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Parole Interview Transcript/Decision - FUSL000051 (2019-08-27)

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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

2 BOARD OF PAROLE

3 *****

4 Parole Board Interview

5 In the Matter

6 -of-

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 *****

11 TYPE OF INTERVIEW: Reappearance

12 LOCATION: Auburn Correctional Facility
13 Video-conferenced to NYS DOCCS
333 East Washington Street
Syracuse, New York 13202

14 INTERVIEW DATE: August 27, 2019

15 DECISION DATE: August 27, 2019

16 BEFORE: Commissioner Joseph Crangle
Commissioner Marc Coppola
Commissioner Caryne Demosthenes

17 ALSO PRESENT: Patrick Kennedy, SORC
18 Diane Murray, PA
Samantha Penird, OA-1

19 PRESENT AT FACILITY: Jennifer Christopher, ORC
20 Laurie Darling, ORC

21 COURT REPORTER: Anthony D'Ambrosio, CSR

22

23

24

25

1 BY COMMISSIONER M. COPPOLA:

2 Q. Good afternoon, sir. Your name, please?

3 A. [REDACTED].

4 Q. Mr [REDACTED] Commissioner Coppola, with me today
5 is Commissioner Crangle and Commissioner Demosthenes.

6 COMMISSIONER J. CRANGLE: Hi.

7 COMMISSIONER C. DEMOSTHENES: Hello.

8 INMATE: Hello. Hello.

9 Q. Sir, this is a reappearance for you today, I know one
10 of many, and you continue to serve a sentence of 25 years
11 to life, by verdict, for murder, and that was out of
12 [REDACTED], is that correct?

13 A. Yes, sir.

14 Q. Okay. And it is degree-less, because it was prior to
15 1974, correct?

16 A. 1970 what?

17 Q. 1974, it's degree-less, it's not murder second, it's
18 degree-less, because it was prior to '74 when they
19 instituted the degrees.

20 A. Yes.

21 Q. Okay. I just wanted to make sure you understand the
22 same. And you know from your many interviews in the past
23 that we still do not have a copy of your sentencing
24 minutes for review or consideration. I know, and I saw
25 the look on your face, I'm disappointed too, it would

1 have been nice to at least have them. More information
2 is always better for us, but we do not have a copy of the
3 sentencing minutes and there were multiple attempts made.
4 There were a couple of responses from the courts saying
5 that the sentencing minutes could not be located, okay.

6 Is that your recollection from your past interviews?

7 A. Yes, because I tried to get them myself, and they
8 kept telling me that they can't locate them.

9 Q. Okay. All right, sir.

10 A. Yes.

11 Q. And you don't have to lean into the microphone, I can
12 hear you okay.

13 A. All right.

14 Q. Can you hear me okay?

15 A. Yes.

16 Q. All right. Now, I have read through a lot of your
17 transcripts, I don't think I've ever met you before, but
18 I have read through some of the transcripts and some of
19 the information, but even though I kind of know what we
20 are going to talk about, I still have to caution you that
21 we have a stenographer on this side of the camera taking
22 everything down. What we discuss will be reduced to a
23 transcript and can be used for or against you if you have
24 any appeals on the verdict. I'm not talking about the
25 parole interview, I'm talking about your conviction.

1 A. Yes.

2 Q. I don't believe that you have any appeals
3 outstanding, do you?

4 A. No, I don't.

5 Q. Okay.

6 A. No.

7 Q. And if, at any point, you do not want to discuss the
8 offense, then we can move on, if there were any
9 opportunities for appeal. But the description that we
10 have here states, this is the short description, and I'll
11 get into it a little bit more later, but at approximately
12 2 a.m. the subject caused the death of a [REDACTED]
13 police officer by striking him and stabbing him in the
14 neck with a knife in front of a grocery store located at
15 the corner of [REDACTED]

16 [REDACTED]. Records indicate that the
17 subject, which would be you, was under the influence of
18 alcohol, and it says here Vodka and beer, at the time of
19 the incident, is that correct?

20 A. Yes.

21 Q. All right, sir. Is there anything that you want to
22 tell us about the offense and why you did this to the
23 officer, Officer [REDACTED], I believe?

24 A. Officer [REDACTED].

25 Q. Yes.

1 A. I just want to say I was more -- I was more or less
2 out of control then, I guess, from my drinking. I should
3 have complied when the officers there approached me, and
4 I should have complied as far as, I don't know if they
5 wanted to shake me down or if they was looking for
6 someone else.

7 Q. Okay.

8 A. When they started to ask me questions, I started to
9 walk away from them, and once I started to walk away from
10 them, I guess that's where I made my mistake. They put
11 their hands on me and it led to an altercation.

12 Q. Okay. I know that, you know, from reading through
13 the transcripts, you've been through this quite a bit
14 with other board members, and I know you must be aware,
15 you know, that the description in the record is very
16 different than the description that you give, that they
17 approached you. I mean, actually, your description
18 varies throughout the years, and I understand it's been a
19 long time, and I understand that, you know, you're
20 getting up in age and sometimes things are a little tough
21 to remember so far back, the very, you know, details of
22 it. You don't deny stabbing the officer in the neck, I
23 know that.

24 A. No, I don't deny it.

25 Q. And you always have said that they approached you

1 in -- I know you said before they approached you in an
2 aggressive manner. I'm not quoting your exact words, and
3 even in your parole packet, your parole preparation
4 project package, even they say that. You know, they
5 describe your childhood and the reasons that you may have
6 acted out so impulsively, because of things that happened
7 to you throughout your years as a child and as you were
8 growing up, and they talk about, you know, the officers
9 coming at you I think in an aggressive manner or coming
10 toward you, and that you had been carrying a knife
11 because you felt you needed it for protection because you
12 were, I think, traveling through a neighborhood that you
13 were concerned about.

14 A. Yes, yes.

15 Q. Coming from work.

16 A. Yes.

17 Q. See, they say, and I'm assuming that they got this
18 information from you, the people who helped you with this
19 packet, the parole preparation project, they say that
20 around 2 a.m. on July 24, 1971, Mr. [REDACTED] was on his way
21 home from his job [REDACTED] home -- or at a
22 [REDACTED] nursing home rather, and walking down the street
23 in Brownsville, Brooklyn. With him was a knife that he
24 carried regularly for safety. Patrolman [REDACTED]
25 and his partner Patrolman [REDACTED]

1 approached him and started questioning him. They backed
2 him up to a wall at which point Mr. [REDACTED] felt
3 threatened by their sudden and aggressive approach.
4 That's where I got the word aggressive. So, if you take
5 that, and even if you take what you said, your written
6 description within this statement, whether you wrote it
7 or they helped you write it, there's a little variation
8 in there as well. You said that, all I felt that night
9 was two people hurrying toward me in a negative manner,
10 maybe because my knife was out in my hand. And this is
11 partially in your statement there, and then, you know,
12 they say you were walking home from work. But you
13 weren't. There were witnesses. There was even someone
14 that was with you at the bar, and the record says you
15 were at a bar and you were drinking with someone else,
16 and then you both left and I think he gave you a dollar
17 to go get some cold cuts. You went to the store, that's
18 how you wound up at the store, to get some cold cuts.

19 A. No, I had came from work a while ago about 11 p.m. I
20 went out to get some beer and stuff, but there wasn't --
21 there wasn't nobody exactly with me. I met a person in a
22 bar, we had talked for about a minute or two, and that's
23 when I left.

24 Q. Okay. Didn't you drink some Vodka and beer at the
25 bar?

1 A. Yes, yes.

2 Q. So, what I'm saying was, if you read this, right, if
3 somebody was to read this and only have this description
4 that's in here, in your packet, and then what you, you
5 know, what you explain, it makes it sound that you were
6 just on your way home from work and that you were just
7 walking along and these officers approached you in an
8 aggressive manner. And that out of fear or being
9 frightened, you reacted a certain way. It leaves out a
10 whole lot of detail, such as that you had been drinking.
11 So, under the influence, whether you think you were under
12 the influence that much or not, the record does indicate
13 you were under the influence of alcohol, you had been
14 drinking in the bar, and then there is this story about
15 you going up to the officers in their car and asking how
16 one was to join the police force. I believe you say that
17 never happened. In the records, and, again, we don't
18 undermine the verdict or the record, that's not our role
19 or the authority of the parole board, I'm just stating
20 the fact, we have to follow the record, because that is
21 what followed you and your conviction, but we do consider
22 what you say by the way, I do want you to know that. And
23 then the record further explains that the other officer,
24 I [REDACTED] still in the patrol car, Officer
25 [REDACTED] went into the store to get cigarettes, he came

1 out, you were still in the store, he came out and Officer
2 [REDACTED] just, I guess, witnessed, and the record says
3 there were other witnesses, that you came out unprovoked
4 and stabbed him in the neck. And I know throughout some
5 of your statements throughout the years and also in part
6 and parcel your packet, you claim that they, basically,
7 came upon you in this aggressive manner and put you up
8 against the wall and, you know, for lack of a better
9 phrase, were manhandling you, and you reacted that way.
10 Yet the record says something completely different. You
11 know that, right?

12 A. Yes, I do.

13 Q. Okay. How would you explain such a different
14 description of what happened, because this is what the
15 stated facts are in the record, and they claim in the
16 PSI, it says witnesses, so unless everybody else was
17 lying, they say witnesses. Is it possible that you were
18 intoxicated enough that you don't really remember the way
19 it actually went down, the turn of events there, or are
20 you saying that the record is so wrong that even the
21 witnesses, including the other officer, are not telling
22 the truth?

23 A. Well, I just want to say that my lawyer during the
24 trial, he proved that by them saying I spoke to them
25 beforehand, they said I was leaning inside the car

1 speaking to them before they even got out of the car. My
2 lawyer proved that if I was leaning in the car, I would
3 have leaned on the door. They said they didn't get no --
4 there were no prints or nothing on the car by me leaning
5 in.

6 Q. Okay. Well, I guess, look it, you still got
7 convicted, so that part of it I'm not too concerned
8 about, but I would say that if I wanted to argue that
9 point, I would say, first of all, one can lean in and
10 have their head toward the window without ever touching
11 the car, or one can lean in with their elbows on the
12 window and never actually have their fingerprints on the
13 car. So, you can argue that point, but I don't even want
14 to get into that. What I don't understand is how is it
15 possible that the description that you give, that they
16 came at you in this way -- now, you said once maybe
17 because they saw the knife. One time you said you don't
18 even know why they came at you, maybe they wanted to
19 rouse you in some way, I'm using the word rouse, but
20 throughout the years you kind of said, well, maybe it was
21 because I had the knife, you said you should have
22 complied, you should have complied. Well, any time an
23 officer sees someone on a public street carrying a
24 hunting knife, of course that's illegal, they would tell
25 them to drop the knife, I would hope, and you should

1 comply. I don't disagree with you at all. But how this
2 unfolded seems to kind of have a little -- the variation
3 the way you say it over the years, but then the record is
4 so much different. Would you go as far as to say that
5 Officer [REDACTED], we will say there were other witnesses,
6 the record claims, but let's just say it's Officer
7 [REDACTED] is the one that's giving this description of what
8 he saw. Are you saying that [REDACTED] not
9 telling the truth?

10 A. I'm just saying, I didn't wait for someone coming out
11 of the store, which [REDACTED] Officer [REDACTED]. I'm
12 saying I was approached in the street. I think it was
13 because of the knife that I had on, it was about 12
14 inches, the blade was about 12 inches long, and the way
15 that I dressed, and I still today, I think they mistaken
16 me of being a member of the Panther Party by the way I
17 dressed and the stuff that I had on my hat, and about my
18 style, and when they approached me in that manner, they
19 asked me where was I going or where I was coming from.
20 Then I just walked away from them, and then one of them
21 touched me, you know. I should have complied, it
22 probably wouldn't have been anything, but it amounted to
23 an altercation, you know, in which I will admit, I got a
24 very volatile temper and I guess I couldn't control it
25 then.

1 Q. Okay. Now, is that -- but, again, before we move on,
2 I want to be clear on this one point. The description
3 that was given is that [REDACTED] still in the
4 vehicle, even if [REDACTED] you in this --
5 the fact that he came out of the store and then you came
6 out after him, even if that's not accurate, but it
7 appears from the record that [REDACTED] in the
8 vehicle, or saw this happening while he was in the
9 vehicle, are you saying that [REDACTED] not in
10 the vehicle when they approached you, that they
11 approached you together?

12 A. They approached me together, but may I ask you this,
13 did you say witnesses? None of the witnesses was at my
14 trial.

15 Q. Okay. Well, I want to be fair to you.

16 A. They gave you a single indictment and I never seen
17 anybody.

18 Q. Okay. Here's what happens sometimes, and I will be
19 honest, sometimes we see so many people and we read so
20 many records, sometimes I might say a word that wasn't
21 accurate, so I want to go back to the record and make
22 sure I'm accurate, okay, sir, because that's what we owe
23 you, to make sure we are understanding it. So, what I
24 have is the pre-sentence investigation and it's very old,
25 you can almost see through the paper, you know, it's in

1 the back here. This is where the information comes from.
2 The Department of Corrections, parole, we don't make it
3 up, it comes from the pre-sentence investigation, okay.
4 It says right here at the very top, case number [REDACTED],
5 [REDACTED], it says, I'm just going to give you
6 the first couple of sentences, the defendant on 7/24/1972
7 intentionally caused the death of Patrolman [REDACTED], it's
8 abbreviated, Ptl [REDACTED] by means
9 of a knife. The following account is culled,
10 c-u-l-l-e-d, from the testimony of several eyewitnesses
11 to the offense. That's where I got that from. If that's
12 incorrect, there's nothing I can do about it, that's what
13 it says. And that's the only reason I'm asking you is
14 that, is it possible? Look, I don't like to call anybody
15 a liar and I don't think you would call us a liar, but
16 that's what it says in the record, it is what it is.
17 What I would like to know is, is it possible that you
18 were intoxicated enough that your recollection of how you
19 wound up in contact with [REDACTED] not be
20 accurate, if, in fact, they say in the record that there
21 were several eyewitnesses? Is it possible that you were
22 intoxicated enough that you believe that's how it
23 happened but maybe that's not really how it happened?
24 A. Yes, I guess it's possible, yes, yes.
25 Q. Okay. Because I know you have maintained that story,

1 you maintain your version, but we consider what you say,
2 even though we don't have the authority or the intention
3 to undermine the record, but we do consider what you say,
4 and I do want to make that clear before we moved on,
5 okay?

6 A. Yes.

7 Q. Now, you did say that you had a very volatile temper
8 at the time. Now, I think I read in your history and
9 from the parole preparation project description of your
10 childhood, that you had brothers and sisters?

11 A. Yes, I got five brothers and one sister.

12 Q. Okay. Are you the youngest brother or the oldest or
13 in the middle somewhere?

14 A. I'm the next to the youngest. I'm next to the
15 youngest.

16 Q. Okay. And bear with me, I'm not reading it word for
17 word, I'm doing this from recollection of what I did
18 read, that you were the smaller of the group, of the
19 siblings?

20 A. Yes, yes.

21 Q. And you engaged in boxing?

22 A. Well, since nine years old, I been into martial arts,
23 boxing, yoga, and Zen.

24 Q. And you've been teaching it inside the facilities,
25 right?

1 A. Yes.

2 Q. Okay. So, the volatile temper, they claim, your
3 record, and I think you probably gave this information,
4 that that had to do with your upbringing, you felt that
5 you needed to fight a little bit, you were the smaller
6 one, is that how that temper evolved?

7 A. Well, a lot of people I think think that, but size,
8 whatever, that never bothered me, because my mother
9 always called me shorty, and it never bothered me either
10 way. I don't care if a person is big, tall, thin, it
11 didn't bother me.

12 Q. So, where did the temper come from?

13 A. I don't know. I guess I was born with it. I don't
14 know. I have a temper now, but I try to keep it under
15 control. I try to by understanding the next person and
16 putting myself in their place.

17 Q. Okay. Okay.

18 A. Over the course I've controlled it.

19 Q. And that comes with age too. When we get older, we
20 mellow out and we can sometimes -- like when we're
21 younger, too much bravado, we can't allow someone to get
22 in our face without reacting, whether it's temper or just
23 reputation, but when we get older, we can let that stuff
24 go. Like now today, if someone called me a name, I could
25 care less, it doesn't matter, I'm old enough to let it go

1 now. So probably with you being older, you maybe are
2 able to let things go a little easier than when you were
3 younger.

4 A. Yes, as long as they don't talk about my family.

5 Q. Okay. That's understandable. That's understandable.

6 A. Yes, sir.

7 Q. But words are one thing and they can be powerful, but
8 hopefully they don't turn out to be, you know, violent
9 actions. By the way, since we're talking about that,
10 your risk and needs assessment is in the folder, I'm sure
11 you saw the last one completed back in April, the COMPAS
12 report?

13 A. Yes.

14 Q. And it does indicate low and unlikely in all
15 categories, a lot of this is because of your age and
16 that's what I was guessing too about the felony violence.
17 It's your only felony conviction of record. We know you
18 had a misdemeanor after you were already serving time for
19 a marijuana possession or criminal possession of
20 marijuana back in 1994; however, this is your only
21 violent felony offense, is that right?

22 A. Yes, sir.

23 Q. Okay. Did you have fights and stuff in the street
24 prior to this with other people in bars or just in the
25 street?

1 A. Well, I had fights defending other people and girls.

2 Q. But nothing that turned into an arrest or
3 convictions, right?

4 A. No, no, none at all.

5 Q. Okay. All right, sir. So, the explosiveness of what
6 happened, you can understand why it's such a -- not only
7 because an officer or anyone lost their life, but the
8 explosiveness is a concern as well. Now, with regard
9 to -- I wanted to go back to your packet. Now, with
10 regard to your packet, I was reading it, it was very well
11 done, we also see that you have an apology letter in
12 here. My colleagues are also looking through your
13 packets that you submitted. There was one for 2018, I
14 think it was 2018, and this is the updated one, correct,
15 '19 one?

16 A. Yes.

17 Q. Okay. And within here, we also see your apology
18 letter as I mentioned, your many program completions, in
19 addition to the mandatory programs, your voluntary
20 programs [REDACTED] high school diploma, right?

21 A. Yes.

22 Q. Okay. But that was prior to coming to prison, right?

23 A. Yes, sir.

24 Q. 1969. Okay. While you're inside though, the HIV and
25 AIDS education program. Food service. ART. ASAT.

1 Training achievement and potential employability report.
2 Computer repair. These are just some of the programs
3 that you completed or engaged in while you've been
4 inside, correct?

5 A. Yes.

6 Q. All right. Your letters of support, you know, I got
7 to compliment you or the project for the way these are
8 put in here. Sometimes as we're reading through the
9 letters, people start talking to us in these letters,
10 they don't identify who they are until, you know,
11 somewhere later down in the letter, but it was nicely
12 organized here. We know that we have the letter from
13 your niece, and also, they're not only in your packet,
14 but I'm not sure if they are identical, but there were
15 some letters that were in the folder that appear to be
16 recent as well from your niece. She always writes and
17 she states, once again, I write, in parenthesis, begging
18 for the proper wording to make you understand how much I
19 mean this letter, so allow me to write from my heart.

20 That's your niece, right?

21 A. Yes.

22 Q. And I see you're getting emotional. I didn't mean to
23 make you get emotional, I just wanted to reference that.
24 There are many pictures of your family I see here, and it
25 looks like you have a nice family. Do you know if any of

1 your other siblings have ever had any reason to be
2 incarcerated or crossed the law?

3 A. The only one that ever been incarcerated was my
4 oldest brother, but he never been in prison, he was in
5 the county jail for about 60 days.

6 Q. Okay. Is that the brother -- there was one brother
7 who writes in here and says he continues to learn from
8 you, that he has learned from you many things throughout
9 the years. I'm not sure which brother that was that
10 wrote that letter.

11 A. That is my youngest brother.

12 Q. Okay. That was the younger brother?

13 A. Yes.

14 Q. Okay. And you also have release plans that would
15 indicate that you have somewhere to go both in [REDACTED]
16 or in [REDACTED]?

17 A. Yes, I do.

18 Q. The preference would be [REDACTED]?

19 A. Yes, because my favorite niece's husband --

20 Q. Take your time, sir, take your time. Take a moment,
21 take a breath.

22 A. He has -- he has -- he lays turf on football fields
23 and hockey stadiums, and they lay turf and stuff and he
24 has a 14 man crew, and they work nine months out of the
25 year, and he said if I get out, he guarantees me a job,

1 because I been working all of my life and I can do all of
2 that stuff too. I been working from the time I was
3 outside from the time I been in prison.

4 Q. And you were working on the outside, it doesn't
5 indicate that you were not. Okay, sir. You have had
6 your struggles in the facility, nothing since 2015. Like
7 I said, I think that last ticket you had was a drug use
8 in 2013, I said 2015, I apologize, but 2013, so that was
9 the last time. On the outside, prior to the crime, did
10 you have drug use or just alcohol use?

11 A. Just alcohol. People used to think I was doing drugs
12 because I used to go to places and they would be smoking
13 weed and stuff, and I didn't. I usually stayed in the
14 car, you know.

15 Q. Okay. How come the drug use in prison though, how
16 come you decided --

17 A. Well, I just smoked marijuana back in my early days,
18 because I used it just to -- I smoked it, and I workout
19 everyday, so just to give me a boost, and I take it to
20 relax, to push me away from other things that was going
21 on.

22 Q. But no more though, right?

23 A. No, no.

24 Q. Okay. Again, your risk and needs assessment
25 indicates low and unlikely in all of the categories.

1 You're low for family support, that's a good score,
2 that's because you have substantial family support and
3 the letters verify that. So, we will consider that.
4 Your case plan tells us about what you have been doing
5 inside. And, basically, it's, you know, you're
6 programming, your goals, your tasks, your activities, so
7 we can see whether or not you've been following along
8 with the program. You have done well, especially since
9 2013, we can't take that away from you, despite the
10 serious crime. Your institutional behavior is definitely
11 something that we consider and will be considered in our
12 deliberations. I'm going to pause at this point and ask
13 Commissioner Crangle and Commissioner Demosthenes if they
14 have any questions.

15 A. Yes.

16

17 BY COMMISSIONER J. CRANGLE:

18 Q. Sir, looking back at all of this, do you think
19 justice has been served?

20 A. As far as, you said?

21 Q. With the amount of time that you have done?

22 A. Well, I will just say this, nobody can -- the family
23 of Mr [REDACTED] know I put a big void and a hole.

24 Mr. [REDACTED] himself, I guess he was the protector of
25 society and to help people. Nothing can make up for his

1 life, because to me, like I said before, life is
2 precious. And, I don't know, I will say it's just a bad
3 thing that happened, and a bad thing that I have done.
4 And you can never make up for that, as far as paying for
5 that.

6 Q. All right. I want to again make a point about the
7 parole packets that you put forth and the organization of
8 them and the letters of support that were all put in this
9 report, so I appreciate that, okay?

10 A. Yes.

11 Q. Along with your family photos and stuff. Thanks.

12 A. You're welcome.

13 Q. I have nothing else.

14 A. Thank you.

15 COMMISSIONER M. COPPOLA: Commissioner
16 Demosthenes?

17 COMMISSIONER C. DEMOSTHENES: Yes,
18 sir. Mr. [REDACTED]?

19 INMATE: Yes.

20 COMMISSIONER C. DEMOSTHENES: Again,
21 thank you for the parole packet. Just a little
22 comment regarding a photo. A photo of yourself,
23 correct?

24 INMATE: Yes, ma'am.

25 COMMISSIONER C. DEMOSTHENES: Okay. I

1 noticed that you had a little afro, I just wanted to
2 bring that to your attention, around that time,
3 people had afros.

4 INMATE: Yes. I had it then and I
5 lost it all, I cut it off. I didn't want to walk
6 around looking like George Jefferson.

7 COMMISSIONER C. DEMOSTHENES: Okay.
8 That's all.

9

10 BY COMMISSIONER M. COPPOLA:

11 Q. All right, sir. Let me ask you this, you know, we
12 have -- this is old, I don't know the date that it was
13 taken, but there's a mugshot in here -- no, this was at
14 Great Meadow, so this had to be -- no, it says 2/25/75, I
15 stand corrected, I thought we wouldn't know. Because you
16 claim that you were beat up, for lack of a better phrase,
17 you were beat up?

18 A. Yes.

19 Q. That you had a hole in your head, that you were
20 bleeding and bloody. Was that -- but that was after, and
21 I'm not saying that that did happen, because I don't have
22 anything in the record, but that would have been after
23 you stabbed Officer [REDACTED].

24 A. Well, I heard after I was incarcerated, about three
25 years after, somebody had told me that they saw a black

1 detective pointing down on my head like this and that's
2 all I remember.

3 Q. Okay. I'm not sure what that means, but you're --

4 A. I'm saying when he was pointing down, pointing down
5 on me like this, somebody bashed me in my head, and when
6 I woke up, I was in the 73rd precinct on the floor in
7 blood and stuff. So, I couldn't stand up, they had to
8 hold me up to speak to me until they took me out.

9 Q. And as far as your understanding is, when I said from
10 the pre-sentence investigation that there were several
11 eyewitnesses, you have no knowledge of them?

12 A. You know what, I have no knowledge of them, because
13 they didn't put no eyewitnesses on the trial except for
14 one ex-girlfriend I had and she was telling them what I
15 had in my apartment.

16 Q. And even [REDACTED] not testify?

17 A. That's what I was going to say, the only person that
18 was mainly on the trial was police officers, none of them
19 knew me, none of them never saw me. Then I found out
20 years later, way later, that my brother-in-law, I guess
21 you call him a brother-in-law of mines, he was telling
22 the officers this and that of what he saw. But they
23 never put him on the stand either, so I never saw all the
24 people that was testifying.

25 Q. Okay. It's not our intention to re-try the case,

1 you're already convicted, you admit that you did this,
2 but details matter, and I'm not sure to what extent
3 some -- it's debatable, but details matter, whether it's
4 full recollection, understanding where you were, so you
5 know where you are going, you know, and that if
6 anything --

7 A. That's why I agree with you, when you said is it
8 possible, when you used the word possible, is it possible
9 this, possible that, I said yes, because it is possible.
10 I was so intoxicated that night, that I may have did
11 something way out.

12 Q. Okay. And maybe even the way you reacted or
13 something, again, it's just difficult, because, you know,
14 mitigating the factors is tough, whether there is
15 mitigation or not, taking full responsibility sometimes
16 is, you know, an overall statement, but yet if there are
17 certain details within there. I know in the past, and I
18 want to make this clear too, because you brought it up,
19 in the past it was brought up about your -- any
20 affiliation with the Black Panthers. I read through that
21 stuff, I didn't need to go over it with you, it's
22 plausible that the way you were dressed or the button you
23 had on your head, one could believe that you could have
24 been a member, could believe it was just a pin that you
25 were wearing, not a big deal. I might wear, you know, a

1 New York Yankees hat, it doesn't mean I'm a fan, maybe
2 it's the only hat that I had that day. Some people have
3 bumper stickers all over their car and they don't agree
4 with those statements. So, it's not an issue for me. I
5 don't know about my colleagues, but you had brought it
6 up, that's why we didn't go over it, because I don't know
7 if that was even relevant, to be honest with you.

8 A. But the other parole board, they kept asking me why
9 did I have the pin on my head. I said, since I been
10 down, the Black Panthers or any other group, all my life,
11 I never joined up with anyone. The only one I believe in
12 is God. I don't join no religions or anything else, and
13 as far as the Panthers go, I studied on them, I studied
14 where they got their free program from before the
15 government took it, you know, back and forth, but as far
16 as joining them or joining the Muslims, you know, or
17 either the Christians or anything, I never joined any
18 organization within my life.

19 Q. Okay. I read through the transcripts and I believe,
20 and I could be wrong, because I don't want to put myself
21 in explaining another Commissioner, especially someone
22 who is not here anymore, but I believe, you know, the
23 whole nature of this, and at that time, the tension
24 between the police and Black Panthers, I think that that
25 was the curiosity of because of the description of this

1 offense sounds or describes an unprovoked attack on a
2 uniformed police officer, that had happened with members
3 of the Black Panthers. So, I think the fact that you had
4 the pin had caused other Commissioners on the board to
5 question whether or not this attack had something to do
6 with the officer being an officer or it's just a
7 coincidence that you had the Black Panther pin on. I
8 don't know. I'm not overly concerned with it again, but
9 the record will speak for itself. It doesn't mention in
10 here that you were a member of the Black Panthers, okay?

11 A. Yes, sir.

12 Q. All right, sir. We covered everything that I wanted
13 to cover, my colleagues questions. Was there anything
14 else that we did not mention that you wanted to talk
15 about before we finish?

16 A. No. Just that, you know, like I said before, what I
17 did is -- it shouldn't have been done in the first place.
18 That night, I felt maybe if I wasn't drinking, I've
19 had -- talked to officers before going by there, but I've
20 never had arguments or -- I'm just saying if I would have
21 complied that night when the officer asked me where I was
22 going and this and that, I wouldn't be here today, but I
23 guess I just was -- I wasn't right that night, and I
24 don't blame nobody but myself. I will tell everybody, I
25 take responsibility here. Guys I met in prison, they

1 think it's something -- I said, I tell them all, I don't
2 care, life is precious, you know, and it shouldn't be
3 taken, just like parents shouldn't beat on their kids,
4 I'm not about harming people within that way, and, you
5 know, it's just something that I will never get over it,
6 but I just have to live with it.

7 Q. Okay.

8 A. But I never really wrote the family a letter, because
9 I know they would even hate me worse. When I was in
10 Elmira, one time they had a family friend, I don't know
11 if he was a newspaper writer or a lawyer, but he wanted
12 to visit me on the family's behalf to tell him what
13 happened that night, because they didn't believe their
14 son, you know, was capable of more or less approaching me
15 in such a manner, but I never visited him, but I wrote
16 him a letter that day, I don't think he ever got it, but
17 I told him exactly what I thought happened that night.

18 Q. Okay. I do -- I know you had mentioned that about
19 the 2006, them reaching out to you, I recall that being
20 in your packet.

21 A. Yes. Thank you.

22 Q. Okay, sir. We have a lot to consider here, we will
23 consider everything that we discussed and what we have in
24 the record and the files that we have, lots of them here.
25 We will deliberate and let you know our decision in about

1 a week, okay?

2 A. All right. Thank you.

3 Q. Thank you, sir.

4 A. Everybody on the panel be safe.

5 COMMISSIONER C. DEMOSTHENES: Good

6 luck, sir.

7 COMMISSIONER J. CRANGLE: Take care.

8 INMATE: Okay. Thank you.

9 (After due deliberation by the Parole

10 Board Panel, the following decision has been

11 rendered:)

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DECISION

Denied 15 months. Next appearance November 2020. After a review of the record, interview, and deliberation, the panel has determined that your release would be incompatible with the welfare and safety of society and would so deprecate the serious nature of the crime as to undermine respect for the law. Parole is denied. Required statutory factors have been considered, together with your institutional adjustment including discipline and program participation, your risk and needs assessment, and your needs for successful re-entry into the community. Also noted are letters and statements in support of your release and letters or statements in opposition to your release. More compelling, however, are the following: Your serious offense of murder which involved you causing the death of a [REDACTED] police officer, Officer [REDACTED]. The panel notes that the instant offense is your only felony conviction of record and this is your only term of state incarceration. However, your record does include a misdemeanor conviction for criminal possession of marijuana in 1994, which took place while serving this term. The panel has weighed and considered the results of your risk and needs

1 assessment and the low scores indicated therein. Also
2 noted is your positive programming, both mandatory and
3 voluntary, and your improved disciplinary record since
4 July 2013. However, discretionary release shall not be
5 granted merely as a reward for good conduct or efficient
6 performance of duties while confined. Nonetheless, none
7 of which outweighs the gravity of your actions and the
8 serious and senseless loss of life you caused. Records
9 indicate that [REDACTED] standing outside a
10 grocery store when you, unprovoked, stabbed him in the
11 neck with a bone handled hunting knife and caused his
12 death. You described during the interview as well as in
13 your written statement a very different turn of events
14 that led to your lashing out at Officer [REDACTED]. However,
15 the panel does not intend to, nor have the authority to,
16 undermine the description in the record and your
17 conviction. While we have considered your account, and
18 understanding it was a very long time ago, there are some
19 variations in your statements that cause the panel to
20 question either your full recollection or truthfulness,
21 despite your extended length of time incarcerated. You
22 explained as well that you still have a volatile temper,
23 but have learned how to control. The fact that you were
24 intoxicated the night of the crime and acknowledge this
25 temper, leads this panel to question further how much

1 this had to do with your lashing out at Office [REDACTED]
2 This was a senseless act of violence upon not just a
3 police officer, but another human being. That said, your
4 release at this time would be tantamount to mitigating
5 your actions and undermining respect for the law.
6 Therefore, based on all required factors, in the file
7 considered, discretionary release, at this time, is not
8 appropriate.

9 (Commissioner J. Crangle and Commissioner M. Coppola
10 concur. Commissioner C. Demosthenes dissents.)

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C E R T I F I C A T I O N

I, Anthony D'Ambrosio, a *Certified Shorthand Reporter*, hereby certify that the proceeding in the above matter was taken by me stenographically and then transcribed to the best of my ability.

Anthony Dambrosio

Anthony D'Ambrosio, CSR