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February 2022

### Parole Interview Transcript/Decision - FUSL000019 (2020-06-11)

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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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PAROLE BOARD INTERVIEW

In the Matter of

DIN NO. [REDACTED]

NYSID NO. [REDACTED]

\*\*\*\*\*

TYPE OF INTERVIEW: De Novo

LOCATION: Fishkill Correctional Facility

Video-conferenced to  
Buffalo Area Office  
460 Main Street  
Buffalo, New York 14202

DATE: Thursday, June 11th, 2020

DECISION DATE: Thursday, June 11th, 2020

BEFORE: COMMISSIONER JOSEPH CRANGLE  
COMMISSIONER MARC COPPOLA

AT FACILITY: Jacqueline Arroyo, PA  
Jacqueline Reid, SORC

HEARING REPORTER: Brooklyn Morton

1 EXAMINATION BY COMMISSIONER CRANGLE:

2 Q Sir, can you state your name for the record?

3 A [REDACTED]

4 Q [REDACTED]

5 A [REDACTED]

6 Q Okay. I am Commissioner Crangle. Along side me is  
7 Commissioner Coppola.

8 COMMISSIONER COPPOLA: Hello.

9 Q How are you?

10 A Good morning, sir.

11 Q All right. Sir, this is a de novo appearance. It stems  
12 from the March 2019 reappearance that you had. You were  
13 granted an 18-month hold there instead of a 24-month hold.  
14 You did appeal the denial and it made its way through court  
15 and the judge ordered what we refer to as a court-ordered de  
16 novo, okay?

17 A Okay.

18 Q Is that your understanding?

19 A Yes, Commissioner.

20 Q Okay. Can you hear me okay?

21 A Yes, I can.

22 Q Okay. Good. Now, before we start I just want to make sure  
23 we have everything in order, in terms of documentation.  
24 Over the years you have had packets made of your parole  
25 interviews, correct?

1 A Yes, Commissioner.

2 Q Okay. And we have them, okay? Packets like this  
3 (indicating).

4 A Yes.

5 Q Okay. There are letters also, besides the packet, letters  
6 in the file as well that we will review and consider, okay?

7 A Yes, Commissioner.

8 Q And some are dated 2020. All right. So since your last  
9 interview you have continued to have people write on your  
10 behalf. Is that your understanding?

11 A Yes, it is, Commissioner.

12 Q Okay. And the reason why I am going through this now is  
13 because I don't want to get to the part where we are talking  
14 about release plans or whatever and all of a sudden you say  
15 oh, I have this and I don't have it because, you know, we  
16 are doing this through video and we are actually sitting in  
17 [REDACTED] New York, okay? So it is a long way from Fishkill.  
18 Is there anything since your last appearance that you had in  
19 2019 that you recently did and you submitted?

20 A Yes, Commissioner. My lawyer has a parole packet and we  
21 didn't know this was going to be today. I didn't know it  
22 was going to be today. I think she was going to submit it  
23 next week, Ms. Martha Rayner.

24 Q Okay. Yeah. We don't have that.

25 A Okay. It is probably in the mail or on her desk or I don't

1 know how they are going to do it. I have with me two  
2 letters, copies of letters that I gave to the Senior ORC  
3 here yesterday to go into my file. I wasn't sure whether or  
4 not it would go in, in time. I thought I would be able to  
5 hand them to you.

6 Q Well, on that piece of what you just said there, we could  
7 just have the staff fax it to us, okay?

8 A Okay.

9 Q Once we're done discussing things with you, okay? We have  
10 up to two weeks to decide on that end, you know, those  
11 couple of letters, it is not a big deal. I am going to  
12 pause.

13

14 BY COMMISSIONER COPPOLA:

15 Q Excuse me. Did you already give those letters to the ORC?

16 A Yes. I gave them to them yesterday.

17 Q Well, they may be here. Those are copies then, right?

18 A These are copies.

19 Q Who are the letters from?

20 A These are from [REDACTED], industrial  
21 supervisor.

22 COMMISSIONER CRANGLE: We have that.

23 Q We have that one.

24 A Dated 6/9/2020.

25 COMMISSIONER CRANGLE: Right. We have that.

1 A And the other one is from [REDACTED] That is the control  
2 supervisor. Also June 9th, 2020.

3

4 BY COMMISSIONER CRANGLE:

5 Q Is that from [REDACTED]

6 A Yes.

7 Q I saw a couple [REDACTED] letters here.

8 COMMISSIONER COPPOLA: I did as well.

9 Q Yeah. I have [REDACTED] letter, too. So we have those two.

10 Okay. So that is good. June 9th, 2020?

11 A Yes.

12 Q Okay.

13 A All right.

14 Q But, the packet from your attorney, I don't see here and it  
15 is not Cheryl Kates. It is somebody else?

16 A No. It is Ms. Martha Rayner.

17 Q Hold on one second. I am going to mute for one second,  
18 okay?

19 A Okay. All right.

20 (Off the record.)

21

22 BY COMMISSIONER CRANGLE:

23 Q How are you doing, [REDACTED]

24 A Fine, Commissioner.

25 Q We need to consult with our attorney, okay, regarding this?

1       Because this is a very important interview and like I said  
2       in the top of the discussion, this is a court order, okay?  
3       We want to make sure we have everything in place and in  
4       light of that with the new information regarding that you  
5       thought it was going to be next week, we are assuming that  
6       your attorney felt that way as well.

7       A   Yes.

8       Q   And that is why the packet hasn't arrived yet for you to  
9       review.

10      A   Yes.

11      Q   And because the packet sounds quite thorough dealing with  
12      your ██████████ and everything, we feel that we are going  
13      to give you this option: We can postpone this interview and  
14      have it next week so you can have the packet, as well as we  
15      have the packet and we can discuss it because having the  
16      packet after the interview -- you know, say we did the  
17      interview and the packet arrives and we do review it, we  
18      don't have a chance to discuss the packet with you.

19      A   I understand, Commissioner.

20      Q   It is not just, like, one letter or something. This is  
21      something different.

22      A   Yes.

23      Q   So I was discussing with Commissioner Coppola and we thought  
24      we would make that arrangement to have it next week so you  
25      have time to get the packet. What are your thoughts? What

1 do you want to do?

2 A I think it is best for you -- for us to postpone this so you  
3 can have a chance to see the new packet.

4 Q Okay. Do you feel comfortable with that? Is it what you  
5 want to do?

6 A Yes, Commissioner.

7

8 BY COMMISSIONER COPPOLA:

9 Q If I can just jump in here. It is also important because  
10 when I asked you, sir, you weren't 100 percent sure of  
11 everything that was going to be in the packet. You haven't  
12 had a chance to review it?

13 A No.

14 Q So if you think about it in the more recent years, say, for  
15 instance with the COMPAS risk and needs assessment and your  
16 case plan, you have to see it before we do so that if we  
17 discuss it, you know what we are talking about.

18 A Yes.

19 Q So that becomes important because you told us that you  
20 didn't know 100 percent what was in the packet, you haven't  
21 had a chance to review it, like Commissioner Crangle said.  
22 The other thing is, it is important to note too, though, and  
23 for your attorney so if you get a chance maybe call her and  
24 this is a critical point, the reason we are doing this today  
25 is because it was a court-ordered de novo within 30 days.



1 A Yes.

2 Q I think today is the 30 days or at least this week so it is  
3 important and I think your attorney must have known about  
4 that. Maybe they just didn't get the dates right, but the  
5 point is, is that if it is next week, we are beyond those  
6 30 days. In light of that, that is why it is important that  
7 it is up to you if we postpone it.

8 Now, I don't think there will be any harm to that, but  
9 again, the judge could be pretty miffed that we didn't do it  
10 within the 30 days, but this is something that was not due  
11 from the Board's side of things, maybe you guys just weren't  
12 prepared. And also, I want just to note, too, I was  
13 watching you while we have been talking, but also while we  
14 were off camera I saw you. You really don't look prepared.  
15 You said that you were surprised and you kind of looked a  
16 little stressed out, like you weren't prepared for this.

17 A I wasn't, but it is -- just thinking about -- when I have  
18 these hearings, I think about what I did when I was 18 years  
19 old.

20 Q Okay.

21 A I think about, you know --

22 Q Well, we also want to make sure that you are prepared when  
23 you come in and you said that you were a little caught by  
24 surprise and didn't know it was going to be today so those  
25 are important reasons for us and that is why we left it up

1 to you because in a sense this is your interview, not ours.

2 A Yes.

3 COMMISSIONER COPPOLA: Okay. Thanks. That's all  
4 I had to say.

5

6 BY COMMISSIONER CRANGLE:

7 Q Okay. So are you all on the same page? You understand what  
8 is going on?

9 A Yes, Commissioner. One more thing, I had a letter. I just  
10 gave it to the senior counselor here.

11 Q Okay.

12 A It was inadvertently delivered to me.

13 MS. ARROYO: This is a letter that is -- that was  
14 opposing his parole that was sent to him that he received  
15 and handed it over to us today. I just wanted you to know  
16 that.

17 THE INMATE: [REDACTED]

18 MS. ARROYO: From a [REDACTED] in opposition.  
19 He handed it over to us.

20 COMMISSIONER CRANGLE: Yeah. Thanks for giving  
21 that to the staff. Can you send that to [REDACTED] and then  
22 have it scanned?

23 MS. ARROYO: Yes, I will.

24 COMMISSIONER CRANGLE: All right. Thank you.

25

1 BY COMMISSIONER CRANGLE:

2 Q All right. [REDACTED] one thing I can't tell you is the exact  
3 day that we would have it, okay? Sometime next week  
4 anywhere between Tuesday, Wednesday and possibly Thursday so  
5 just to give you an idea, okay?

6 A I will be ready.

7 Q So do you have a tablet?

8 A Yes.

9 Q Do you e-mail your attorney?

10 A Yes, I can.

11 Q You know, I mean, e-mail and call her. Whatever is the way  
12 you guys correspond, but just let her know that that is what  
13 is going on, okay?

14 A Okay.

15 Q And that we postponed it to grant the both of you time to  
16 get things settled.

17 A Okay.

18 Q All right.

19 A Thank you. Thank you so much.

20 Q Anything else?

21 A No. That's it. I just wanted to get you those three  
22 letters.

23 Q Okay. Sorry for the delay, but we wanted to make sure we  
24 had everything, okay?

25 A I appreciate it.

1 Q Okay. Take care, [REDACTED] Reach out to your attorney if you  
2 can. Thank you.

3 A Yes, Commissioner. Thank you.

4 INTERVIEW CONCLUDED

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1 (After due deliberation by the Parole Board Panel, the  
2 following Decision was rendered:)

3  D E C I S I O N

4  
5 Postponed one week. Next appearance 06/2020 for  
6 completion of records at the request of the inmate to obtain a  
7 packet from his attorney.

8 (All Commissioners concur.)

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CERTIFICATION

I, Brooklyn Morton, 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 12 pages, is a true and correct copy of same and the whole thereof.

Dated: June 22nd, 2020

Brooklyn Morton

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Brooklyn Morton, Court Reporter