stanford. I'm joined  
5 by Commissioners Ferguson and Thompson.

6 COMMISSIONER FERGUSON: Good morning, sir.

7 COMMISSIONER THOMPSON: Good morning.

8 THE INMATE: Good morning.

9 Q. Mr. [REDACTED] I want to begin by letting you know we've  
10 received your parole packet prepared by The National  
11 Lawyer's Guild. I read your personal statement. In, I  
12 believe, their cover letter, they say that you speak  
13 regularly with your sister-in-law. Would this be the  
14 sister of the deceased?

15 A. No. My younger brother's wife.

16 Q. Your daughter [REDACTED], is this a child you have in  
17 common with the deceased?

18 A. No. She's from my second wife.

19 Q. This woman, [REDACTED] --

20 A. [REDACTED] [REDACTED] was my third wife.

21 Q. She was your third wife.

22 A. Yes.

23 Q. So you were married twice before, you have children  
24 from --

25 A. I have one child from my second wife. She has since

1 remarried and my first wife passed away a few years ago.

2 Q. No children with her?

3 A. No. I only had one child. She has five. She's made  
4 up the difference.

5 Q. [REDACTED] how many children did she have?

6 A. She had four. I'm estranged from them because of my  
7 conviction. I have not seen or spoken to them since  
8 1984.

9 Q. How old were her children or what was the age range  
10 of her children in 1984?

11 A. The youngest was between 17 and 18 and the oldest was  
12 about 23 to 5.

13 Q. How many of those children lived with her on [REDACTED]

14 [REDACTED]

15 A. Only one, the youngest.

16 Q. The one that was 17?

17 A. 17 or 18.

18 Q. Do you know at the time of her death at approximately  
19 a little before 2 in morning on [REDACTED] of 1984, do  
20 you know if her son was home?

21 A. I was told he was working that night.

22 Q. When did you find that out?

23 A. During the course of the interrogation which was the  
24 following day, they picked me up at 5:00 in the morning  
25 and I was in police custody for 21 hours.



1 Q. 5:00 in the morning on [REDACTED], 1984?

2 A. Right.

3 Q. You were not living in the home at that time?

4 A. Yes, I was living in the home but I was sleeping with  
5 another woman. I literally was having an affair with a  
6 woman in the neighborhood, 7/10ths of a mile away.

7 Q. Was that woman also married?

8 A. No. Her husband had died. She was a widow.

9 Q. So on the evening of [REDACTED] into the early morning  
10 hours of [REDACTED] 1984, you were not home?

11 A. I was home -- I was at my house from 7:30 till about  
12 10:00 in the evening. I go there -- [REDACTED] was working  
13 and at the time I used to take care of my plants. I  
14 did, I made daily trips to my house. I mowed the lawn,  
15 I take care of the plants, I do something. All of my  
16 belongings were there, all my clothing was there except  
17 one outfit I wore for the weekend and my work clothes.

18 Q. Are you saying that you never slept there?

19 A. No. I didn't do that for the last six weeks.

20 Q. So six weeks prior to the date of the crime, you had  
21 not been sleeping over there?

22 A. Yes.

23 Q. And this particular night --

24 A. I was there.

25 Q. -- the 17-year-old son left for work while you were

1 there?

2 A. No. He came in with his girlfriend and they went  
3 upstairs while I was downstairs answering the phone and  
4 watering the plants. About 10:15, I called up and said  
5 I'm leaving now and I thought he was in the house until,  
6 like I say, the next day when I find out that the police  
7 in the course of talking to me or interrogating me, they  
8 said no, your son was working at the gas station.

9 Q. So that was an agreed upon arrangement that you  
10 had --

11 A. Yes, more or less.

12 Q. -- that you would not spend the night and be with  
13 your --

14 (The court reporter asked for one person to speak at  
15 a time.)

16 A. I was entertaining some friends there including a  
17 couple of girls one night and she asked me in the course  
18 of the next day would I not do so. It was just not a  
19 good thing to do. I agreed and I said you're right, I  
20 should not bring other women into the house.

21 Q. Now, you have maintained that you did not commit this  
22 crime, correct?

23 A. I have no recollection of committing the crime. My  
24 guilt is a given but --

25 Q. I just want to be very clear for this record. It's

1 my understanding that you have proclaimed your innocence  
2 from the beginning and even the letter from The National  
3 Lawyer's Guild says that you maintain your innocence.  
4 In other words, that you did not kill your wife, your  
5 third wife. Is that the position that you're taking  
6 today?

7 A. It is the position that I have maintained all along.

8 Q. All right. Now, are you still appealing or seeking  
9 exoneration for this conviction?

10 A. They have the exoneration -- initially the  
11 exoneration initiative has asked me and I have provided  
12 them with all of the briefs in my case starting with the  
13 original. Their intent is to try to get another  
14 hearing, I believe.

15 Q. So the answer to my question is yes, you're still  
16 seeking to have this conviction overturned or at least  
17 reviewed in some way?

18 A. Yes, ma'am.

19 Q. So if I ask any questions or my colleagues ask any  
20 questions that you're concerned about providing an  
21 answer to in light of that, just let me know, okay,  
22 because, obviously, this is a record that could be used  
23 against you in a court of law in the future. You  
24 understand that, correct?

25 A. Yes, ma'am.



1 Q. I understand you're also a United States Navy  
2 veteran, is that correct?

3 A. Yes, ma'am.

4 Q. In honor of Veteran's Day which is tomorrow, I thank  
5 you for your service.

6 A. Thank you.

7 Q. It seems from the record that that was a proud  
8 chapter of your life that people are aware of in  
9 reference to this case.

10 There was a trial, correct?

11 A. Yes.

12 Q. Was it a jury trial?

13 A. Yes, Commissioner.

14 Q. What was the leading evidence against you at the  
15 trial?

16 A. I have a condition, my skin does things like that  
17 (indicating). I get marks. It's purpura. I didn't  
18 know this then. I had also two scratches on my arm,  
19 literally. I had received them the morning before,  
20 Sunday morning, by picking up -- rubbing against a  
21 broken branch. So there's two parallel scratches and  
22 they swore that this was what [REDACTED] inflicted upon me in  
23 the course of fighting for her life. For 20-some-odd  
24 years I was requesting DNA testing because they never  
25 did that and in 2010 I got permission to have DNA



1 testing from her fingernails and the results came back  
2 excluding my blood. So, again now, the exoneration  
3 people are looking at it in a new light. If this was  
4 not true, then all of the other -- it was a wholly  
5 circumstantial evidence case.

6 Q. Was that it, that there was two scratches on your  
7 arm? Did any neighbors testify or any --

8 A. The neighbor next door testified. [REDACTED]  
9 testified that she was awoken by [REDACTED] screaming and in  
10 her written statement and her verbal testimony at the  
11 time, she said she could not discern the difference  
12 between "Stop. Stop," and "Stop, [REDACTED]."

13 Q. Was there some testimony at the trial that the  
14 neighbor heard your wife's voice screaming "Stop, [REDACTED],"  
15 and that's your name, obviously.

16 A. Yes.

17 Q. So that could be powerful evidence at a trial. Is  
18 that what the jury heard?

19 A. As I said -- no, the jury heard an entire paragraph.  
20 She said at the time and in a written statement, I heard  
21 "Stop. Stop," or "Stop, [REDACTED]. I don't know which. I  
22 couldn't tell which."

23 Q. But what I'm asking you now --

24 A. 32 months --

25 Q. Sir, what I'm asking about now is what the jury

1 heard. Did the --

2 A. The jury heard her say --

3 Q. -- jury hear your neighbor say that your wife -- let  
4 me finish.

5 A. Yes.

6 Q. That your wife called out your name?

7 A. Yes.

8 Q. That's what the jury heard?

9 A. Yes.

10 Q. Was there any other evidence that was linking you to  
11 this crime that was presented at your jury trial?

12 A. Only possessions of mine. My lighter, my cigarettes,  
13 everything I owned was in my house.

14 Q. But you admit that you were living there, it's just  
15 your claim you were not sleeping there overnight?

16 A. Right.

17 Q. So what's your plan for a residence?

18 A. I would like to be able to get an interstate transfer  
19 which I inquired about on both ends and, if so, I could  
20 go to [REDACTED]. My sister-in-law [REDACTED] has recently  
21 had surgery and she's a cancer survivor. She can't make  
22 it upstairs anymore. She has a home that she and my  
23 brother were living in and the upstairs is vacant. It's  
24 an entire apartment and I could live there. As a  
25 veteran, I would have veteran's benefits and she can use

1 the help financially and physically what I can offer,  
2 helping around the house.

3 Q. Your brother is deceased?

4 A. Yes, he is.

5 Q. Tell us about the programs that you've completed  
6 during your term thus far which the records indicate  
7 you've been in about 29 years, maybe a little more, a  
8 little less?

9 A. Yes.

10 Q. Your sentence was 25 to life for Murder 2nd.

11 A. Yes, ma'am.

12 Q. What programs have you completed?

13 A. I took the AVP 1 and 2 and the AVP for trainers and I  
14 did some facilitating for a while. I took the ASAT  
15 course and I took...

16 Q. ART?

17 A. ART. Excuse me. I'm trying to think of all these  
18 acronyms. There was a course given about preparing for  
19 parole and I took that about 3, 4 years ago, I can't  
20 remember now. Community something, I believe.

21 Q. So you've done everything that was recommended  
22 through programming?

23 A. All the mandated ones, plus the ones -- AVP at the  
24 time was voluntary. I wanted to take -- I wanted to  
25 stay busy and I wanted to get involved with people and



1 helping where I could because I've been older per se  
2 since my incarceration.

3 Q. You're 75?

4 A. 77.

5 Q. 77.

6 Currently you're working in what area of the  
7 facility?

8 A. I'm a clerk in the rec room in the grievance office.

9 Q. You worked in grievance for a number of years at Sing  
10 Sing and then here, correct?

11 A. 1988, yes.

12 Q. We see that from your parole packet.

13 It's clear you've had support over the years, some  
14 very significant support. In fact, I think there's a  
15 letter here from the last superintendent of Fishkill --

16 A. Superintendent [REDACTED] yes, ma'am.

17 Q. -- from 2013. Were there any updates to that letter  
18 before he retired?

19 A. No. He did the two letters, 2011 and 2013.

20 Q. You've got other letters of support. Some of them  
21 date back to some previous parole board appearances but  
22 we have all of that information contained within your  
23 parole packet. Your institutional successes.

24 What did you want to say?

25 A. Two of my previous letters are deceased. That's why



1 they weren't updated, two friends of mine.

2 Q. We've got a good deal of reentry support in terms of  
3 letters from family and friends. Your military records  
4 are also part and your Risk Assessment. We've got your  
5 case plan as well.

6 Now, we recognize that you have admitted a  
7 significant history of drug use. I believe it was  
8 cocaine --

9 A. Yes, ma'am.

10 Q. -- at the time of this crime, an addiction. As of  
11 the last Risk Assessment, even reentry substance abuse  
12 appears unlikely in the criminogenic needs scale portion  
13 of your assessment as well as unlikely to have any other  
14 criminogenic needs. Low in the risk scales related to  
15 felony violence, arrest, and absconding and low criminal  
16 involvement as well. This is your first and only  
17 conviction --

18 A. Yes, it is.

19 Q. -- of record in New York State and any other state as  
20 well?

21 A. No.

22 Q. No federal offenses?

23 A. No.

24 Q. No military offenses?

25 A. No.

1 Q. We did reach out for comment from the officials  
2 involved in your prosecution back on your conviction in  
3 1987. We've got a response from the district attorney's  
4 office and your defense attorney at the time too. We  
5 will give consideration to that as well.

6 COMMISSIONER STANFORD: Let me ask my colleagues if  
7 they have any questions.

8 BY COMMISSIONER FERGUSON:

9 Q. Were you ever accused of running a black market  
10 operation in the military?

11 A. No, sir.

12 Q. Okay.

13 COMMISSIONER FERGUSON: Thank you. No other  
14 questions.

15 COMMISSIONER THOMPSON: No further questions. Thank  
16 you.

17 BY COMMISSIONER STANFORD:

18 Q. Sir, is there anything else that you want to share  
19 with us that we haven't had a chance to talk about that  
20 you think is important for us to know?

21 A. Well, I want to again state that I am very, very  
22 sorry for all of the actions that I did in those years  
23 between my retirement and [REDACTED] death.

24 Q. You're referring specifically to what?

25 A. Using drugs and not being a very good husband at all.

1 It was a mistake to get married, I realize it. I'm  
2 ashamed of it and I will live with this kind of regret  
3 forever. I can only say that for the last 29 years, I  
4 have done everything I could to stay very straight, to  
5 be a better example to people and keep in touch with my  
6 own family and my own kids, my grandchildren. I pray I  
7 can get a second chance. I will never be that person  
8 again.

9 Q. Thank you, sir.

10 We will deliberate and put it in writing and get you  
11 a copy of it as soon as possible.

12 A. Thank you very much for your time.

13 Q. Thank you.

14 COMMISSIONER FERGUSON: Have a good day.

15 COMMISSIONER THOMPSON: Thank you.

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

18  
19  
20  
21  
22  
23  
24  
25

D E C I S I O N

Denied 24 months, November 2017.

The Board of Parole commends your personal growth and productive use of time, however, discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined. A review of your records and interview lead the panel to conclude that your release at this time would so deprecate the seriousness of the crime as to undermine respect for the law.

As you continue to maintain your innocence in spite of being found guilty after trial, the panel could find no insight, remorse, or accountability for the killing of your wife [REDACTED] in the most brutal way.

We have also considered your lack of disciplinary history, well-prepared parole packet, release plans, case plan, favorable Risk Assessment, sentencing minutes, and official statements received.

(Commissioners concur.)



## C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.

*Diana Freund*

Diana Freund