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

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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

PAROLE BOARD INTERVIEW

In the Matter of

DIN NO. [Redacted]
NYSID NO. [Redacted]

**PAROLE BOARD INTERVIEW**

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

eScribers, LLC
973-406-2250
EXAMINATION BY COMMISSIONER CRANGLE:

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

A

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

COMMISSIONER COPPOLA: Hello.

Q How are you?

A Good morning, sir.

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

A Okay.

Q Is that your understanding?

A Yes, Commissioner.

Q Okay. Can you hear me okay?

A Yes, I can.

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

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

A Yes.

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

A Yes, Commissioner.

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

A Yes, it is, Commissioner.

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

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

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

A Okay. It is probably in the mail or on her desk or I don't
know how they are going to do it. I have with me two letters, copies of letters that I gave to the Senior ORC here yesterday to go into my file. I wasn’t sure whether or not it would go in, in time. I thought I would be able to hand them to you.

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

A Okay.

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

BY COMMISSIONER COPPOLA:

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

A Yes. I gave them to them yesterday.

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

A These are copies.

Q Who are the letters from?

A These are from [redacted], industrial supervisor.

COMMISSIONER CRANGLE: We have that.

Q We have that one.


COMMISSIONER CRANGLE: Right. We have that.
A And the other one is from That is the control supervisor. Also June 9th, 2020.

BY COMMISSIONER CRANGLE:

Q Is that from

A Yes.

Q I saw a couple letters here.

COMMISSIONER COPPOLA: I did as well.

Q Yeah. I have letter, too. So we have those two.

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

A Yes.

Q Okay.

A All right.

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

A No. It is Ms. Martha Rayner.

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

A Okay. All right.

(Off the record.)

BY COMMISSIONER CRANGLE:

Q How are you doing, 

A Fine, Commissioner.

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

A Yes.

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

A Yes.

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

A I understand, Commissioner.

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

A Yes.

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

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

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

A Yes, Commissioner.

BY COMMISSIONER COPPOLA:

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

A No.

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

A Yes.

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

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

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

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

Q Okay.

A I think about, you know --

Q Well, we also want to make sure that you are prepared when you come in and you said that you were a little caught by surprise and didn't know it was going to be today so those are important reasons for us and that is why we left it up
to you because in a sense this is your interview, not ours.

A Yes.

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

BY COMMISSIONER CRANGLE:

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

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

Q Okay.

A It was inadvertently delivered to me.

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

THE INMATE: [Redacted]

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

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

MS. ARROYO: Yes, I will.

COMMISSIONER CRANGLE: All right. Thank you.
BY COMMISSIONER CRANGLE:

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

A I will be ready.

Q So do you have a tablet?

A Yes.

Q Do you e-mail your attorney?

A Yes, I can.

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

A Okay.

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

A Okay.

Q All right.

A Thank you. Thank you so much.

Q Anything else?

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

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

A I appreciate it.
Q Okay. Take care, [redacted] Reach out to your attorney if you can. Thank you.

A Yes, Commissioner. Thank you.

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

DECISION

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

(All Commissioners concur.)
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

Brooklyn Morton, Court Reporter

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