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[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF PAROLE

Parole Board Hearing

In the Matter of

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

TYPE OF HEARING: REAPPEARANCE INTERVIEW

LOCATION: Arthur Kill C.F.

DATE: March 1, 2011

BEFORE: COMMISSIONER HENRY LEMONS, JR.
COMMISSIONER SALLY THOMPSON

ALSO PRESENT: FPO II Delta Barometre
FPO I William Ramirez

HEARING REPORTER: Eileen Arrigo, Hearing Reporter

DIN # [REDACTED]

NYSID # [REDACTED]

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1 EXAMINATION BY COMMISSIONER THOMPSON:

2 Q. Good evening. [REDACTED] [REDACTED]

3 A. Yes.

4 Q. I'm Commissioner Thompson. Also on the panel
5 with me today is Commissioner Lemons.

6 COMMISSIONER LEMONS: How are you, sir?

7 A. I'm all right, sir.

8 Q. You are here today for a reappearance. Crime of
9 conviction, manslaughter first, serving a ten to life year
10 sentence, and that's by plea; is that correct?

11 A. Yes.

12 Q. The instant offense involved you acting in
13 concert during the course of a robbery stabbing the victim several
14 times causing his death. You were on parole supervision at the
15 time you committed this offense?

16 A. Yes, ma'am.

17 Q. Why would you involve yourself in such a violent
18 crime while on parole supervision, sir?

19 A. Well, I had no self-control. I allowed myself
20 to start using drugs, and upon using drugs, that's when I lost
21 control of myself.

22 Q. What drugs were you using?

23 A. Heroin.

24 Q. Hard habit to kick.

25 A. Yes, ma'am.

DIN # [REDACTED]

NYSID # [REDACTED]

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1 Q. Is that why you have such a violent criminal
2 history?

3 A. Yes, ma'am.

4 Q. Prior to the instant offense you did have a
5 robbery second in '75. You also have a rape first in '80.

6 A. I was never convicted of that. It was
7 dismissed.

8 Q. That was dismissed?

9 A. Yes.

10 Q. If it was dismissed, we will not consider it.

11 Then you had some burglary-related offenses. Were they
12 residential or commercial?

13 A. Stores.

14 Q. This is all to feed your drug addiction?

15 A. Yes, ma'am.

16 Q. What happened with the instant offense? Did you
17 know the victim?

18 A. No, I didn't know the victim. What happened was
19 I was working, and I was taking care of my son and my kid's mother
20 and my daughter, and my kid's mother became pregnant with twins,
21 so I knew I needed another job, and it was hard to find a job.
22 The easiest way out was to start selling drugs because I knew I
23 could get a job easy selling drugs, and that's what I did.

24 I got everything that was needed for the family, the
25 cribs, the strollers, food for the babies and whatnot, and I

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1 started using the drugs. That's where I went wrong. I became the
2 product of the drug that I was selling, so I started missing days
3 at work, and when I did go to work, the boss told me he didn't
4 need me any more, and the people that I was selling drugs for,
5 they didn't need me any more neither because they didn't trust me
6 with their money or drugs.

7 I went to my parole officer, and I asked for help, and
8 she told me to get a program but I didn't. Once I lost my job, I
9 started hanging out two and three nights at a time, hanging in the
10 street, and I ran into some of the people that were in the same
11 position. That's when we went up to Mr. [REDACTED]
12 apartment, and he let us in.

13 We went in the living room. We started asking where the
14 money was at, and he wouldn't tell us anything, so me and another
15 individual went in the room and started searching. We didn't find
16 anything. We came back in the living room, and I pulled a knife
17 out and I stuck him twice, and I gave the knife to the person that
18 was in the living room with him, and I went back in the room and
19 found the money.

20 Q. How old was the victim?

21 A. I think he was about 48, 49.

22 Q. Sad situation. Very tragic. You take someone's
23 life.

24 A. Yes, ma'am.

25 Q. On a positive note, since your last appearance

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NYSID # [REDACTED]

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1 you've incurred one minor disciplinary infraction.

2 You also completed Basic Stress Management program?

3 A. Yes, ma'am.

4 Q. We do have your parole packet. Who put this
5 together, you?

6 A. I did.

7 Q. Nice job. We do have your parole packet with
8 your personal statement that you sent to the board, with your
9 future plans. Hopefully you can stay focused to accomplish them.

10 You contacted a lot of great organizations. Ready
11 Willing and Able, the Doe Fund, Oasis. Hopefully if you can stay
12 on track, they will be helpful. And also ComAlert, and that's in
13 Brooklyn?

14 A. Yes, ma'am, district attorney's office.

15 Q. I'm familiar with that program also.

16 We do have letters of support, i believe friends and
17 family members?

18 A. Church members, community.

19 Q. I did see a letter from a correction officer,
20 right?

21 A. Sergeant [REDACTED]

22 Q. We usually don't see those type of letters. I
23 see here a letter from CO [REDACTED]

24 A. Yes.

25 Q. That's good to see.

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1 You have letters of reasonable assurance from Uplifting
2 Men.

3 We do have your program certificates that you're
4 affiliated with.

5 A. Yes, ma'am.

6 Q. Upon release you want to be considered for one
7 of these programs, right?

8 A. I was already accepted into the Doe Fund. It's
9 a two-year residential program.

10 Q. I think that's a great idea. Stick with it.

11 As far as your family, who else do you have out there?

12 A. My sister is the only one I have. All my other
13 sisters and brothers deceased while me being incarcerated.

14 Q. What does your sister do for a living?

15 A. [REDACTED].

16 Q. The Doe Fund will help you with job placement
17 also?

18 A. Yes, ma'am.

19 Q. Commissioner Lemons, any other questions?

20 COMMISSIONER LEMONS: I just want to clarify
21 something. Commissioner Thompson asked about a rape conviction
22 and you said it was dismissed?

23 A. It was dismissed.

24 COMMISSIONER LEMONS: We do have a no true bill on a
25 '75 indictment.

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1 A. Yes.

2 COMMISSIONER LEMONS: But there was a plea of guilty of
3 rape first degree in 1980. Is that a separate one?

4 A. That was my kid's mother. She had caught me
5 dealing with somebody else. She was trying to pay me back. Then
6 she came to court with an affidavit, and that's when they
7 dismissed it. They brought me back down to court.

8 COMMISSIONER LEMONS: I'm asking is it two separate
9 incidents?

10 A. Yes.

11 COMMISSIONER LEMONS: We have a no true bill on the
12 '75, but in 1980 were you found guilty of a crime?

13 A. No.

14 COMMISSIONER LEMONS: This states you had a five to ten
15 year sentence.

16 A. For a burglary.

17 COMMISSIONER LEMONS: Thank you for explaining that.

18 Q. Who was the victim in that case in '83? It was
19 also attempted robbery third, right?

20 A. Yes.

21 Q. Who was the victim?

22 A. The robbery I did?

23 Q. Right.

24 A. It was a store. It was in a store.

25 Q. We do have your sentencing minutes on file, and

██████████ ██████████

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1 they will be considered.

2 Is there anything else you would like to say at this
3 time that we have not covered, Mr. ██████████

4 A. I'd just like the Commissioners to know I'm a
5 changed person and that I had enough of crime. I just can't do it
6 no more. I can't do no more crime.

7 Q. Thank you very much. We'll review your case,
8 and you will hear from us in writing in a couple of days.

9 A. Thank you.

10 HEARING CONCLUDED

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1 (After due deliberation by the parole board panel, the following
2 decision was rendered:)

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D E C I S I O N

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COMMISSIONER THOMPSON: Parole denied. Hold 24
months. Next appearance 3-2013.

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Parole is denied for the following reasons: After a
careful review of your record and this interview, it is the
determination of this panel that your release at this time is
incompatible with the welfare and safety of the community.

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This decision is based on the following factors: The
instant offense of manslaughter first involved you in concert
stabbing the victim several times during the course of a robbery
while on parole supervision causing his death. This is a
continuation of your extensive criminal history with a propensity
for violence. The instant offense is an escalation of this
violent behavior.

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Note is made of your positive programming and
disciplinary record. However, discretionary release is not
warranted at this time as you lack respect for the rights and
safety of others and the law. For the panel to hold otherwise
would deprecate the seriousness of the offense and undermine
respect for the law.

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(All commissioners concur.)

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CERTIFICATION

I, EILEEN ARRIGO, 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 10 pages, is a true and correct copy of same and the whole thereof.

Dated: March 10, 2011

Eileen Arrigo-----
Eileen Arrigo, Court Reporter