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September 2021

### Parole Interview Transcript/Decision - FUSL000092 (2015-03-24)

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NYS DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION  
BOARD OF PAROLE

----- X

Parole Board Interview

In the Matter  
of

██████████ ██████████

DIN # ██████████  
NYSID # ██████████

----- X

TYPE OF INTERVIEW: Reappearance

LOCATION: (Video conference)  
Otisville Correctional Facility

DATE: March 24, 2015

BEFORE: COMMISSIONER W. WILLIAM SMITH, JR.  
COMMISSIONER EDWARD SHARKEY  
COMMISSIONER JULIE SMITH

ALSO PRESENT: D. Piazza, SORC  
M. Brooks, ORC  
L. Legenos, ORC

REPORTER: Lori Ciofalo, Hearing Reporter

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

1                    COMM. J. SMITH: Good evening. State your  
2 name for the record.

3                    THE INMATE: ██████████ ██████████.

4                    COMM. J. SMITH: Good evening, Mr. ██████████  
5 I am Commissioner Julie Smith. I am joined today by  
6 Commissioner William Smith and Commissioner Sharkey.

7                    COMM. W. SMITH: Hello.

8                    COMM. SHARKEY: Hello.

9                    THE INMATE: Hello.

10 BY COMMISSIONER J. SMITH:

11                    Q. This is a reappearance for you today, sir.

12                    The record indicates you are serving a sentence  
13 of ten to life, following a plea to Manslaughter, First,  
14 in ██████████ County; is that correct?

15                    A. Yes, ma'am.

16                    Q. We have your Sentencing Minutes on file.

17                    This is your fourth time in State prison. You  
18 were on parole at the time, so you've got some  
19 delinquent time owed there, as well, correct?

20                    A. That's completed.

21                    Q. So that part is completed.

22                    This offense dates back to ██████████ of 1989, in  
23 ██████████ You and two other individuals, who were  
24 un-apprehended, entered the victim's apartment.

25                    In a robbery-home invasion, you ended up stabbing

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

1 the fifty-five-year old occupant in the chest, seven  
2 times, causing his death; is that correct?

3 A. Yes, ma'am.

4 Q. Now, did you know your victim? Did you target  
5 this house, specifically?

6 A. No, I didn't know the victim.

7 I was out on the street selling drugs. I was  
8 working, and I lost my job, and I started hanging out  
9 with individuals that had the same drug problem that I  
10 had.

11 One day I was sick, and I heard them talking  
12 about an individual owing them money, which was Mr.

13 [REDACTED]

14 I offered to go along to get the money, as long  
15 as I got some money to support my drug habit. So I went  
16 with them, and that's when the crime was committed.

17 I didn't know the victim at the time.

18 Q. That's a lot of anger there, to stab someone  
19 seven times.

20 A. Yes, ma'am.

21 Q. So where did all that come from?

22 A. Well, I was making bad choices. I was under the  
23 influence of drugs, things like that.

24 Q. And you had been on parole for how long?

25 A. Excuse me?

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

1 Q. You were on parole at the time. How long had you  
2 been on parole?

3 A. Almost two years.

4 Q. So you had been out in the community. Were you  
5 in any drug programs?

6 A. Yes, ma'am.

7 Q. So were you honest with your counselor, and your  
8 Parole Officer, that you were using again?

9 A. Yes, ma'am.

10 Q. I note since your last Board appearance you have  
11 had a couple of tickets, both are Tier II's.

12 Your COMPAS Risk Assessment shows you to have a  
13 low risk of violence. Medium risk for arrest. Low risk  
14 for absconding.

15 It says re-entry substance abuse is unlikely, and  
16 I know you completed A-SAT. Is that behind you?

17 A. Yes, ma'am.

18 Q. It looks like you completed all recommended  
19 mandatory programs, as well. Is that also true?

20 A. Yes, ma'am.

21 Q. If you were to be released, you're proposing to  
22 reside with your sister, ██████████ ██████████

23 A. No, ma'am. I was going to the Ready, Willing and  
24 Able program.

25 I'd like to ask you a question. Did you receive

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

1 a copy of the parole packet?

2 Q. Yes. We are going to get to that in a minute.

3 You listed ██████████ ██████████ your sister, as a  
4 primary residence; but you hope to go to Ready, Willing  
5 and Able, as well, for employment assistance?

6 A. Yes. I was accepted there already, upon whenever  
7 I'm released.

8 Q. We do have your parole packet. We have the one  
9 that was actually done a few years back.

10 We also have the National Lawyers Guild, to  
11 support the parole application that was completed for  
12 you. We note that, and the letters of support, as well  
13 as your personal statement.

14 So what's been the most beneficial program to  
15 you, since you have been inside, sir?

16 A. The most beneficial program to me has been the  
17 substance abuse and the ART program.

18 I continue to involve myself in A-SAT, AA and NA.  
19 I will continue to do so upon my release, continue doing  
20 A-SAT, NA and AA.

21 Q. We have the letter here from Ready, Willing and  
22 Able and, also, the Osborne Association, from 2012.

23 What do you think, as you look back on your life,  
24 four bids in prison, someone has died? What do you  
25 think about all that?

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

1 A. Well, when I was growing up, I was raised in a  
2 broken home. My mother, she had to raise thirteen kids,  
3 by herself.

4 Q. She must be a saint.

5 A. Three of them had to go to a foster home.

6 When the three oldest left, that left me in  
7 charge. My mother had to go out and work, and that left  
8 me the oldest in the house.

9 My brothers and sister went to bed hungry at  
10 night, many times, and I went out and stole, and brought  
11 food back, so they could eat.

12 I grew up too fast. I used to watch my mother  
13 and father fight all the time. I went through a rough  
14 life.

15 Q. And, you know, we hear that a lot. A lot of  
16 people go through tough times. Some learn from those  
17 experiences and move forward, and try to do the right  
18 thing. It looks like you fell into the drug life; is  
19 that fair to say?

20 A. Yes. Yes.

21 Q. We have some pictures in the file, black and  
22 white pictures. They're dated earlier on. This is of  
23 your family?

24 A. Yes.

25 Q. Lovely family that you have. You're fortunate

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

1 that you have people out there willing to support you,  
2 still, today, after so many times spending your life  
3 inside; is that fair to say?

4 A. Yes. Yes.

5 COMM. J. SMITH: Commissioners, any  
6 questions?

7 COMM. W. SMITH: I have nothing else. Thank  
8 you.

9 COMM. SHARKEY: No questions.

10 BY COMMISSIONER J. SMITH:

11 Q. Mr. ██████████ anything else we should know today,  
12 that we have not discussed, that you feel is important  
13 for us to consider, that's not part of your parole  
14 packet?

15 A. I'm not the same person I was twenty-six years  
16 ago, when I came in here. I've changed. You know what  
17 I'm saying? I've become a better person.

18 I worked hard at doing this, and I continue to do  
19 so. You know, I'm not coming back to prison ever again.  
20 I refuse to come back to prison, because I'm going to do  
21 the right thing.

22 COMM. J. SMITH: Sir, we will take  
23 everything into consideration, as well as the parole  
24 packet you have prepared. Thank you for doing that.

25 We will let you know our decision. We wish you



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

1 well, sir.

2 THE INMATE: Are you going to take the  
3 parole packet into consideration in making your  
4 decision?

5 COMM. J. SMITH: Absolutely, yes. We look  
6 at all required statutory factors, letters of support,  
7 parole plans. That is all part of what we look at.

8 THE INMATE: Okay.

9 COMM. J. SMITH: We wish you well, sir.  
10 Have a good evening.

11 (Interview concluded.)

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

DECISION1  
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COMM. J. SMITH: [REDACTED] [REDACTED] denied.

Hold twenty-four months. Next appearance, 3/17.

Parole is denied. After a review of the record and interview, the panel has determined, that if released at this time, there is a reasonable probability that you would not live and remain at liberty without again violating the law, and 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.

This decision is based on the following factors: The I.O. of Manslaughter, First, wherein, when acting in concert, you stabbed a male to death, during a home invasion/robbery.

This is your fourth New York State term of incarceration, and you were on parole at the time of the Instant Offense.

Your record dates back to 1973, and includes felonies, misdemeanors, prior violence, prior prison and/or jail, and failure at Community Supervision.

You clearly failed to benefit from prior efforts at rehabilitation.

Note is made by this Board of Sentencing Minutes,

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

1 COMPAS Risk Assessment, rehabilitative efforts, risk,  
2 needs, parole plan, letters of support, disciplinary  
3 record, and all other required factors.

4 (All Commissioners concur.)

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