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[REDACTED]

DIN [REDACTED]

NYSID [REDACTED]

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In the Matter of

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

TYPE OF INTERVIEW: Initial
LOCATION: Groveland Correctional Facility
Video-conferenced to
Rochester Parole Office
350 South Avenue
Rochester, New York 14620

DATE: January 3, 2019
DECISION DATE: January 3, 2019

BEFORE: COMM. COPPOLA
COMM. AGOSTINI
COMM. DRAKE

ALSO PRESENT: [REDACTED]

HEARING REPORTER: [REDACTED]

DURR COURT REPORTING (315) 735-7429

DIN # [REDACTED]

NYSID # [REDACTED]

2

1 BY COMM. AGOSTINI:

2 Q Good morning.

3 A Good morning.

4 Q Your name, please?

5 A [REDACTED]

6 COMM. AGOSTINI: [REDACTED] I am Commissioner Agostini. I'm joined this
7 morning by Commissioner Coppola.

8 COMM. COPPOLA: Hello.

9 COMM. AGOSTINI: And Commissioner Drake.

10 COMM. DRAKE: Hello, sir.

11 THE INMATE: Good morning.

12 Q So you're here for your initial appearance. Congratulations for making it to this point. I
13 know it's been a long time. I'm going to ask you a variety of questions, including
14 questions about the crime itself and try to understand what happened, what your role was,
15 why this happened and ask you questions about your life at the time. I know you were a
16 young man then. I'm also going to talk about what you've accomplished in the last
17 twenty-five years. I've gone through all of the materials that you have submitted, letters
18 from your family, your packet, various accomplishments. I have familiarity with what
19 you submitted for our review. We'll also talk about what your plans are for your future.
20 Okay?

21 A Okay.

22 Q How old are you today?

23 A Forty-three years old.

24 Q Even younger than I thought. You were at the time of the offense nineteen?

25 A Eighteen.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q As I understand it, it was you and your cousin back in April of 1994:

2 A Correct.

3 Q Is this in Buffalo, New York?

4 A Yes, Southside, Buffalo.

5 Q You and your cousin went to the home of your great-uncle?

6 A It was my cousin's great-uncle.

7 Q Your cousin's great-uncle. And the great-uncle resided with two other elderly gentlemen?

8 A Correct.

9 Q They were about fifty-nine, sixty-nine and seventy-one?

10 A Yes.

11 Q What was the name of the great-uncle?

12 A [REDACTED]

13 Q So you had the three men there and you guys went there allegedly to burglarize the
14 home?

15 A I went there to commit a burglary. I was under the impression that nobody was home. I
16 didn't know. That was my cousin's great-uncle. I never met that side. He's my second
17 cousin, not my first cousin. I was under the impression nobody was home. I went there
18 to commit a burglary. It went terribly wrong.

19 Q Was this your cousin's idea?

20 A Yes. I was in bed that night. He called me. I had school the next morning. I knew he
21 was involved in a terrible lifestyle. I chose to go do a burglary with him. My selfishness
22 and my greed -- I looked up to him. I was looking to be cool with him. He's a little older
23 than me and I always looked up to him. I didn't want to let him down. I don't know. I
24 had image issues. I wanted to be like him, which wasn't right at the time.

25 Q So were you still in high school at this time?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A Yeah. I was still in high school, senior year.

2 Q Was this a school night?

3 A Yes.

4 Q What time of night was this?

5 A He called me about midnight. He came and picked me up at one o'clock.

6 Q One in the morning?

7 A Yes.

8 Q Why would you think three elderly men would not be home at one in the morning?

9 A That's what he told me. He told me they went somewhere. They were on vacation. You
10 know?

11 Q You believed that three elderly guys were on vacation?

12 A He told me they weren't home, they went somewhere.

13 Q So the plan was to burglarize this home of valuables. So what happened when you two
14 arrived at the residence?

15 A When we arrived at the residence he rang the doorbell. I asked what he was doing. He
16 called me because he said I can kick in the door because I was a big kid. At the time
17 [REDACTED] came to the door and I grabbed my cousin. I said: Let's go, let's run. He said:
18 No, wait a minute. [REDACTED] opened the door and said my cousin's name [REDACTED] My
19 cousin ran into the house, forced his way into the house. I stood on the porch. I didn't
20 know whether to run. I heard a tussle and fighting. I didn't know what was going on at
21 the time. I was scared. I was shocked. I was confused.

22 Q How tall are you?

23 A Six-six.

24 Q So you're a pretty big guy?

25 A Yeah.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

5

1 Q How much did you weigh when you were eighteen years old at the time of the offense?

2 A About two fifty/two sixty.

3 Q It sounds like a large and imposing person.

4 A Yeah.

5 Q Was your cousin a big guy too?

6 A No. He's about five-eight/five-nine.

7 Q I can see one of the reasons why he called you.

8 A Yeah.

9 Q Did you enter the residence?

10 A After a while, yes. He started calling me. I heard a lot of yelling and screaming. Then it
11 went quiet. He was calling me: [REDACTED] come here. I entered the residence. I
12 stepped in.

13 Q Let me back up for a moment. When [REDACTED] answered the door and you realized
14 people are home and that the residence is not empty at that time why didn't you flee?
15 Why didn't you run home, run to the cops, run away? Why did you stay and remain
16 involved with this crime, which you could see was not going already as planned?

17 A He was my cousin. I looked up to him. I didn't know what was going on. I didn't want to
18 leave him. I was scared. I was just confused. I didn't know what to do.

19 Q When you heard him inside, you said you heard yelling?

20 A I heard yelling and banging and screaming and I should have run.

21 Q That would have been when he was repeatedly stabbing these three men to death?

22 A I didn't know he was stabbing them. I thought they were fighting. I didn't know at the
23 time until I entered the residence. I seen blood on the floor.

24 Q What did you do at that point?

25 A I seen [REDACTED] on the floor. I seen if he was alive. I seen a puddle of blood. I just

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

6

1 nudged him, like: Please, get up. He was calling me upstairs. I ran upstairs and I was
2 asking what he was doing, what are you doing? Let's get out of here. [REDACTED] was
3 there. He tried to give me a knife and said: Here, you kill him. That's when I ran. I said:
4 No way. And I ran. I ran out of the house. I ran to the car, the car that we came to the
5 residence with.

6 Q Did you drive away and leave your cousin there or you waited in the car for your cousin?

7 A I waited in the car for my cousin.

8 Q I notice in the sentencing minutes here was a statement of one of your victim's brothers,
9 [REDACTED] brother said that you had testified that you gave [REDACTED] a wake-up kick.

10 A Yeah. I nudged him with my foot to see if he was alive. I was, like: Please, get up. He
11 didn't move so I left him there.

12 Q You didn't call 911 or try to get any medical help?

13 A I didn't do any of that, ma'am, which I should have.

14 Q Were you under the influence of alcohol or some illegal drugs at that time?

15 A I had a couple drinks to build my courage up to go do the burglary.

16 Q Did you have an addiction that you were feeding or it was just following your cousin?

17 A I was just following my cousin. I drank occasionally. I was in school and sports.

18 Q Did you stab any of these men yourself?

19 A No, I did not, ma'am. I never wanted anybody to be hurt, ma'am. If I would have known
20 that was going to happen I would have tried to stop it. They didn't deserve that, ma'am.

21 Q No. They certainly didn't.

22 A I went there to do the burglary. I did nothing to stop it. I've been living with that since
23 the night it happened and I let three innocent men die.

24 Q A horrible death too.

25 A A very heinous death, ma'am, very horrible. Nobody deserves that, ma'am.

[REDACTED]

DIN # [REDACTED]

NYSID [REDACTED]

1 Q Did you have a knife on you?

2 A No.

3 Q Did you know your cousin carried a knife?

4 A No. I was just going there -- he told me I was just going to be there to kick in the door
5 because I was big and help him carry some stuff out.

6 Q So now that it's been twenty-five years that you have been living with this and thinking
7 about it, what do you say?

8 A There is no saying I'm sorry, ma'am. I can never make amends for what happened. The
9 only thing I can do is better myself as a person. That's the only way to honor my victims:

10 [REDACTED]

11 Q They're not the only victims. I imagine these people had sons and daughters and
12 grandsons and granddaughters, brothers and sisters and were probably respected men in
13 their community.

14 A The ripple effects were horrible, ma'am. I mean, I destroyed three lives, the community
15 as a whole knowing that happened in the neighborhood, the residents that lived there,
16 their kids, their families. Three men were brutally murdered. I did nothing to stop it.
17 Their families forever are in pain. I mean, I can never apologize for that. I can never
18 make amends for that. The families are probably always going to deal with that, always.
19 I did nothing to stop it, ma'am, and I should have. I didn't know that was going to
20 happen, ma'am.

21 Q This is why you were sentenced by the Honorable Judge D'Amico to twenty-five years to
22 life. I am aware that your cousin was sentenced to seventy-five years to life.

23 A Yes.

24 Q Since you've been with us I can see you've made a number of efforts at rehabilitation,
25 which is very important. Did you end up finishing high school out in the community?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A No. I was arrested in April, about a month and a half before I was due to graduate.

2 Q Did you complete a GED with us?

3 A Yes. In the Erie County Holding Center right after I was indicted.

4 Q I did read that. I'm glad that you did that.

5 I know you've completed the required programs, such as: A vocational program;
6 ART, our Anger Management Program; and ASAT for substance abuse. What vocation
7 did you take?

8 A Vocational barbershop and I took a little bit of custodial maintenance. I worked in food
9 service as a messer's assistant, law library, little bit of everything. But my certification is
10 in barbering.

11 Q I did see the certificate here in the file. I'm glad you were able to take more than one
12 vocational program.

13 With ART I know you completed that program. I have not seen any violent
14 conduct in your disciplinary, which is good.

15 I have, however, seen a number of drug use tickets over the years. I was a little
16 surprised to see that many of them and as recently as 2015. What was going on with that?

17 A I'm an addict, ma'am. I came to prison, that was my way of coping with what I done, for
18 what I was responsible for. I tried to numb myself from the pain. I was a coward. I
19 didn't want to face it, what I did, so I chose to numb myself and escape reality every
20 chance I got. I got caught up in an addictive cycle. The feelings of the shame and the
21 guilt that I've had -- I didn't want to face what I did, being involved with three innocent
22 men being brutally murdered and the pain that their families are going through, the guilt
23 that I didn't do anything to stop it.

24 Q I could understand that. I think a lot of young people come into prison and they screw up
25 their first decade or so. They think that twenty-five years to life is an eternity and they're

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

9

1 going to be old men as opposed to being only forty-three years old when they've
2 completed twenty-five years. (But the drug use didn't stop after you grew up. You have
3 drug tickets as recently as three years ago. This is spanning the entire twenty-five years,
4 not just while you were in your twenties and still young. I want to say that I'm
5 disappointed that you have not done better in that regard. I am aware you have been
6 making twelve-step programs. I was reading in your packet and the various materials
7 submitted something about a five-step program, which I thought curious as to which steps
8 they had rejected in that program. It is in your materials.

9 A I think it was my sister's support letter.

10 Q Was that from her?

11 A That was one of her support letters. Me and her really had a lack of contact. She didn't
12 know the programs I was in and taking.

13 Q And I also saw you were in the Merle Cooper program, which no longer exists. You
14 might have been one of the last classes of that program. It was an excellent program.

15 A Yes, excellent.

16 Q It's a shame it's been closed. I'm glad that you were in it. How long were you in Merle
17 Cooper?

18 A From April 21st, 2011 until the closing October 2014.

19 Q So you were there for two and a half years?

20 A Two and a half/three years. I became a peer counselor with [REDACTED]. I
21 was a peer counselor in her building. It was an excellent program.

22 Q It certainly has a good reputation. So, I guess, you were in the last class to the end. I'm
23 glad that you took that program. It was a very intensive one that had a number of
24 psychologists and was well regarded. I'm glad that you were a part of that.

25 So, in addition to your required programs I saw you did take the PASS program,

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

10

1 Prisoner Assistance Scholastic Service. There are a number of elements to it, including
2 victim advocacy, drug addiction, anger management. That was a worthy effort on your
3 part. And some other programs that you took as well.

4 What have you learned from all these programs?

5 A I've learned from these programs that I had a lot of negative characteristics and I've
6 rectified a lot of them. Obviously, addiction is very huge and has to be number one. My
7 sobriety has to be the number one thing in my life. It's a day-to-day process. I'm an
8 addict, ma'am. The only time I'll be recovered is when I pass away. I have to stay
9 disciplined. I can't get complacent with that. Complacency is opening a window to use
10 again. I used for a lot of years. A lot of years I had the shame and the guilt, what I did.
11 It's a process, ma'am. I have to stay disciplined. It's not easy. I'd like to continue
12 treatment. I've done everything I can in here with the treatment that's available and I
13 continue to work on it.

14 Q How long are you clean now?

15 A Since 2015. That was my last dirty urine. I haven't used since then. It's a process.

16 Q You're looking at four years after about twenty-one years of using in here?

17 A Yes.

18 Q I'm glad you're making progress.

19 A Thank you.

20 Q I have your COMPAS Risk Assessment. You have pretty nice scores, low risk and low
21 need in all categories. I have to say I disagreed on the reentry substance abuse. You
22 scored as unlikely with a two. After decades of using here that didn't give me confidence
23 in the low risk levels that you achieved.

24 Your case plan, you have a really nice case plan. You have a lot of goals and
25 tasks here related to personal development, recovery from substance abuse, studies,

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 education, a lot of things on here that I thought were really worthy tasks. I hope you're
2 working on everything here. Some of these look like they've been completed and some of
3 them ongoing, a good case plan.

4 A Thank you.

5 Q I have read through the packet that you have submitted. We've all been looking through
6 the packet. We're sharing it. There are a lot of materials. The first letter was from

7 [REDACTED] Who [REDACTED]

8 A That's my sister.

9 Q A good letter of support from her. I read through the personal statement that I'm glad you
10 put together in which you have certainly expressed your remorse for this crime. You
11 have a relapse prevention plan with a long list of tasks to help you stay clean. This is
12 good that you put thought into this. I have an NA meeting list. That's your preferred
13 fellowship?

14 A Yes.

15 Q I have certificates for your attendance in NA and a variety of other programs: Drug Alert,
16 Merle Cooper and more. I also have a strong letter here from your parents, who
17 characterize your crime as a parent's worst nightmare. I'm sure your own family was also
18 devastated by this crime.

19 A Yes, they were.

20 Q Are your parents still in the Buffalo area?

21 A They live in [REDACTED] now. [REDACTED] outside of Buffalo.

22 Q That would qualify as still being in the Buffalo area. I'm not from Buffalo. To me that's
23 near Buffalo. Well, they have stood by you for twenty-five years. If you were released
24 would you live with them?

25 A No. I would live with my wife.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q That's right. You got married last year. We have a letter from her as well. What was
2 your wife's name?

3 A [REDACTED]

4 Q What does she do for work?

5 A She's a case manager, social worker.

6 Q How long have you known her for?

7 A Since 2009.

8 Q How did you meet her in 2009?

9 A She was a friend of my stepdaughter, my ex-stepdaughter. She worked at her group
10 home, I used to be in contact with her finding out how my stepdaughter was doing.

11 Q A friend of your ex-wife's daughter?

12 A My ex-wife's daughter.

13 Q So, what would you do if you were released? Tell me.

14 A First and foremost is my sobriety because without that there's really no sense in me going
15 home, ma'am. I have to stay sober. That's the number one thing. I have to find out
16 where my NA meetings would be if I was released. Obviously, I've been locked up for
17 twenty-five years. There is no catching up. I would just hope to live life as a normal
18 forty-three year old. I'd do some type of vocational training. I don't have any grand
19 illusions I'm going to be the next Bill Gates or anything. I'll lead a law-abiding life,
20 continue to work on myself.

21 Q What kind of work or profession are you interested in?

22 A Maybe some construction, laboring. I've learned how to cut hair. I've done a little bit of
23 everything. I took a course in victim advocacy out of Adams State College in Colorado.
24 I became a certified victim's advocate so I could work at some type of hotline prevention,
25 talk to young kids.

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

13

1 Q So it sounds like you have a variety of skills and interests.

2 A Yes.

3 Q Did you ever do any college in the twenty-five years?

4 A Just that victim's advocacy course, about three or four credits. That was it.

5 Q Adams College?

6 A Yeah, in Colorado.

7 Q It looks like you got here after the college programs were terminated?

8 A Yes.

9 Q Although there are some college programs that did remain.

10 A I was at Auburn at the time. Cornell was over at Auburn. But I signed my letter of intent

11 to go to Merle Cooper so I was never able to take advantage of that. I went to Merle

12 Cooper instead.

13 Q Merle Cooper was a great program. So what would be your plan if you were denied?

14 What would you do?

15 A Continue to work on myself and staying sober. That's the my biggest thing, sobriety. I

16 have to take it one day at a time and just continue working on myself, continue

17 strengthening the bonds of my family. I'm finally closer to them after all these years.

18 That's it. Try to take another vocation, prepare myself if I'm allowed to return back to

19 society. Just continue to grow as a person and change.

20 COMM. AGOSTINI: I'm going to ask my colleagues if they have any questions

21 for you. Commissioner Coppola?

22 BY COMM. COPPOLA:

23 Q Sir, you mentioned that when you were on the porch, you went in, you heard the

24 commotion. Commissioner Agostini had discussed this with you so I won't get into this

25 at great length but I'm still struggling with why you did not flee immediately. You saw

DIN [REDACTED] NYSID [REDACTED]

14

1 somebody downstairs on the ground, obviously dead, stabbed, wounded. Then you went
2 upstairs, you saw some more violent activity. It's only your word that says you left right
3 after that point. I read the sentencing minutes. It seemed pretty clear and Judge D'Amico
4 put it on the record. There's a difference between your sentence and your cousin's but it
5 really is a little unclear why you hung around. You hung around long enough to see what
6 was going on. I get the whole point you didn't run out and call the cops, it's not what

7 people do in their criminal thinking ways. At the end of the day to portray yourself as: I
8 was just a scared young guy but yet you saw all that carnage and you did not leave once
9 you saw him on the ground. You nudged him. You did not leave. You went upstairs.
10 You stayed for at least minutes. How can you explain that, curiosity? Were you still
11 looking to see what you guys could get?

12 A No. I had seen [REDACTED] laying on the floor. I didn't know he was dead, sir. I just seen
13 him, blood on the carpet, blood on the floor.

14 Q But any normal person if you were that scared, as you say, you would have left right then.

15 A There's no excuse why I didn't leave. I didn't want to leave my cousin. I was a follower.
16 I didn't want to let him down because I thought he was, you know, he was the coolest
17 thing. That's how I felt, my loyalty to him. I didn't want to let him down. I really cared
18 about what he thought of me, like: [REDACTED] down.

19 Q When did you change your thoughts on caring about what he thought, when you went to
20 court and you testified against him so you could get a lighter sentence?

21 A No. I didn't even know there was a third victim [REDACTED] until I seen it on TV while I
22 was at work. I didn't know there was three.

23 Q You did testify as to what happened, which was a result of part of his sentence, right?

24 A Yes.

25 Q So at that point you decided you didn't need to look up to him anymore?

[REDACTED]

DIN# [REDACTED]

NYSID # [REDACTED]

1 A When I found out that -- I didn't really know that he murdered those individuals 'til I seen
2 it on TV. To that point when we left that house I was done with him. I even told my
3 parents ahead of time what happened.

4 Q How long did it take before either of you were arrested?

5 A About three days/four days.

6 Q Did somebody come to your house? Did they find you in the street?

7 A Officers came to my house.

8 Q Did you admit that you participated in that?

9 A Yes, I did. I talked to my parents before they came, my mother and my father. We were
10 getting ready to go to the police station, which they testified to. The officers were right
11 there. I told them exactly what happened.

12 Q Skipping to your institutional record, Commissioner Agostini pointed out your lengthy
13 history of drug use while incarcerated up until 2015. You had said, and I read it in your
14 letter, that your substance abuse continued because you're dealing with the guilt and the
15 shame. One thing you didn't say though in there, which I thought was a little interesting
16 that you didn't at least discuss it or admit it, is it was also your way of escaping the reality
17 that you're in prison. You don't know when you're going to go home, if ever.

18 A That's true, sir.

19 Q It's questionable as to whether it's the guilt or shame that drives your substance abuse or
20 part of it is your little bit of escape from the realities of where you are.

21 A Yeah. It's a combination of everything, sir. Coming to prison at such a young age, to be
22 sentenced to twenty-five to life, I never thought I'd be here in front of you.

23 COMM. COPPOLA: I understand. That's why we generally see the first, maybe,
24 ten years of a person's time of incarceration -- she touched upon this as well -- then as you
25 become older and you see that there are other older people that have horrible crimes that

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

16

1 get released eventually. But they have to demonstrate it, that tapers off tremendously
2 toward the second half or the later parts of their sentence or as they get a lot older. It
3 always causes that little bit of a question, if you will, when it's still happening this late in
4 the sentence. That's why we discuss these things.

5 All right. Thank you for your answers.

6 THE INMATE: Being an addict, Mr. Coppola, it's not easy. I got really involved
7 with drugs. I've had one dirty urine in the last fourteen/fifteen -- I struggled with that. I
8 attend AA meetings. I read my literature every day. Getting caught up with drugs wasn't
9 the wisest thing. Like you said, I did try to escape reality, the guilt and shame of being in
10 prison, for me being a kid. I made a lot of really bad decisions that night, really bad
11 decisions. Because of that three innocent men were brutally murdered. I can never make
12 amends for that, Mr. Coppola. There's no saying: I'm sorry. All I can do is continue to
13 work on myself and using drugs was a big thing for me. I didn't want to deal with the fact
14 that I was in prison. I didn't want to deal with the fact of all the pain I caused the victims
15 and the victims' family: [REDACTED] I can't go back to that.

16 COMM. COPPOLA: I understand. Thank you.

17 THE INMATE: I struggle. Do I deserve anything? No. I just want to continue
18 to be a better person. I've been in prison for twenty-five years, you know. [REDACTED]

19 [REDACTED] they didn't have twenty-five years left because of my actions.

20 They didn't deserve that. Nobody deserves that. I can call my family. Their family can't
21 call them. They're not here anymore because of my actions. I deal with it and chose to
22 use drugs.

23 COMM. COPPOLA: Thank you.

24 COMM. AGOSTINI: Thank you, Commissioner.

25 [REDACTED] I do want to hear from Commissioner Drake but I do want to remark

[REDACTED] DIN [REDACTED]

NYSID: [REDACTED]

17

1 while this is fresh in my mind. You talked about poor judgment that you exercised when
2 you were younger. Part of what I'm looking for today is whether your judgment has
3 improved in the twenty-five years now that you're not a kid anymore. There are clearly,
4 with your use, still times which you have exercised poor judgment. So you may be an
5 addict but it is something people do recover from. I'm glad that you're working on it.
6 Being an addict does not mean you're doomed for the rest of your life. And a twenty-five
7 to life sentence does not mean life without Parole either. But it does require that you
8 exhibit the characteristics necessary to be considered for release, among those would
9 certainly be sobriety.

10 I'd like to ask Commissioner Drake if she has any ask questions for you.

11 COMM. DRAKE: I do.

12 BY COMM. DRAKE:

13 Q [REDACTED] we've talked at length about your drug use in the facility. I'm going to ask a
14 couple other questions related to that. First, what was your drug of choice?

15 A Marijuana, when I got locked up. I eventually tried other drugs. I tried heroin. I used
16 heroin for a while, Suboxone. You know?

17 Q No, I don't. Please continue.

18 A Those were my three. My first experience was strictly marijuana. When that didn't work
19 anymore, ma'am, I graduated to stronger drugs: Heroin, Suboxone. That's what I
20 struggle with today. I take it one day at a time.

21 Q Which one caught you the worst, the heroin?

22 A Heroin.

23 Q Let me ask you: You have several drug use tickets as we've outlined before. Were any of
24 those for heroin use?

25 A No, just the one. My sixth dirty urine was for heroin use. It was heroin and marijuana.

[REDACTED]

DIN [REDACTED]

NYSID [REDACTED]

1 My first five were strictly marijuana.

2 Q What was the last one?

3 A My seventh dirty urine in January in 2015 was for Suboxone.

4 Q I have your letter here that you've written to us. It says here: By using drugs I took the
5 cowardly way out. The addictive cycle I was caught in continued on for many years.

6 You put here the years 1995 to 2011; is that right?

7 A Correct.

8 Q Until I chose to participate in the Merle Cooper program. So when you were in the Merle
9 Cooper program how long were you clean then?

10 A The whole time I was there.

11 Q How long was that?

12 A Three and a half years, from April 21st, 2011 'til October 2014.

13 Q What happened that you relapsed?

14 A Besides the closure of the program, which was a sad thing, me and my ex-wife got a
15 divorce. I lost my grandfather. My coping mechanisms weren't as good as I thought they
16 were. I got complacent. I thought I had the recovery beat. You can never beat recovery.
17 I have to stay disciplined. For me I have to take it day by day. That's what I've learned.

18 Q You also go on to say: Participating in this program I came to the realization that I was
19 not a good person. It says: I had a lot of negative characteristics. Do you still ascribe to
20 that today? Is that something you still consider about yourself?

21 A I still have negative characteristics. It's an ongoing process I continue to work on. I work
22 on it a lot and I still have a lot to work on. My main one, as you know, is my sobriety. I
23 have to stay sober. I formed a lot of bad behaviors and patterns due to my addiction,
24 using drugs. I turned off my emotions for many years. I wasn't a social person. I didn't
25 want to face everything that I did until I became sober and I had no choice but to face it.

[REDACTED] DIN [REDACTED]

NYSID [REDACTED]

19

1 The Merle Cooper program really -- for many years I didn't think I was an addict until I
2 started doing twelve step classes. I realized they were talking about me, an addict. I had
3 the stereotype of what an addict was. I never looked at myself as an addict. I looked at
4 myself as a person who used drugs but I am an addict. I do have that disease of addiction.
5 I have to stay busy with my sobriety and recovery.

6 Q You told the Commissioners that you had some other things -- and I appreciate
7 Commissioner Coppola asking you about some of those things in terms of your triggers.
8 One of the things that you did not express, which I have in your relapse prevention plan,
9 you state here that you're aware that your biggest trigger is boredom. That you did not
10 mention here.

11 A Yes. My biggest trigger is boredom. I need to stay busy, whether it's working, studying
12 something. I need to stay busy. One of my biggest triggers is boredom.

13 Q That is the biggest one but not the guilt or the shame or looking at yourself as a bad
14 person, none of that?

15 A No. Boredom leads to that because then I start thinking about what I've done. Then I
16 start feeling sorry for my victims, the guilt comes again. I like to stay busy.

17 Q I'm just trying to get an understanding of if you are aware of all those triggers. Because
18 you've had such a history of relapsing after you took the program and things of that
19 nature. I need to understand from you that you have some sort of idea. And I do
20 congratulate you on your current term of incarceration. You're absolutely right, you're
21 going to have to take that one day at a time but you also need to understand continuing on
22 the path of addiction you're going to lose everything. You know? I also appreciate what
23 Commissioner Agostini said, you do have the possibility of Parole so you have to give
24 yourself that hope, right? I don't like to say that we have bad people. You have people
25 that do some bad things. I don't believe in inherent badness. So you have to, kind of,

DI [REDACTED] NYSID# [REDACTED]

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1 take a look at the positive things and continue to build on that, to bring that level of
2 esteem up so it can be congruent with your sobriety. Does that make sense to you?

3 A Yes, it makes sense, ma'am.

4 COMM. DRAKE: That's all I have. Thank you very much, [REDACTED]

5 COMM. AGOSTINI: Thank you, Commissioner Drake.

6 BY COMM. AGOSTINI CONTINUED:

7 Q [REDACTED] think we've covered a lot of ground here today. It is [REDACTED]'s letter that
8 referred to a five-step program. She says you've been clean more than ten years so you
9 may want to inform her a little bit more accurately along those lines.

10 A Yes.

11 Q More importantly, and I'm not an expert on the twelve-step program, but I do know that
12 in order to stay clean or sober, as you refer to it, it entails working a variety of principles
13 in those steps. You're not going to be able to white knuckle it and stay clean on
14 willpower. You may want to take an inventory there and see if there's something you've
15 been missing or several elements you've been missing that might help you to stay clean
16 this time.

17 For the record, I did want to say that you are convicted of six counts of murder
18 second, four counts of burglary one and four counts of robbery one. While I'm glad that
19 you were forthcoming at the time I'm not quite clear why you took it to trial at that point.
20 But it was arrived at by verdict in Erie County.

21 Is there anything else you want to let us know before this interview comes to an
22 end?

23 A I'd just like to reiterate again, I can't say how sorry I am for what I've done. I am an
24 addict. That's going to be an ongoing process for the rest of my life. You never recover
25 until you pass away. It's a day by day thing. I hope to be in recovery twenty-five/thirty

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 years down the line and say I still have my clean date. It's a constant battle for me. I'm
 2 changing as a person. I've been in prison a long time. I picked up a lot of bad behaviors.
 3 But I'm still alive and my victims aren't. There's no going back and changing that. I
 4 know the families still deal with that to this day. There's not enough sorrys in the world
 5 to change that, ma'am. All I can do is continue to be a better person.

6 The reason why I took it to trial, ma'am, they never offered me anything to plead
 7 guilty to. I would have. I was forthcoming. I told them everything they wanted to know.
 8 I'm responsible for that, ma'am. I could have did something to change that and I didn't.
 9 You know?

10 COMM. AGOSTINI: Thank you for explaining that and I appreciate that. The
 11 recovery definitely starts long before you die. That's what you need to keep working on.
 12 With that I thank you for the interview, the amount of materials you put together today.
 13 My colleagues and I, we will deliberate and you'll get a decision in writing from us in a
 14 few days. Okay?

15 THE INMATE: Thank you for your time.

16 COMM. AGOSTINI: Thank you.

17 HEARING CONCLUDED

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[REDACTED] DIN [REDACTED] NYSID [REDACTED]

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1 DECISION

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

3 Denied. Twenty-four months. Next appearance December 2020.

4 Having carefully reviewed your overall record, personal interview and deliberation this
5 Panel has determined your discretionary release at this time is not appropriate.6 Your instant offense involved the brutal stabbing of three elderly men, one of whom was
7 a member of your family. You went with your cousin allegedly to burglarize the home that they
8 shared and purportedly your cousin killed them with repeated stabbings. You were
9 eighteen years old at the time and on probation. The pain, fear and sadness in which each of
10 these men died is unfathomable. You expressed significant remorse for your crime during the
11 interview.12 Under custody you have excelled in programs, completing required programs and
13 multiple voluntary programs, including the intensive PASS program, victim advocacy, Merle
14 Cooper program and recovery programs among others. Your disciplinary record has been less
15 than satisfactory with numerous drug-use tickets over the years with your last being in 2015.
16 Your COMPAS Risk Assessment scores you as a low risk in all categories, including substance
17 abuse which this Panel departs from given your repeated drug use in prison. You have a
18 thorough case plan and are encouraged to pursue your stated goals. Your sentencing minutes
19 have been carefully reviewed and considered along with your plans for your future, your
20 substantial Parole packet and numerous letters of support from your parents and other family
21 members.22 However, release shall not be granted merely as a reward for good conduct or efficient
23 performance of duties while confined. In spite of your low risk scores it is the opinion of this
24 Panel that your release at this time would so deprecate your offense as to undermine respect for
25 the law. You are, approximately, forty-three years of age. You are encouraged to continue

[REDACTED]

DIN [REDACTED]

NYSID # [REDACTED]

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1 making progress in your recovery and personal development to stay clean and to avoid further
2 misbehavior reports.

3 (All Commissioners concur.)

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CERTIFICATION

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I, [REDACTED], 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 24 pages, is a true and correct copy of same and the whole
thereof.

Dated: January 17, 2019

[REDACTED]