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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

----- X

Parole Board Hearing

In the Matter
of

██████████ ██████████

DIN # ██████████
NYSID # ██████████

----- X

TYPE OF INTERVIEW: Reappearance

LOCATION: (Video conference)
Otisville Correctional Facility

DATE: March 27, 2013

BEFORE: COMMISSIONER CHRISTINA HERNANDEZ
COMMISSIONER ANDREA EVANS
COMMISSIONER ELLEN ALEXANDER

ALSO PRESENT: G. Morgiewicz, SORC
Beth Northup, ORC

REPORTER: Lori Ciofalo, Hearing Reporter

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 COMM. ALEXANDER: Good afternoon.

2 THE INMATE: Good afternoon.

3 COMM. ALEXANDER: Are you ██████████ ██████████

4 THE INMATE: Yes, ma'am.

5 COMM. ALEXANDER: Hello.

6 My name is Commissioner Alexander. I am joined today
7 by Commissioner Hernandez and Commissioner Parole Chair
8 Evans.

9 COMM. EVANS: Hello.

10 THE INMATE: How are you doing?

11 BY COMMISSIONER ALEXANDER:

12 Q. This is a reappearance for you, correct,
13 sir?

14 A. Yes, ma'am.

15 Q. And you have been before the Board a number
16 of times, correct?

17 A. Yes, ma'am.

18 Q. I have not seen you. I'm not sure if the
19 other Commissioners have seen you. I don't think they
20 have, but it's important for us to consider your
21 application anew, for us to hear what you have to say,
22 see how you have been doing in prison since your last
23 appearance, and what your plans would be, if you were
24 released. Okay?

25 A. Yes, ma'am.

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 Q. So I see you are here for Manslaughter,
2 First. You were committing a robbery with other
3 co-defendants.

4 A. Yes, ma'am.

5 Q. Why did you stab the victim?

6 A. Well, we got into a heated argument and the
7 individual would not cooperate, and during that time,
8 we just started fighting with him, and he was stabbed
9 by me.

10 Q. And is it true he was stabbed by you seven
11 times?

12 A. No, it was not all by me.

13 Q. Who did the stabbing?

14 A. Me and my other two co-defendants, that were
15 never apprehended.

16 Q. Basically, you were held holding the bag; is
17 that what you are saying?

18 A. Yes, ma'am. I was part of that.

19 Q. How did you get caught and your other two
20 co-defendants remained free?

21 A. Well, I was there, I went straight to my
22 house. I lived in the same area. I went straight to
23 my house. The next thing I knew, they were knocking
24 at my door.

25 Q. And you pled to this; is that correct?

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 A. Yes, ma'am.

2 Q. So are you accepting responsibility for this
3 crime?

4 A. I accept full responsibility for my actions
5 and committing this crime.

6 Q. Why did you do that?

7 A. Because, you know, I wanted to make amends.
8 I just felt it was the right thing to do, come clear
9 with myself, and clear with the people that I did this
10 to their family, Mr. ██████████ family, you know. I
11 didn't want this to be on my heart all the time, you
12 know.

13 Q. So why did you stab Mr. ██████████

14 A. Well, we went there to look for money. I
15 had a drug habit at the time, and I needed money for
16 my drug habit.

17 These individuals that I was with, they were
18 in the same position I was in, and we went there for
19 money.

20 Q. Now, this is not your first time in state
21 prison, correct?

22 A. Right.

23 Q. How many times have you been in state
24 prison, sir?

25 A. Two other times.

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 Q. Two other times. And one time was for
2 Robbery Second.

3 A. Burglary.

4 Q. Okay. Then the second time was a Rape
5 charge?

6 A. Yes. With that I was -- the case was
7 dismissed. I went back to court on a reversal and it
8 was dismissed.

9 Q. Well, there's one -- I see one in 1975.

10 A. A no true bill.

11 Q. And that was a no true bill. What about in
12 1979?

13 A. That's what I was talking about. I went
14 back to court on a reversal, and it was dismissed.

15 Q. So your second time in state prison was for
16 burglary?

17 A. Yes, ma'am.

18 Q. Why all the crime? I mean, it dates back to
19 the 1970s. Very violent.

20 A. Well, at the time, I wasn't educated, you
21 know. My mother and my father used to fight all the
22 time. I used to watch them fight.

23 My mother went through a lot with this man
24 here, and when he left, you know what I'm saying, he
25 left us there with my mother. She had to raise

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

1 thirteen kids.

2 At the time, my brother, my old brothers and
3 my sisters, they went to foster care, and they left me
4 in the house as the oldest.

5 My mother had to go out to go to work. I
6 snuck out of the house, you know what I'm saying. I
7 would do things to bring food home to my sisters and
8 brothers, because a lot of nights, we went to bed
9 hungry, you know.

10 My mother would tell me, "Keep the door
11 locked, don't open the door for nobody," because she
12 didn't want BTW to sneak up there and find all of us
13 up there. And she would be out of the house and would
14 not be back until like 10:00 or 11:00 at night.

15 Q. I mean, I know that you had a difficult
16 upbringing, but there are plenty of people with
17 difficult upbringings who don't end up in prison,
18 committing Manslaughter, right?

19 A. Yes, ma'am.

20 Q. So let's talk about how you have done in
21 prison, especially the last two years. I see you only
22 have one disciplinary ticket.

23 What have you done for programming over the
24 last two years?

25 A. I have been to the Breaking Barriers class.

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 I have been to reconciliation, which I am in now.
2 Writing course. I work in food service. I do a lot
3 of other classes, NA, AA.

4 Q. So with all this programming, as you look
5 back on your Criminal History, what would you do
6 differently now?

7 A. Well, I'm a lot older. I'm matured now.
8 I'm educated. I have educated myself since I have
9 been in prison. I know how to treat human beings. I
10 respect the law. I respect people. I am a lot more
11 humble than I was before. I am not angry anymore.
12 I'm not violent.

13 I'm a Christian, born-again Christian. I
14 take my church life real serious. I just, you know,
15 stay away from trouble, and try to pick and choose the
16 company that I be around.

17 Like I said, I am a lot older now and it's
18 time for me to start acting like the mature adult, you
19 know what I'm saying, that I was supposed to have
20 been.

21 Q. I see that you would like to live at Ready,
22 Willing and Able, and also have them help you with
23 your employment, correct?

24 A. Yes, ma'am.

25 Q. That would be in ██████████ sir?

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 A. Yes, ma'am.

2 Q. Do you have any family support out there?

3 A. Yes, ma'am. I have a wife. I have my
4 children. I have my sisters. I have my Aunt ██████████
5 my grandmother, ██████████ The church.

6 Q. What do you need in term of programming, on
7 the outside, do you think?

8 A. I think I can still use a little vocational
9 training. Substance abuse. Like I could still
10 continue my substance-abuse recovery. I know it's a
11 lifetime process. Basically, that's about it.
12 Employment, probably.

13 Q. I've looked at your Compass Risk Assessment.
14 Do you remember that multiple choice questionnaire?

15 A. Yes, ma'am.

16 Q. Which was formed based on your answers, your
17 age, your history. It says that they don't think you
18 need much in terms of substance abuse, but there's
19 nothing wrong with continuing the programming.

20 It does talk about your history of violence
21 being very high. What do you think about that?

22 A. Well, since then, since I came into prison,
23 I have dealt with my violence, my anger, my violence,
24 you know, through numerous programs that I am taking,
25 and that I am still taking right now.

██████████ ██████████ NYSID # ██████████ DIN # ██████████

1 If released, I will continue to program
2 towards my violence and my anger.

3 COMM. ALEXANDER: I've also looked at your
4 sentencing minutes.

5 Commissioners, do you have any questions?

6 COMM. HERNANDEZ: I have none.

7 COMM. EVANS: Nor do I.

8 BY COMMISSIONER ALEXANDER:

9 Q. You get the last word today, Mr. ██████████

10 Is there anything that you would like to say
11 in terms of parole, that we have not covered yet this
12 afternoon?

13 A. I just want the Commissioners to know that I
14 am not the same person that I was when I first came in
15 here. You know, I came a long way from the time I
16 came into the system. I had choices that I could have
17 made, other than bettering myself when I first came
18 in, but I chose not to.

19 When I was sitting in that precinct I said
20 to myself, I'd like to make a change in my life now,
21 you know, I have to start making a change in my life now.

22 Since I've been in here, I got my GED. I've
23 been to college, I got credits. I've been to numerous
24 programs, and I am still programming. I help people.

25 I changed my ways, my thinking. My thinking

██████████ NYSID ██████████ DIN # ██████████

1 is much better, because I know my thinking controls my
2 behavior.

3 When I changed my behavior I know that I am
4 a better person now. People come up to me and tell me
5 that I am not the same person that I was when they
6 first met me, when I came into the system, you know.
7 I just think I am a better person today.

8 I am not -- excuse me for stuttering. I
9 don't have that criminal mentality anymore.

10 COMM. ALEXANDER: I want you to also know I have
11 reviewed the packet that you put together, that was
12 addressed to Chairwoman ██████████
13 I also have noticed that you sent numerous letters to the
14 Chairwoman, and I've read them, as well as your statements
15 of apology to the ██████████ so I have reviewed that material
16 as well.

17 Okay. Well, I appreciate your participation today, and
18 your answers. We're going to consider everything that's in
19 the packet, as well as your file, and your answers to the
20 interview.

21 We will get back to you, in writing, in a couple of
22 days. Okay.

23 THE INMATE: All right.

24 COMM. ALEXANDER: Thank you.

25 (Hearing concluded.)

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

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DECISION

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COMM. ALEXANDER: [REDACTED] Parole is denied. Twenty-four months. Next appearance, 3/15.

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After carefully reviewing your record, a personal interview and due deliberation, this panel concludes that discretionary release is not presently warranted, as there is a reasonable probability you would not live at liberty without again violating the law and, furthermore, your release would be incompatible with the welfare of society, and would so deprecate the serious nature of the crime as to undermine respect for the law.

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You stand convicted of the serious offense of Manslaughter First, wherein you, while committing a robbery with other co-defendants, stabbed a victim numerous times. You were on parole at the time of this offense.

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19

Your long and extensive Criminal History dates back to the 1970s, and this is your third time in state prison.

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21

This panel remains concerned about the violent nature of your entire Criminal History.

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The panel also makes note of all statutory factors, including your rehabilitative efforts and programming, risk and needs assessment, re-entry plans, parole packet, sentencing minutes, and your overall disciplinary record,

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

1 which includes a Tier II ticket, since your last Parole
2 interview.

3 Despite your positive efforts while incarcerated,
4 discretionary release should not be granted merely because
5 of good conduct or program completion, but after considering
6 all statutory factors.

7 After weighing all required factors, your discretionary
8 release, at this time, is denied.

9 (All Commissioners concur.)

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

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CERTIFICATION

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Lori Ciofalo

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Lori Ciofalo, Court Reporter

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Dated: March 27th, 2013

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