

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

Parole Interview Transcript/Decision - FUSL000112 (2006-08-01)

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

NEW YORK STATE EXECUTIVE DEPARTMENT

DIVISION OF PAROLE

**DIVISION OF PAROLE
RECEIVED**

SEP 01 2006

MINUTES OF PAROLE BOARD HEARING

APPEALS UNIT

REAPPEARANCE

[REDACTED]

DIN

[REDACTED]

NYSID

[REDACTED]

INSTITUTION:

AUBURN C.F.

DATE:

AUGUST 1, 2006

BEFORE:

COMMISSIONER LAZZARI

COMMISSIONER LUDLOW

COMMISSIONER CROCE

HEARING REPORTER:

JOSEPH D'AMBROSIO

DIN [REDACTED]

NYSID [REDACTED]

BY COMMISSIONER LUDLOW:

Q Have a seat, sir. You are [REDACTED]?

A Yes, sir.

Q Good afternoon.

A Good afternoon.

Q I'm Commissioner Ludlow, and next to me is Commissioner Lazzari.

COMMISSIONER LAZZARI: Good

afternoon.

COMMISSIONER LUDLOW:

Q And Commissioner Croce.

COMMISSIONER CROCE: Good

afternoon.

INMATE: Good afternoon.

COMMISSIONER LUDLOW:

Q Mr. [REDACTED], this is your third appearance before the Board of Parole; is that correct, sir?

A This is true.

Q You're fifty-four years old?

A I'll be fifty-five in October.

Q And you were found guilty by verdict to Murder, sentenced to 25 to Life, is that correct, sir?

A Yes, it is.

Q Do you have any appeals outstanding, sir?

A At the moment, no.

DIN [REDACTED] NYSID [REDACTED]

Q I call your attention, none the less, to the fact, sir, we're making a stenographic record of the interview. That means that every word we discuss is being reduced to a written transcript. It's possible that the transcript generated by today's Hearing could find its' way to another public forum and we caution you in that regard, sir. Do you understand that?

A Yes, I do.

Q You been in over twenty-eight years, correct?

A No. I've been in almost thirty-five years. It would be thirty-five years the 28th of this month.

Q The file indicates 346 months -- anyway, by my calculations it's twenty-eight and change.

A That's true in respect to New York State sentence, it could be twenty-eight, twenty-nine, sure.

Q Okay.

A But, altogether, from the time of the arrest, it could be close to thirty-five.

Q You had a conviction in California for Armed Robbery. You were allowed to serve your time concurrently with the New York State sentence.

A Yes, sir.

Q Right, sir?

A Yes, sir.

Q Okay. With respect to the underlying offense, you had codefendants, [REDACTED] and [REDACTED]. And the underlying offense relates back to May of 1971 in an area know as the Colonial Housing Project. That's on Harlem River Drive in Manhattan, correct?

A That's true.

Q All right. And, apparently, two New York City police officers, I believe they were in uniform, they were in a marked vehicle anyway, were called to a situation at that location. They were apparently leaving the building, and the file indicates that you fired four shots at Police Officer [REDACTED], hitting him four times in the back of his head. At the same time [REDACTED] fired a number of times at Police Officer [REDACTED], who fell to the ground and was then fired at by you. You and [REDACTED] removed the officer's guns and fled. Officer [REDACTED] was pronounced dead immediately. Officer [REDACTED] was taken to the hospital where he died in transit. Is that accurate?

A According to the court transcript, not totally accurate, but it is to a point.

Q What is inaccurate, because we want to be a hundred percent correct with out --

A According to the court records, they said Officer [REDACTED] was hit not four times in the head. They said some bullets hit him in parts of the body.

Q Well, he was hit four times somewhere in his body.

DIN [REDACTED]

NYSID [REDACTED]

A Yes. And that's the tragedy.

Q Did you fire those shots at [REDACTED]?

A I did not, sir.

Q Did you fire any of the shots?

A Sir, I wasn't even present.

Q Okay. So, do I infer that you're maintaining your innocence as to these convictions?

A Absolutely.

Q Okay.

A I realize that my doing so, it makes it difficult for the Board to really consider my statement to the conviction itself. But, I have to be true to myself in regard to this matter. And if you review the entire record that was provided to Parole Officer [REDACTED], if you review the entire record, you will find there are serious discrepancies of what was brought before the trial and what has been learned subsequently to the trial.

Q I assume you previously have appealed these convictions?

A Absolutely. I will continue to do so.

Q Okay. I see convictions in California, sir, something about Assault With a Weapon Against Police Officer.

A Yes, sir.

Q You did that?

A Yes, sir.

Q What happened back then, and I'm talking February '72?

A February of '72?

DIN [REDACTED]

NYSID [REDACTED]

Q That's what it says was your arrest date.

A February '72 I was in Bronx House of D (phonetic).

Q Do you have a conviction in California?

A Yeah.

Q And were there two convictions?

A One was the Federal conviction, one was the State conviction, yes, sir.

Q Okay. And one involved the robbery of a bank?

A Yes, the Federal.

Q Did you do that?

A The Feds. Yes, I did.

Q And what was the second conviction in California?

A It was a shootout with police officers, being a traffic violation, being stopped and subsequent shootout.

Q And you did that then?

A I was trying to get away, sir, I was.

Q You were in possession of a gun, a weapon?

A A weapon.

Q A gunfight ensued with the police?

A Yes.

Q Do you know if an officer was wounded?

A None, no.

COMMISSIONER LUDLOW: Do you

have a question?

DIN [REDACTED]

NYSID [REDACTED]

COMMISSIONER LAZZARI: No.**I'm just trying to find something.****COMMISSIONER LUDLOW: You**

were arrested under New York Homicide in 12-7-72, but on 2-25-72 you were arrested in California for the weapons, against a police officer, and on 4-6-72 robbery of a Savings and Loans Association Bank for which they gave you 25 years in Federal penitentiary.

INMATE: All them dates is

incorrect. I was arrested August 28th, 1971. I've been in prison ever since.

COMMISSIONER LAZZARI:**Through California?****INMATE: True.****COMMISSIONER LAZZARI: So**

what were you arrested in New York and charged in '72, where were you, were you in Rikers Island?

INMATE: They brought me, as a

matter of fact, they didn't bring me to New York until December of 1972.

COMMISSIONER LAZZARI: Okay.**So, you were arrested, you were brought back 12-7-72?****INMATE: Yes.**

DIN [REDACTED]

NYSID [REDACTED]

COMMISSIONER LAZZARI: Okay.

So you were not at the House of Detention in February of '72 or April of '72. You came in December.

INMATE: I came in December.

COMMISSIONER LAZZARI: Okay.

INMATE: February, I think I was in Queens House of Detention. I don't know. The record that you're reading from, I don't know where they come from, but it doesn't appear that they're too accurate.

COMMISSIONER LAZZARI: These are the dates that were provided to us.

INMATE: Yeah.

COMMISSIONER LAZZARI: Okay.

No other questions.

COMMISSIONER LUDLOW:

Q Your last Parole Hearing was in July 2004, and since that time you've continued to program in Drafting and you've programmed in Phase III.

A True.

Q Any other programs we should know about in the last two years, sir?

A No. I did Phase III Drafting and ART..

Q Okay. You completed ART?

A Everything.

Q Okay. Did you derive any benefit from ART, sir?

[REDACTED] DIN [REDACTED]

NYSID [REDACTED]

A Of course.

Q Name one of two points to us today that stand out?

A Particularly, there's a question of anger management.

Q Okay.

A Specifically anger management. And also socialization. You know, how to deal with various people, and when you find yourself in that crisis situation, you know how to, rather than act on emotions, you try to reason or rationalize issues that you're confronted with.

Q So you would say that was a good program for you?

A It was helpful.

Q Helpful. In the last two years, any tickets?

A None.

Q Okay. Now, if paroled you would live with [REDACTED] in Syracuse?

A If paroled I hope to reside there.

Q And how do you know [REDACTED]?

A She's a very close friend. We met through correspondence and developed a solid friendship.

Q Does she work outside of the house?

A She's a security officer out of Syracuse University.

Q Does she come and visit here?

A Yes, she does.

Q Okay. I got that the file says there's a letter of reasonable assurance from Central New York Works, that will assist you

DIN [REDACTED]

NYSID [REDACTED]

with employment. What type of employment out there do you think you can do? You've been in prison a very long time, sir? The world has changes dramatically over those years. What do you think you can do out there work-wise?

A Everything and anything. No, I'm capable of dealing with computer literacy, teacher's aide, I have two degrees, Bachelor in Sociology and Bachelor of Science in Sociology.

Q Where are they from?

A New Paltz, SUNY, New Paltz. I received them in 1994. But, also my intent is to -- I have applications for University of Syracuse. I intend to apply to a graduate program, Masters Degree at University of Syracuse. I have people who are willing to assist me and develop a program.

Q What would your major be?

A I'm going to get my graduate degree in Public Administration and I'm also going to get a certificate in Health Management and Public Policy.

Q That's at the Maxwell School?

A Yes.

Q I can tell you, sir, that's a very good program, you know why? I'm a graduate of that.

A You graduated from Maxwell? Maybe you can give me a recommendation. I really appreciate it.

[REDACTED] DIN [REDACTED]

NYSID [REDACTED]

Q Well, I've gone through the program. It was a one-year Masters program. I go back some years to like thirty years ago, but I'm sure it's still a good program.

A Yeah.

Q Okay. Commissioners, any other questions?

COMMISSIONER LAZZARI: No

questions.

COMMISSIONER CROCE: No

questions.

COMMISSIONER LUDLOW:

Q Mr. [REDACTED], anything additional for us today, sir, that we should cover, that we did not cover already?

A I'll be honest with you, I'm a bit concerned, right. And I don't want to sound in any degree impertinent, but I recently read an article in the New York Law Journal, I'm sure you're familiar with, July 20 Journal, and it said something that was rather disturbing about the Chairman, Chairman Dennison. Now, knowing how the media, and I've been affected by its slant, they're reporting, right, I do not know how true it is, however, two years ago, [REDACTED], the son of one of the deceased officers, right, spoke specifically with Chairman Dennison concerning this case, advocating for my release. And in 2004 I went to the Parole Board, none of that information was provided to the Parole Board, to my knowledge, because it was not discussed. Now, my concern,

DIN [REDACTED]

NYSID [REDACTED]

based upon what I've read in this New York Law Journal, right, that the Chairman Dennison did something or alleged to have did something, right, gives me reason to be concerned as to whether or not similar activity occurred two years ago that prevented this advocacy on my behalf by the victim's family, Victim Impact Statement, not being recorded, not being part of that Parole Hearing. So, I raise that. I need to raise it, generally, just to have it on record, right, but I want to share with you that I have that concern. The other thing is that I'm glad to see PO [REDACTED] is here. And the reason why is prior to him becoming a parole officer, he was a correction officer in this facility. And I think he can attest to my character and behavior, personality in the five or six years that I've been in this facility. How I conduct myself. And I think that should also be in the record. I'd also like to say this, in closing, that if I am granted parole, you'll not regret it. I have no intentions of getting involved in any type of criminal activity. I will be engaged in my education and developing some programs in the community pertaining to health services. I think there's a need for that. And that's one of my passions.

COMMISSIONER CROCE: How do you know that the family came and advocated for you?

INMATE: How do I know?

COMMISSIONER CROCE: How could you verify that?

DIN [REDACTED]

NYSID [REDACTED]

INMATE: They sent me a copy of
the transcript.

COMMISSIONER CROCE: Okay.

INMATE: I provided a copy to PO
Jasneiwski and hopefully it was made part of this record, but
neither of you raised it, so I felt it necessary for me to do so.

COMMISSIONER CROCE: Okay. I
just wanted to verify how it came about. I have no more
questions.

COMMISSIONER LUDLOW:

Q Any questions, Commissioner?

COMMISSIONER LAZZARI: I have
no other questions.

COMMISSIONER LUDLOW:

Q Mr. [REDACTED], we've tried to give you a full, fair and accurate
Hearing today. In your opinion, have you received that?

A Yes.

Q Okay, sir. We'll consider the file and the interview and we'll
advise you in writing in the next few days. Mr. [REDACTED], we
wish you good luck, sir.

A Thank you.

Q Thank you.

(After due deliberation by the Parole Board Panel, the following
Decision has been rendered:)

[REDACTED] DIN [REDACTED] NYSID [REDACTED]

DECISION

Parole is denied. Hold 24 months. Next appearance date is 07/2008.

Following a careful review and deliberation of your record and interview, this Panel concludes that discretionary release is not presently warranted due to concern for the public safety and welfare. The following factors were properly weighed and considered. Your instant offense in Manhattan in May, 1971, you and codefendant shot and killed two New York City Police Officers. Your criminal history also includes convictions in California. Your institutional programming reveals continued program involvement. Your disciplinary record appears clean and is noted and considered. Your discretionary release at this time would thus not be compatible with the welfare of society at large and would tend to deprecate the seriousness of the instant offenses and undermine respect for the law.

Guidelines unspecified. Involved weapon usage. Caused death of victim.

All Commissioners concur.