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DIN # [REDACTED]

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NYS DEPARTMENT OF CORRECTIONAL SERVICES AND COMMUNITY SUPERVISION

Parole Board Interview

In the Matter

-of-

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

TYPE OF INTERVIEW: Reappearance

LOCATION: Sullivan Correctional Facility
Video-conferenced to NYS DOCCS
20 Manchester Road
Poughkeepsie, New York

DATE: October 10, 2019
DECISION DATE: October 21, 2019

BEFORE: COMMISSIONER T. AGOSTINI
COMMISSIONER C. DAVIS
COMMISSIONER M. CORLEY
COMMISSIONER C. MITCHELL - OBSERVER

ALSO PRESENT: SORC A. ESCOBAR
OA1 V. BRUSH

AT FACILITY: ORC J. SIRCABLE

REPORTER: Erin Chickery, Hearing Reporter

Schmieder & Meister, Inc. (845) 452-1988

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

1 COMM. DAVIS: Good morning, sir.
2 THE INMATE: Good morning, Mr. Davis.
3 COMM. DAVIS: Would you please state your full
4 name for the record please?
5 THE INMATE: [REDACTED]
6 COMM. DAVIS: Thank you for that. As you know
7 I'm Commissioner Davis --
8 THE INMATE: Yes.
9 COMM. DAVIS: -- and I'm joined on the panel
10 this morning by Commissioner Agostini who sits to my right --
11 COMM. AGOSTINI: Good morning, sir.
12 THE INMATE: Good morning.
13 COMM. DAVIS: -- and Commissioner Corley to my
14 left.
15 COMM. CORLEY: How are you, sir?
16 THE INMATE: I can't see you but good morning.
17 COMM. DAVIS: I'll give you an upclose view on
18 the both of them. Go to Agostini first.
19 COMM. AGOSTINI: Hi.
20 THE INMATE: Hi.
21 COMM. DAVIS: And then Commissioner Corley.
22 THE INMATE: Commissioner Corley, how are you
23 doing, sir?
24 COMM. CORLEY: Good.
25 COMM. DAVIS: Together, sir, we make up your

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

1 parole panel. I note here that you and I have met during your
2 last board appearance on September the 10th, 2019, where I was
3 partnered with Commissioner Drake. There was a lack of
4 consensus so therefore you appear today before a new board; is
5 that correct?

6 THE INMATE: Yes, sir.

7 COMM. DAVIS: Just to remind you that I'm not
8 bound by the previous board's decision. You have not met the
9 two Commissioners present with me today. We will interview
10 you, perhaps ask some of the same or similar questions, okay?

11 THE INMATE: I'm prepared.

12 COMM. DAVIS: We will terminate the interview,
13 we will deliberate for some time, and we'll notify you of our
14 decision in writing, okay?

15 THE INMATE: Yes, sir.

16 COMM. DAVIS: Very well, sir. We also have in
17 the room an additional Commissioner, his name is Commissioner
18 Mitchell, he's one of the newer Commissioners who has been
19 appointed back in June 2019. I'm going to place the camera on
20 Commissioner Mitchell so you can see him as well.

21 COMM. MITCHELL: Good morning, sir.

22 THE INMATE: Good morning, Mr. Mitchell, how
23 are you?

24 COMM. MITCHELL: I'm doing well, sir. Thank
25 you.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 THE INMATE: Very good.

2 COMM. DAVIS: Now, Commissioner Mitchell is not
3 an active participant on this panel, he's here for observation
4 purposes only, okay?

5 THE INMATE: Okay.

6 COMM. DAVIS: Very well, sir.

7 THE INMATE: Is he part of the deliberation and
8 decision-making?

9 COMM. DAVIS: He will not be, he's here for
10 observation during his training process, okay?

11 THE INMATE: I see.

12 COMM. DAVIS: Very well. I also want to remind
13 you at this point that we do have a court reporter here on
14 this end. She will provide a verbatim transcript of today's
15 interview so it's important that we both speak clearly and if
16 you need any additional time to express your thoughts, advise
17 us and we'll give you that opportunity, okay?

18 THE INMATE: Yes, sir.

19 COMM. DAVIS: In addition, this may be a
20 lengthy interview, the last interview we held was
21 approximately 96 pages of that verbatim transcript so if you
22 need a break throughout this process, please advise us and
23 we'll give you that opportunity as well, okay?

24 THE INMATE: Okay.

25 COMM. DAVIS: And if we need a break on this

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 end, we'll break and do the same.

2 THE INMATE: Okay.

3 INTERVIEW BY COMMISSIONER DAVIS:

4 Q. So let's begin here. I want to place your crime of
5 conviction on the record and then we're going to go into other
6 spaces in the interview. So, for the record, sir, you are here
7 today for the following offenses, Murder in the First Degree,
8 you've been found guilty by way of verdict in New York County and
9 given a sentence of 25 years to life; is that correct?

10 A. Yes, it is.

11 Q. This is followed by Murder in the First Degree as well
12 where you received a sentence of 25 years to life after being
13 found guilty by way of verdict, also in New York County; is that
14 correct?

15 A. Yes.

16 Q. Very well, sir. I have a brief outline of the offense
17 and that it occurred on May the 21st, 1971 and it involved the
18 shooting death of two New York City Police Officers, that being
19 Police Officer [REDACTED] and Police Officer [REDACTED]
20 [REDACTED]; is that correct?

21 A. That's correct.

22 Q. Very well. We're going to review your crime of
23 convictions and your criminal background momentarily, but I want
24 to get an opportunity to gain an assessment of who you are and
25 who you've become over your extensive bid of incarceration, okay?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. Yes.

2 Q. I note here that you are approximately 67 years old; is
3 that correct?

4 A. I'll be 68 in eight days.

5 Q. Very well. And this is your first term of New York
6 State incarceration, would that also be correct, sir?

7 A. Yes, sir.

8 Q. And you've been incarcerated for approximately 42
9 years?

10 A. Including California 48 years.

11 Q. Thank you for that notation, sir. Did you grow up in
12 New York?

13 A. No, I did not.

14 Q. Where'd you grow up, sir, is it California?

15 A. California, yeah.

16 Q. Born and raised in California, correct?

17 A. Born in Oakland, California, raised in the Bay Area,
18 San Jose.

19 Q. And who did you live with in California during that
20 time?

21 A. Mom and for a period my dad up until eight and then
22 after that my stepfather.

23 Q. So you were born in California and you lived with both
24 your biological parents, your mother and your father, correct?

25 A. Sure.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. And at approximately eight years old your parents
2 separated?

3 A. Yes.

4 Q. Can you recall what caused that separation?

5 A. Infidelity.

6 Q. And who was the party that committed that act?

7 A. My father.

8 Q. And how did you receive that separation of that breakup
9 within your family?

10 A. At an early age I was distraught. I had a great
11 admiration for my dad and we was very close, and the
12 separation -- in fact when they separated I wanted to go live
13 with him instead of living with my moms, but she wasn't having
14 it, so the separation was kind of difficult for me.

15 Q. And you were approximately eight years old, in the
16 third grade at that time?

17 A. I guess in the third grade, eight years old, yes.

18 Q. That's a very important time for a young person indeed.
19 So tell me, how did you process through that sort of detachment
20 from your father?

21 A. Well, at the beginning and him not in the house I
22 started to take the, as a kid I think would do, the man role in
23 the house. Tried to be more or less an adult, more mature. Up
24 until the time of my mom finding another partner, that in itself
25 caused me some angst. In my own thinking, in my own mind I was

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 being ordered to be a kid again.

2 Q. So during this separation of your parents, did you
3 maintain a relationship with your father?

4 A. For a period until he re-married. Often times we would
5 go to my grandma's house or my cousin's house and he might stop
6 by. Again, the relationship with my moms and my dad was an off
7 and on period. A few years later I had a sister, a younger
8 sister by then, after the separation, so it was an on and off
9 period back and forth type of thing until eventually the
10 separation and the divorce was finalized, and then there was
11 distance between us.

12 Q. And how would you describe that distance?

13 A. Painful.

14 Q. So was he ever involved in offering you any type of
15 guidance and support to mitigate those feelings?

16 A. Not really.

17 Q. Was anyone available to you to help process through
18 what you were experiencing?

19 A. I think my mom tried to talk to me a couple of times,
20 but no.

21 Q. So you've indicated that your mother established a new
22 relationship?

23 A. Yeah.

24 Q. And did they marry at some point in time?

25 A. Yes, they did.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. And how would you describe your attachment to this
2 person?

3 A. Not attached.

4 Q. Can you elaborate on that, please?

5 A. I was actually rebellious, I was not comfortable living
6 with him in the household, trying to replace my dad.

7 Q. So when you look back and you identify that your
8 behavior was rebellious in nature, can you get an idea of what
9 that may have looked like to others around you?

10 A. To others?

11 Q. Yeah, such as your mother, school officials.

12 A. I imagine they looked at it as a child who had issues,
13 had problems, in terms of emotional issues or in terms of
14 disciplinary issues.

15 Q. I guess what I'm trying to ask you is that, often times
16 children eight years old, nine years old, third and fourth grade,
17 don't necessarily have the skills to articulate how they're hurt
18 for whatever reason, particularly because of a divorce or a
19 separation, so most times you may see it demonstrated or
20 exhibited in behaviors, would that be true for you?

21 A. Absolutely, yes.

22 Q. So what type of behaviors can you identify with?

23 A. Running away, talking back, not adhering to parental
24 supervision or parental discipline.

25 Q. Thank you for sharing that, sir. So when you would run

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 away, where would you go?

2 A. I'd hang out in the streets. Eventually I would
3 return. I think one time at 11 years old, maybe 10, I ran away,
4 got hungry, came back, no place to go.

5 Q. You didn't go too far?

6 A. Didn't go too far, no.

7 Q. Can you recall a time when you ran away and you were
8 gone for an extensive amount of time?

9 A. No.

10 Q. How many times do you believe that you may have ran
11 away or eloped from home?

12 A. At least twice when I was an adolescent.

13 Q. And can you recall any of the behaviors that you would
14 engage in while you were away from home in the community
15 unsupervised?

16 A. At that time I just used to walk around the city,
17 either go to my grandma's house, hang out with her for a while,
18 go hang out with some friends, things of that nature.

19 Q. And so during this time you seemed to rebel, in your
20 words, and leave your home and spend time in the community, you
21 had a lack of supervision, right?

22 A. Sure.

23 Q. Parents aren't there with you, did you find yourself
24 attaching yourself to anyone who sort of offered a safe place for
25 you that made you feel like you had a sense of belonging?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. Depends what years you're talking about. At one point
2 in time I did attach myself to my uncle and I lived with him. I
3 was in the ninth grade, my parents had moved to San Jose, I did
4 not want to go with them, I stayed with my uncle in San Francisco
5 and continued my schooling. He more or less, he gave me a lot of
6 encouragement, he gave me a lot of father-figure support.
7 Actually I'm named after him. My middle name is his first name.

8 Q. Very good. And for the record, that middle name is?

9 A. [REDACTED].

10 Q. And so this Uncle [REDACTED], you felt as though he
11 offered you the guidance and support that you were in search of?

12 A. In replacement of my father, yes.

13 Q. Now, it is noted here that one of your uncles passed
14 away, would that be [REDACTED] that was murdered?

15 A. Both of my uncles passed away, those are my
16 grandmother's brothers. Both of them have passed away. I don't
17 know which one you're mentioning, probably Uncle [REDACTED] or Uncle
18 [REDACTED], I don't know which one.

19 Q. Was any of the two men murdered?

20 A. Uncle [REDACTED] was murdered by the police about the same
21 time, when I was eight years old. Seven to eight years old, that
22 had a big impact on me.

23 Q. And this uncle you describe as being murdered by the
24 police and having received a devastating impact, can you describe
25 what you internalized that as being?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. Yeah, it was hard, Man. Two months later my
2 grandmother died, his mother, out of her pain and her anguish of
3 losing a son. It was hurtful for the entire family during that
4 period.

5 Q. I would imagine so. A family member's loss is always a
6 traumatic experience. Can you recall the circumstances
7 surrounding why this police contact caused the end result of the
8 death of your uncle?

9 A. I don't really know the details, I know they was
10 trying -- I think they was trying to arrest him in the apartment
11 that was owned by a family member, by his sister in fact, and
12 from what I understand, it was a long time ago, but he was choked
13 to death. Almost like the Garner case.

14 Q. So the police were attempting to effect an arrest and
15 resulted in his death, is that what I'm hearing?

16 A. Yes.

17 Q. Thank you for sharing that information. Your Uncle
18 [REDACTED] appears to be a positive influence on you and provided
19 you with some of the supports you were in search of. Are there
20 any other people during this time who provided you with guidance
21 and support?

22 A. No. Other than my moms, no. I mean, certainly my
23 stepfather attempted to but that was rejected of course.

24 Q. Again, I want to thank you for providing that
25 background information, a lot has occurred during your formative

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 years. I want to advance however and get a sense of what your
2 life was like during your adolescent years. Can you recall what
3 it was like for you during your high school years as you were,
4 let's say, 15 to 17 years old?

5 A. Absolutely.

6 Q. What was life like for you?

7 A. Again, like I said, my parents moved to San Jose,
8 California, eventually I had moved to live with them in San Jose,
9 I think I started at the 10th grade. I was welcomed because my
10 sister had already been there a year so she talked about how her
11 big brother was coming, so there was a lot of kids that was
12 waiting for me to arrive. I was big and involved with the
13 basketball team, the debate team, became an organizer and student
14 leader, started the Black Student Union there in high school.

15 School has always been easy for me. When I applied
16 myself I was able to engage -- because of the Black Student Union
17 I was trying to get black studies and black programs inside the
18 school, but naturally there was always that kind of conflict with
19 the administration and other students who were opposing blacks.
20 You know, racism in the world. That's one of the reasons we had
21 the debate team, because we had to debate the issues in terms of
22 trying to persuade other students about what was going on and why
23 we were engaged in what we were engaged in. Math was very
24 important to me. I was drawn to [REDACTED] who some people may
25 remember from the Olympics protest in 1968 at San Jose State

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 University, that's where he was going to school at. He was my
2 math tutor, I was influenced by that process. I used to tour
3 along with the Black Student Union President of San Jose City
4 College and the Black Student Union President of San Jose State
5 College, and myself, the three of us used to tour and give
6 speaking programs at various schools and colleges. One time I
7 gave a speech at -- wow, what's the name of the school?
8 K-w-a-i-p-a, something like that. Anyway, bunch of white guys
9 and trying to raise funds from them, so I was engaged.

10 Also during that time I was involved with a Kumpantu (sic)
11 Group. My moms bought me my first Kumpantu drum for my 15th
12 birthday. It's part of African culture. So a bunch of guys got
13 together and had a Kumpantu group where we used to go around and
14 play for different events. We called ourselves the Afro
15 Brotherhood.

16 Q. Well, thank you, Mr. [REDACTED], for sharing that
17 information. Clearly it appears to be a positive time in your
18 life. You described your active engagement in school activities
19 and you seem to come alive as you speak about that. It suggests
20 that you enjoyed that space in time while in school. What I want
21 to revisit at this time is what your life was like at that time
22 in the community, as well as your home. There are three
23 different areas that I like to look at for young adults or
24 adolescents, what's going on in the community, what's going on in
25 school, and what's going on in the home. You've clearly outlined

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 your positive prosocial behaviors in school and your healthy
2 attachment to academics. Let's talk about what was going on in
3 the household, you described earlier a level of chaos, what's
4 happening at this moment in time during adolescence?

5 A. Of course young people try to find their independence
6 and I was also trying to find my own independence, you know, at
7 16 years old, and my parents were rather restrictive in terms of
8 curfews and things of that nature, so there was some rebellion
9 going on at that time, especially with my stepfather. My moms
10 wanted to make him the disciplinarian in the family and I was not
11 having it for the most part. There was some rebellion in regards
12 to that in the household. Naturally we did our chores and I
13 always worked. I always tried to find my own way in terms of
14 getting some finances for myself. Every summer I had a summer
15 job but for the most part it was just a matter of not wanting to
16 occupy the same space and not wanting to be in the same space
17 with my step father. I have since --

18 Q. Thank you for sharing that. That certainly provided
19 some clarity about what was going on in your household at that
20 time. You described earlier that when you were faced with a
21 level of conflict in your home your behavior to that was that you
22 would elope or run away from home, would that be true during this
23 time as well?

24 A. At the age of -- between 15 and 18?

25 Q. Yes.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. No, I did not run away. I was sent away but I did not
2 run away. At one point in time my moms told me, you know, "You
3 can't stay here" and I became homeless between the age of 16 and
4 18.

5 Q. So 16 and 18 you became homeless and that placed you in
6 the community with lack of guidance and supervision, would that
7 be correct?

8 A. Yes.

9 Q. And that brings us to the next component part, we've
10 covered your engagement in school and your attachments related to
11 it, we've also talked about what was going on in your household
12 at that time. You described it as being somewhat chaotic and you
13 had some challenges connected with your stepfather which placed
14 you to be turned away from your home at the age of 16 to 18. So
15 let's talk about your behaviors in the community and what was
16 going on at that time. You're in a community, lack of
17 supervision, what's happening?

18 A. I did at one time have a job at a restaurant washing
19 dishes, one time I had to live with another guy in an apartment,
20 we had an apartment for a period, about six months, I lived with
21 an ex-girlfriend for a period of time, and then eventually I got
22 involved with some burglaries. I got arrested for burglary.

23 Q. Thank you for that. So you're in the community, you're
24 room-mating with this young man that you've connected with, you
25 have an ex-girlfriend, right, were you involved in any of those

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

1 burglaries that you described with these two individuals?

2 A. Not with them, no, other guys.

3 Q. And who are these other guys at this time?

4 A. One has passed, a guy named [REDACTED] who was my
5 best friend at that time.

6 Q. Can you repeat that name again, please?

7 A. [REDACTED].

8 Q. Can you spell the last name? I can't make it out.

9 A. [REDACTED].

10 Q. And first name [REDACTED]?

11 A. [REDACTED], yeah, [REDACTED].

12 Q. Please continue.

13 A. I was living with him for a while and lived with his
14 family for a while and we committed some burglaries and that's
15 when we got arrested for it. I spent time at a boys ranch, five
16 months at a boys ranch.

17 Q. And how old are you at this time?

18 A. I think I was 17.

19 Q. Seventeen years old, thank you. So when you're
20 released after five months in this youth facility, where did you
21 go?

22 A. I moved back to San Francisco.

23 Q. And who's there awaiting you?

24 A. I was living with my cousin. My family had moved to
25 Utah. My parents and my siblings had moved to Utah. I didn't

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 want to go to Utah, I moved to San Francisco and was staying with
2 my cousin in the same apartment building owned by her mother, my
3 aunt, and eventually I got a job and went to work.

4 Q. Very well. So that I'm clear, the parents you
5 described that moved to Utah, it's your mother and your
6 stepfather, correct?

7 A. Yeah, and my siblings.

8 Q. And your biological father remains in California as
9 well?

10 A. Yes.

11 Q. And did you have any attachment to him at this point in
12 time, your biological father?

13 A. No.

14 Q. So you find yourself an opportunity for employment,
15 you're working now, right?

16 A. I had several jobs after I got out of the juvenile
17 detention, I worked as a gas station attendant at one point, I
18 applied for being a telephone man, I took all the tests, I know I
19 passed the test but they wouldn't let me do the job, and
20 eventually I got hired as a social worker for [REDACTED]
21 [REDACTED] giving other people employment.

22 Q. And how old are you at this time?

23 A. I was 18.

24 Q. Eighteen years old. Thank you for filling in some of
25 this background information. So you're 18 years old, you're a

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

1 young adult at this point in time, what's going on with [REDACTED]
2 [REDACTED] at this point in time?

3 A. Having returned back to San Francisco I re-attached
4 myself to elementary school friends who had since become members
5 of the Black Panther Party. So in my free time, not at work, I
6 would hang out with them and with the party.

7 Q. So you're 18 years old, you re-connected with friends
8 from your earlier years in school and you are attached to the
9 Black Panther Party you said?

10 A. Yes.

11 Q. Can you please tell me what is the Black Panther Party?

12 A. Let me add something to that, I had originally joined
13 the Black Panther Party at 16, I was in San Francisco going to
14 school -- not going to school, I was in San Francisco for the
15 summer hanging out with my elementary school friends. I was
16 working, I worked for [REDACTED], a department store, as
17 a display clerk, I was hanging out with them and we used to go to
18 the Black Panther Party office and help distribute the newspaper
19 and at that point in time that's when I signed -- went in and
20 signed in to be a member of the Black Panther Party.

21 So my return at 18 I became more solidly involved with
22 the party, or more active with the party, selling the paper,
23 breakfast programs, helping out with the health clinics, and
24 representing the party at an event for Cinco de Mayo with
25 Mexicans. Went to a prison one time for Black Solidarity Day, a

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 bunch of panthers, so I'm very much involved with the party at
2 the time. Black Panther Party was an organization that became --

3 Q. Thank you for that. So, again, what you discussed for
4 me, selling newspapers and the breakfast program and working at
5 the health clinic with the Black Panther Party, it appears to be
6 prosocial activities but you haven't really described for me what
7 is the mission of the Black Panther Party. Can you please tell
8 me what was the mission and what was your role in it?

9 A. Well, I explained what my role was or what I was doing
10 in it. Black Panther Party came into existence in 1966. October
11 1966. Eventually it evolved out of the Civil Rights Movement to
12 a more militant organization for the purpose of empowering the
13 black community. They have a Ten-Point Platform Program, I
14 cannot recall the Ten-Point Platform Program, I just don't
15 remember it anymore. It was basically social services, political
16 empowerment, and also try and protect the community from police
17 brutality.

18 Q. So your role in this organization, if you will, you
19 weren't a leader; is that correct?

20 A. No.

21 Q. So your civic engagement in this organization
22 essentially, as you described, was selling newspapers and
23 assisting in the breakfast program and working in the health
24 clinic; is that correct?

25 A. Yes, free health clinic. Black Panther Party's one

DIN # [REDACTED]

NYSID # [REDACTED]

1 major contribution is that they're the ones who established the
2 basis for Sickle Cell Anemia research. It was part of their
3 program before they even had any type of research in that
4 particular illness for black people.

5 Q. So you're actively involved in the Black Panther Party
6 at this moment in time, 18 years old, you're engaged in these
7 civic engagements, how is your self-concept at this point? Are
8 you feeling good about yourself?

9 A. Yes, I felt I had joined something, an organization
10 that had something to do with empowerment, recognized black
11 consciousness, tried to instill self-discipline and motivation.
12 Personal motivation and self-discipline.

13 Q. And you were lacking the self-discipline in what areas?

14 A. Authority.

15 Q. Authority?

16 A. Yes.

17 Q. And those challenges with authority, would that also be
18 with authority figures?

19 A. Yes, that's what I'm talking about, yes.

20 Q. Do you recall an example that you may want to provide
21 in your demonstration of issues or challenges with authority
22 figures?

23 A. Of course. In our community at that time it was always
24 a problem with the police. Stop and frisk going at that time,
25 dealing with the issues of racism, Jim Crow, naturally we,

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 particularly myself, would not try to be in any contact with the
2 cops or police officers, but of course there are times in the
3 streets, particularly with being a Panther, it would be their
4 decision for what we felt was harassment.

5 Q. Thank you for sharing that information. So you were
6 directly impacted, sir, by the stop and frisk; is that correct?

7 A. Oh yeah.

8 Q. And how were you impacted by racism and Jim Crow at
9 that time?

10 A. Growing up I always dealt with the issues of Jim Crow.
11 Having to sit in the back of the bus in school and going to
12 school. I think I recalled in my last parole hearing a time when
13 I was on the bus and I went to sit up front and the bus driver
14 told me, "Go sit your black ass in the back of the bus." A white
15 woman told me I could sit next to her up front and I did. And
16 once she got off the bus the bus driver told me to go and sit in
17 the back of the bus. That's one example. There are others but
18 those are the kinds of realities that we had to confront. You
19 know, how we were to talk to white people, knowing our manners
20 type of thing. So when the party came into existence naturally
21 it raised these kind of degrees where you get into an act of
22 integrity and dignity for yourself rather than being diminished
23 as a human being.

24 Q. Thank you for that information, sir. So you've
25 outlined some adverse experiences you received from racism in the

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 Jim Crow era. You've also indicated a positive experience, there
2 was this white woman you discussed on the bus who invited you to
3 sit next to her, right?

4 A. Sure.

5 Q. So can I infer from that that not all people at that
6 time for you were engaged in these racist acts?

7 A. Yes, you can infer that. I have very close friendships
8 with white people, even growing up. I believe I also recalled an
9 incident in elementary school, I had a white girlfriend, well not
10 a girlfriend but a friend, I think her name was [REDACTED]

11 [REDACTED] she's the one that informed me about Malcolm X being
12 murdered. I didn't know who Malcolm X was at that time and she
13 came and ran over and was crying on my shoulder and said, "They
14 killed him, they killed him," I said, "Who'd they kill?" She
15 said, "Malcolm." I said, "Who's Malcolm?" I didn't know. I
16 went home and asked my mom, "Who's Malcolm?" And she didn't want
17 to give me any information about Malcolm because she was in
18 support of Martin Luther King. There's a difference between the
19 two of them. So that's when I learned about finding out who was
20 Malcolm. That was my introduction to Malcolm X, it was a white
21 girl.

22 Q. Very well. Thank you for offering that, sir. I note
23 here that whenever you speak of your experiences whether positive
24 or negative, as you identify them to be, you couple it with
25 what's going on in society at that time, right? As we talk about

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 just relating with people of different races, we introduce the
2 climate in our country at that time. So it's my impression that
3 what was going on in society at that time was very concerning for
4 you, would that be a correct assessment?

5 A. We was raised that way. My sister and I were raised to
6 be conscious in society. My moms as I mentioned in my last
7 parole hearing, my moms growing up was a dancer. She learned
8 African dance and she used to teach that to my sister and I, so
9 she raised us with the belief and understanding that we're
10 African people. Not the idea that we are Negros or the "N" word,
11 or colored, or any other epitaph that people tried to identify
12 black people. So we had that type of black consciousness growing
13 up in our household. That in and of itself spoke volumes in
14 regards to my relationships with other people. In our household
15 we always had other kids, other races of kids in our household.
16 She taught us not to be racist and to be accepting of people and
17 humanity. So anything that was opposite of that didn't make me
18 think about what was going on or why society or why situations
19 are the way that they are, and I imagine that's the reason why I
20 got involved in black student programs in school and also sought
21 to improve my own level of understanding society by way of
22 education.

23 Q. Very well, thank you for that. Perhaps maybe authority
24 is really the issue opposed to the race factor; is that accurate?

25 A. I would say yes.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. So you're 18 years old and you're a young adult at this
2 time, you form relationships with people in your community, is
3 that when you met these individuals who you were involved in the
4 instant offense with, [REDACTED] and [REDACTED]

5 A. No, I was -- the guys who I went to elementary school
6 were the ones who brought me to the Black Panther Party. Later,
7 after I turned 18, I came into contact with Mr. [REDACTED]. You
8 want to know how I met Mr. [REDACTED]? Mr. [REDACTED] came out
9 of Denver, he was part of Black Panther Party in Denver. He gave
10 a presentation in Utah at the University of Utah. My sister was
11 at that presentation. And at the presentation she walked up to
12 him and said, "Yo, you talk like my brother. You and my brother
13 talk the same stuff." So he asked her, "Where's your brother
14 at?" And she says, "San Francisco." And he said, "Well, we're
15 on our way to San Francisco." So she gave him and [REDACTED]
16 [REDACTED], another co-defendant, my address and one Saturday morning
17 there was a knock on my door and they were standing by the front
18 of my door with duffle bags saying, "Your sister sent us." I
19 said, "Who are you?" They told me that they're Panthers from a
20 different office so I let them in, I went and got somebody else
21 that I knew had been involved in the Denver office to come check
22 these guys out. They checked out. That's how we met.

23 Q. So these guys were extended members of the Black
24 Panther Party in Denver?

25 A. Yeah.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. And so you remained active as a Black Panther member at
2 this time?

3 A. Oh, yeah, I was active.

4 Q. There's indication here that you left that organization
5 and transitioned over to another?

6 A. True.

7 Q. And that would be the Black Liberation Army; is that
8 correct?

9 A. Black Liberation, yes.

10 Q. What facilitated that change?

11 A. The actions and the militancy of the movement. The
12 attacks that was on the party, on the Panthers, the evolving of
13 the party itself, it split into two factions. One faction became
14 more militant than the other. I went with the faction that was
15 more militant.

16 Q. Which is?

17 A. Ultimately it came into existence the Black Liberation
18 Army.

19 Q. You've indicated that the Black Liberation Army was
20 more militant than the Black Panther Party, can you describe for
21 me in ways how that was?

22 A. We engaged in counter arm struggles against the
23 authorities, against the police.

24 Q. Anything else?

25 A. No, that's the primary mission.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. Was there a mission statement at all for this
2 participation identifying with the ideals and values of the
3 organization, of the Black Liberation Army?

4 A. The history of the BLA came out of the Black Panther
5 Party. There was Rule #6 which I remember, it said, "No Black
6 Panther Party member can join an underground organization except
7 for the BLA." So the concept of the party as a revolutionary
8 entity held the concept or held the idea that at some point in
9 time there would be some kind of armed conflict in order to truly
10 show how powerful Black Liberation was.

11 Q. And how long were you an active member of the BLA?

12 A. About a year and a half.

13 Q. A year and a half. At that point did you meet your
14 co-defendant [REDACTED]?

15 A. Yes.

16 Q. Was he too an active member of the BLA?

17 A. At that point in time that we met, yes.

18 Q. And at this point in time how old are you?

19 A. Eighteen going on 19.

20 COMM. DAVIS: I would like to once again thank
21 you for providing this background information. It wasn't easy
22 to recall a lot of what we discussed here. I've asked you an
23 awful lot of questions, I want to give the panel members on
24 board with me an opportunity to ask you some questions as well
25 before we move on to other parts, okay?

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

1 THE INMATE: Yes.

2 COMM. DAVIS: Commissioner Agostini?

3 COMM. AGOSTINI: Thank you, Commissioner Davis.

4 Good morning, Mr. [REDACTED].

5 THE INMATE: Good morning.

6 COMM. AGOSTINI: I've been listening carefully,
7 it's been a very interesting, thorough interview and I had a
8 couple of questions also about that early time in your life.
9 I've been reading various transcripts and interviews in
10 history, I feel like I'm getting to know you pretty well at
11 this point. No particular order though, I was struck at
12 various times that you were really into math in school, I
13 believe you got some scholarships for chemistry, also for math
14 and engineering between elementary and high school; is that
15 correct?

16 THE INMATE: In elementary school I got a
17 scholarship for high school chemistry and in high school I got
18 a scholarship for math and engineering at San Jose State
19 University.

20 COMM. AGOSTINI: Can you repeat that name of
21 the university more slowly?

22 THE INMATE: San Jose State University.

23 COMM. AGOSTINI: San Jose State University,
24 thank you. What year did you graduate from high school?

25 THE INMATE: I received my high school diploma

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 when I was in juvenile detention, when I was doing the five
2 months, I continued my education there and received my high
3 school diploma.

4 COMM. AGOSTINI: Do you remember what year that
5 was that you spent those five months at that juvenile
6 detention ranch?

7 THE INMATE: I believe it was 1969. '68/'69.
8 Had to be '69.

9 COMM. AGOSTINI: Were you under the age of 18?
10 I'm thinking a juvenile ranch that you were a minor or were
11 you 18 already?

12 THE INMATE: No, at 18 I had to leave because I
13 was 18. I was about to turn 18 so I was 17 years old.

14 COMM. AGOSTINI: And you were born in 1951?

15 THE INMATE: '51, yes.

16 COMM. AGOSTINI: So these adolescent years that
17 Commissioner Davis has been focusing on, the various
18 activities and influences, might have been around 1967 through
19 1969, a very colorful time in our history?

20 THE INMATE: Absolutely. It was a tumultuous
21 time in this country. The transition from the Civil Rights
22 Movement to a more militant era, the anti-Vietnam War era, the
23 various other campaigns that was going on in this country. It
24 was after the death of Martin Luther King, after the death of
25 John F. Kennedy, the killing of James Meredith, there was the

DIN # [REDACTED]

NYSID # [REDACTED]

1 riots going on across the country from police shootings, the
2 rebellion of people in Detroit, in Los Angeles, Newark. Yeah,
3 those were very tumultuous times in this country, no doubt
4 about it.

5 COMM. AGOSTINI: And those were your adolescent
6 years leading up to your adulthood and age of majority. Did
7 you also at that time become a father yourself?

8 THE INMATE: At 19.

9 COMM. AGOSTINI: You were 19 when you became a
10 father?

11 THE INMATE: Yes. I was arrested, my child was
12 in the womb when I was arrested, so I did not spend a single
13 day in the street with any of my children.

14 COMM. AGOSTINI: Okay, I'm glad that you shared
15 that because I don't know the dates and exact time frames of
16 everything. That's part of what we're trying to understand.
17 So there was a woman in your life, a relationship that you
18 were in during the same time that you were in the Black
19 Panther Party, and in that year, year and a half in the Black
20 Liberation Army you were also in a romantic relationship at
21 that time as well?

22 THE INMATE: She was also a Panther, yes.

23 COMM. AGOSTINI: I was honestly a little
24 surprised at the burglaries when you were younger, at that
25 point when that was happening, I don't know how many there

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 were or if you want to let us know on that front but at that
2 same time --

3 THE INMATE: Only a couple. We was
4 burglarizing model homes. We used to pick the furniture and
5 sell it, that's how we made our money and trying to survive in
6 the streets.

7 COMM. AGOSTINI: So model homes is what they
8 were, a couple of them that you took furniture from?

9 THE INMATE: Yes.

10 COMM. AGOSTINI: I appreciate that elaboration.
11 It's just the irony that that happened at the same time that
12 you were involved in many very prosocial activities,
13 becoming -- you were not yet a social worker for the state,
14 that was the next phase, but you were clearly an exceptional
15 student, it sounded like you were a passionate student in
16 school, and involved in a lot of activities to benefit the
17 community. We spoke about the newspaper, breakfast programs,
18 health clinics, the developing awareness of Sickle Cell Anemia
19 that was going on at that time, so there was a lot of civic
20 concern going on on your part at the same time you engaged in
21 that burglary, so for me there was something incongruous about
22 that and I did want to share that I had that thought with you.

23 THE INMATE: If I may, if I had not left home,
24 right, I would have probably stayed in school because I did
25 good in school and would have graduated from high school and

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

1 continued. Leaving home set up another pattern, established
2 another pattern for me, survival, so that led to criminal
3 activity, going into survival mode, but I always have been
4 passionate about education.

5 COMM. AGOSTINI: I appreciate that. Where was
6 it that you had -- I assume there was a time you wanted to go
7 to college and, as you said, that's what you would have done,
8 where did you want to go?

9 THE INMATE: I was set up for going to San Jose
10 City College or San Jose State College.

11 COMM. AGOSTINI: San Jose?

12 THE INMATE: Yes.

13 COMM. AGOSTINI: Did you have a professional
14 ambition or aspiration at that young time in your life?

15 THE INMATE: Construction engineering. I like
16 to build things.

17 COMM. AGOSTINI: Those are the questions I
18 wanted to ask at this point during the interview, I thank you.

19 THE INMATE: You're welcome.

20 COMM. AGOSTINI: Thank you, Commissioner.

21 COMM. DAVIS: Thank you, Commissioner.

22 Commissioner Corley, any questions for Mr. [REDACTED]?

23 COMM. CORLEY: Sure. How are you, Mr. [REDACTED]?

24 THE INMATE: Nervous.

25 COMM. CORLEY: Okay. I'm impressed by your

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 vivid memory of those times, as you have alluded to they were
2 tumultuous times.

3 THE INMATE: I am a student of history. I like
4 teaching history as well.

5 COMM. CORLEY: You know, there were so many
6 things going on during those times and so many different
7 movements, so many different factions, and I listened to you
8 as you talked about your mother and how she was such an
9 advocate for Dr. King.

10 THE INMATE: Yeah, she was a member of the
11 NAACP.

12 COMM. CORLEY: I'm wondering, you know, you
13 told us you didn't really at that time have an understanding
14 of who Malcolm X was, right?

15 THE INMATE: In elementary school I did not.

16 COMM. CORLEY: Right, and as you began to
17 really think about what direction you was gonna go in and what
18 movement you were gonna be a part of, I'm just wondering,
19 because most of the movements were really after recruiting
20 young people, right?

21 THE INMATE: Absolutely. Yes.

22 COMM. CORLEY: And Dr. King was one of them,
23 and your mom was an advocate for Dr. King, I'm just wondering
24 why you weren't influenced by him?

25 THE INMATE: I did march with my mom in a

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 couple of marches, but as young people are, even today, they
2 would look at the older generation as not being as hip or not
3 being as down with what needs to be done. So when I saw the
4 Black Panther Party marching with their regalia, black leather
5 jackets and their berets and their carrying weapons, that was
6 tantalizing for a young mind seeing these black men and women
7 empowering themselves beyond the non-violent, passivist
8 position of Dr. King. And having learned something of Malcolm
9 and James Farmer and various other individuals during that
10 period of time, naturally I would gravitate toward this vision
11 of these black radicals. These black militants.

12 COMM. CORLEY: So it's fair to say that you, at
13 that time, weren't going to ascribe to civil disobedience?

14 THE INMATE: Civil disobedience, that's a raw
15 term in as much as we know what happened during the Civil
16 Rights Movement. Civil disobedience of the Woolworth store
17 and kids trying to get food and not being served, civil
18 disobedience of the picketing march over the Brays Biggin
19 Bridge and them being trampled by horses. So in those
20 instances, yes, you could say I was willing to make those
21 kinds of sacrifices as well, but the non-violent part, turning
22 the other cheek, no.

23 COMM. CORLEY: Okay. And I'm just wondering
24 also, and I heard you talk to Commissioner Davis as it related
25 to police officers, what was your personal perspective of the

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

1 role of police officers during that time?

2 THE INMATE: 48 years ago I was indoctrinated
3 into believing that they were the occupying force of our
4 community. That southern -- many instances southern
5 recruitment of police patrolling the black community but
6 living outside the black community was a front to black
7 people's liberties and civil rights.

8 COMM. CORLEY: You also talked about the lack
9 of really male role models that you had during your time of
10 coming up?

11 THE INMATE: Sure.

12 COMM. CORLEY: And, you know, the Black Panther
13 Party, as well as the Black Liberation Army had leaders, who
14 was really giving directives at that time in those two
15 factions?

16 THE INMATE: Well, when the party split --
17 naturally Huey P. Newton and Bobby Seale, the ones who
18 originated the party, eventually became -- the party split
19 between Cleaver and Newton. Much of that split was the result
20 of intervention, I would say, from the FBI creating conflict
21 and I sided with the Eldridge faction.

22 COMM. CORLEY: Anybody else stand out in your
23 mind as a male role model?

24 THE INMATE: I think Mr. [REDACTED], [REDACTED]
25 [REDACTED], was my mentor during that period of time.

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

1 COMM. CORLEY: Thank you, sir, I appreciate
2 that.

3 THE INMATE: Okay.

4 COMM. DAVIS: Thank you, Commissioner Corley.
5 Commissioner Agostini has a follow-up question for you, sir.

6 COMM. AGOSTINI: Thank you, Commissioner Davis.
7 Mr. [REDACTED], you were about 18 years old when Mr. [REDACTED] --
8 when you met Mr. [REDACTED] and you said your sister had sent
9 him to the home, he and somebody else arrived with some duffle
10 bags, they were looking for a place to stay, did I understand
11 that correctly?

12 THE INMATE: That's correct.

13 COMM. AGOSTINI: You were maybe 18 years old at
14 that point?

15 THE INMATE: I believe I was 18 going on 19,
16 something like that, yeah.

17 COMM. AGOSTINI: I'm under the impression
18 Mr. [REDACTED] was somewhat older than you, approximately how
19 much age difference was he older than you?

20 THE INMATE: Twenty-seven.

21 COMM. AGOSTINI: So he might have been nine or
22 so years older than you?

23 THE INMATE: Yeah, more experienced, more
24 learned.

25 COMM. AGOSTINI: Okay. And where was it that

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 you were living when you said they came to the door with the
2 duffle bags? Were you living with a friend or --

3 THE INMATE: Me and my daughter's mother, we
4 had an apartment.

5 COMM. AGOSTINI: Was that in San Francisco or
6 San Jose?

7 THE INMATE: San Francisco.

8 COMM. AGOSTINI: And he arrived with --
9 Mr. [REDACTED] arrived with a friend or friends?

10 THE INMATE: [REDACTED].

11 COMM. AGOSTINI: Mr. Torres, was he also around
12 the same age group as Mr. [REDACTED]?

13 THE INMATE: [REDACTED] I think was about maybe
14 24, 25.

15 COMM. AGOSTINI: And at that point were you
16 already friends with your co-defendant [REDACTED]?

17 THE INMATE: That's another transition. I met
18 [REDACTED] through, at that time, my best friend in San Francisco.
19 [REDACTED] was married to his sister. We were all part of the
20 Black Panther Party. So I met Herman through my best friend's
21 sister. That was his girlfriend.

22 COMM. AGOSTINI: Did you meet him after you got
23 to know Mr. [REDACTED] or you had already come to know
24 Mr. [REDACTED]?

25 THE INMATE: All around the same period of

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 time.

2 COMM. AGOSTINI: Okay. And then of course
3 there were also -- is Mr. [REDACTED] older than you?

4 THE INMATE: Yes, I was the youngest of the
5 group.

6 COMM. AGOSTINI: Well, except for the other
7 elementary school friends. You said your elementary school
8 friends had become members of the party, I'm assuming you were
9 the same age as that crowd and you met some older guys?

10 THE INMATE: About the same age but I still was
11 the youngest of everybody else, either by months or years.

12 COMM. AGOSTINI: Okay. Well, I appreciate that
13 elaboration. Thank you, Mr. [REDACTED]. Thank you, Commissioner.

14 COMM. DAVIS: Thank you, Commissioner Agostini.
15 So, Mr. [REDACTED], we've covered an awful lot of information
16 here. You've provided an overview of your formative years and
17 your experiences as it relates to your exposure to what you
18 describe as adverse conditions in your home. We reviewed your
19 behavior while in the community and your seemingly healthy
20 attachment to school and the educational opportunities it
21 afforded you. We have also covered your attachments, your
22 attachments to your co-defendants, both Mr. [REDACTED], Mr. [REDACTED],
23 and Mr. [REDACTED]. We note from that that these individuals
24 were more advanced in age than you were at that time. It
25 leads us to your developmental age of approximately 19 years

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 old. At this time we're going to take a momentary break, give
2 you an opportunity to refresh and relax a moment, and we'll
3 begin in a short while. Thank you.

4 THE INMATE: Okay.

5

6 (Whereupon, a recess was taken.)

7

8 CONTINUED BY COMMISSIONER DAVIS:

9 Q. Good morning, Mr. [REDACTED]. Welcome back.

10 A. Yes, sir.

11 Q. You enjoyed your break?

12 A. I relieved myself so I'm good.

13 Q. We've taken a moment to breathe here as well. So,

14 Mr. [REDACTED], we've outlined your formative years as I mentioned
15 before we went into break. I want to process here the nature of
16 the instant offense. We talked about it initially when we began
17 our interview, but I want to talk more extensively about that,
18 okay?

19 A. Yes.

20 Q. Once again your crime of convictions are Murder in the
21 First Degree, you were found guilty by way of verdict in New York
22 County. I want to remind you that we have a court reporter here
23 and what we talk about can make its way to public forum, such as
24 an appellate court, all right?

25 A. Yes, sir.

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

1 Q. Do you have any appeals pending at this time?

2 A. No, I do not. They have been exhausted.

3 Q. You've exhausted all appeals?

4 A. Yes, sir.

5 Q. Do you recall the last date in which your appeal was
6 exhausted?

7 A. The last date?

8 Q. Yes.

9 A. I think the last petition I submitted was probably
10 2005/2006.

11 Q. I'm going to ask you on what grounds were you seeking
12 an appeal?

13 A. Prosecutorial misconduct.

14 Q. In what area?

15 A. Withholding evidence.

16 Q. And that evidence entails what?

17 A. FBI documents.

18 Q. In that appeal, did you still maintain your guilt in
19 terms of the act you've committed in killing these two officers,
20 Officer [REDACTED] and Officer [REDACTED]?

21 A. The appeal was based upon constitutional errors, not a
22 question of guilt or innocence.

23 Q. Very well, thank you for that clarity, sir. Were you
24 ever offered a plea in this case?

25 A. Not that I recall.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. Very well, sir, thank you for that. So both of these
2 murders you've been found guilty by way of verdict in New York
3 County. Again, it states here that the crime occurred on May the
4 21st, 1971 at a location in Harlem. That location being [REDACTED]
5 [REDACTED]. It says here, and I'm paraphrasing, that a
6 young lady had called for police assistance, as they responded to
7 her call, they investigated the call, they left their respondent
8 and they were ambushed by you and your co-defendant. These two
9 officers were shot and subsequently died from those injuries; is
10 that correct?

11 A. Yes, sir, I committed a horrible crime, killing Officer
12 [REDACTED] and Officer [REDACTED]. As I mentioned in
13 our last parole hearing before you, my co-defendant and I sat and
14 waited in the parking area of the housing projects, we saw the
15 cruiser, we knew that they were gonna return at some point in
16 time, and when they did return we killed the officers horribly.

17 Q. So these housing projects, is it the [REDACTED]?

18 A. Yes, the [REDACTED].

19 Q. And were you familiar with that community?

20 A. No, I was not.

21 Q. So you were not familiar with the housing projects,
22 that being the [REDACTED], what brought you to that community?

23 A. Mr. [REDACTED], he was familiar with the area. He's
24 originally from New York. New York City.

25 Q. So can you tell me how many individuals were with you

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

1 at that time?

2 A. Yes, the original trial it was five of us and three of
3 us were convicted. The two Latino brothers, the two Latino men,
4 [REDACTED] and [REDACTED] was acquitted, and myself,
5 Mr. [REDACTED], and Mr. [REDACTED] were found guilty.

6 Q. So I want to be very clear in this information, you've
7 indicated, sir, that the day of the instant offense, May 21st,
8 1971, that you arrived to that location with four individuals
9 including yourself so totaling five?

10 A. Yes.

11 Q. And was there any planning involved prior to you
12 approaching that location?

13 A. Not any real plan, we was just going out to retaliate.

14 Q. And when you say "retaliate," what does that mean?

15 A. We were going to take revenge for the killing of a
16 young black child by police.

17 Q. And this revenge, because as you describe a young black
18 child was killed by the police, was that in that community in
19 Harlem?

20 A. I believe it was in Brooklyn. [REDACTED] I believe
21 was the name of the kid.

22 Q. Can you spell the last name, please?

23 A. I think it's [REDACTED] If my memory serves me
24 correctly.

25 Q. Do you recall the approximate age of this child?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. Twelve to 14.

2 Q. And that was due to police interaction?

3 A. Yes.

4 Q. So in this revenge, as you describe, was it your
5 intention to confront the police?

6 A. Yes, that was our intention.

7 Q. So the four of you individuals arrive at this location
8 in Harlem and you mentioned that Mr. [REDACTED], being a resident
9 of that community, was aware more thoroughly than you of the
10 surroundings, correct?

11 A. Yes.

12 Q. How many individuals are armed at this time?

13 A. Myself and Mr. [REDACTED].

14 Q. What about Mr. [REDACTED]?

15 A. No, he had a weapon. In fact, when I appropriated the
16 weapon from Mr. [REDACTED], Officer [REDACTED], I believe I handed it to
17 Mr. [REDACTED].

18 Q. We'll talk about that momentarily. So arriving to the
19 scene no one's armed but you and your co-defendant Mr. [REDACTED],
20 correct?

21 A. That's correct.

22 Q. The two Hispanic men that you mentioned, Mr. [REDACTED] and
23 the other person, what was his name?

24 A. [REDACTED] and [REDACTED].

25 Q. So those two individuals are not armed as well,

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 correct?

2 A. I don't remember them being armed, no.

3 Q. So bring me to the moment when you arrive at the scene
4 and what happens.

5 A. Well, we was walking around, we saw the cruiser and
6 either I or [REDACTED] stated that we'll sit here and wait for them
7 to return. When they came back, we saw them walking towards
8 their cruiser and we turned on them and fired. I shot [REDACTED]
9 [REDACTED] at least four times, I then turned my weapon on Officer
10 [REDACTED], shot him at least one time. We then moved in and
11 retrieved their weapons and made our escape. I hesitated when I
12 saw that one of the officers was black, it kind of disturbed me,
13 but I didn't have the presence of mind to stop myself, in as much
14 as thinking of them as being human beings and actually taking a
15 life. It was out of this thinking, this bad thinking, that we
16 was doing the right thing in the course of what we thought was a
17 movement at the time.

18 Q. So if Officer [REDACTED] were perhaps white, would
19 your emotional response be different?

20 A. At that point in time and my thinking, probably. May I
21 add something to that?

22 Q. So this was more than just being a factor in terms of
23 authority and police and their relationships with the community,
24 here it seems as though race is an element as well, correct?

25 A. It was at that particular time. Dealing with the

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 issues of racism had always been an issue. Let me make a caveat
2 to that, during the course of the Black Panther Party movement we
3 had been calling for the hiring of black police officers, so they
4 did not -- mostly they did not -- their presence in the black
5 community. So one of the things that we were advocating was the
6 need for having black police officers. That's the reason I was
7 hesitant because that's one thing that we had been advocating as
8 part of the movement. So when I made this decision to make this
9 move, there was no turning back at that point in time so that
10 raised the question of --

11 Q. Duly noted, thank you. So let's go back a bit because
12 you're describing the instant offense and I do have some
13 additional questions here. So you approached the police cruiser,
14 correct?

15 A. We didn't approach it, we saw it.

16 Q. You saw it from a distance?

17 A. Yes.

18 Q. Approximately how far away were you?

19 A. 20 feet, 30 feet, something like that.

20 Q. And can you recall if that police cruiser was defaced
21 with the logos of the NYPD?

22 A. At that time the cars were white and gray and you could
23 recognize what was a police cruiser.

24 Q. So you knew the vehicle belonged to the police
25 department?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. Yeah.

2 Q. And it was your conscious decision that you would lie
3 and wait with your co-defendants until those officers assigned to
4 that vehicle would return, correct?

5 A. Yes.

6 Q. So when the officers returned, tell me what did you
7 see?

8 A. I didn't hear the question.

9 Q. When the two officers assigned to that cruiser
10 returned, tell me what did you see?

11 A. Well, I killed two officers. That's who I paid
12 attention to.

13 Q. Were they easily identifiable as members of the police
14 department, were they in uniform?

15 A. They were in uniform.

16 Q. Was it easily identifiable that they were two men?

17 A. Yes, sir.

18 Q. So you were approximately 20 feet away, at what point
19 in time did you move closer?

20 A. I didn't move closer than 15 feet at most.

21 Q. And as you moved closer to these two officers, did you
22 announce yourself?

23 A. No, sir.

24 Q. Did your co-defendant announce himself, [REDACTED]?

25 A. No.

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

1 Q. Were the other co-defendants, Mr. [REDACTED],
2 Mr. [REDACTED] and [REDACTED] in close proximity as well?

3 A. I imagine about 20, 25 feet away.

4 Q. Did any of those parties announce themselves?

5 A. No, sir.

6 Q. Tell me what happened.

7 A. Exactly what I just mentioned. They were away from the
8 area, we made this terrible decision, this tragic decision to
9 kill these police officers, we took their weapons and then we
10 fled.

11 Q. The police officers, did they see you approaching them?

12 A. No, sir.

13 Q. Did you approach them from behind?

14 A. Yes.

15 Q. And that would be both officers from behind?

16 A. Yes, sir.

17 Q. And when you approached this officer from behind, did
18 he have his service weapon in his hand?

19 A. No.

20 Q. Where was his weapon?

21 A. In his holster.

22 Q. And that would be true for Officer [REDACTED],
23 correct?

24 A. That's true.

25 Q. Would that also be true for Officer [REDACTED]?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. Yes, sir.

2 Q. So you approached these two officers from behind, their
3 service weapon in their waistband, your weapon is in your hand;
4 is that correct?

5 A. Yes.

6 Q. And what type of weapon did you have?

7 A. I had a .45 caliber automatic.

8 Q. Was it fully loaded?

9 A. Yes.

10 Q. How many rounds of ammunition?

11 A. For a .45 caliber automatic, I think it's seven.

12 Q. And what type of service weapon did your co-defendant
13 have?

14 A. I wouldn't say a service weapon but he had a --

15 Q. I stand corrected, his illicit firearm.

16 A. .38 caliber.

17 Q. So this .38 caliber, are you aware if that was fully
18 loaded or not?

19 A. I believe it was but I'm not for certain, I didn't
20 handle it.

21 Q. And was that weapon readily available in your
22 co-defendant [REDACTED] hand?

23 A. Yes. At the time, yes.

24 Q. So these two officers were approached from behind, when
25 was the first shot fired?

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

1 A. It was simultaneous.

2 Q. So you and your co-defendant shot at the same time, can
3 you recall how many shots you fired at Officer [REDACTED]?

4 A. Yes, I fired four.

5 Q. Four shots. And how many shots can you recall being
6 shot at Officer [REDACTED]?

7 A. A lot.

8 Q. A lot is approximately four or more than four?

9 A. More than four.

10 Q. Would that be approximately six?

11 A. I think it was more than six.

12 Q. More than six?

13 A. Yeah.

14 Q. So focusing on Officer [REDACTED], you've indicated,
15 sir, that you shot him approximately four times, can you describe
16 for me what occurred? Where did the first shot make contact with
17 on his body?

18 A. Yeah, I shot him in the back.

19 Q. So the first shot made contact to his back and the
20 subsequent shots occurred when?

21 A. Following those shots, one hit him in the back, one hit
22 him in the buttocks, I think one in his shoulder, and one in the
23 head. They weren't very good shots.

24 Q. And the --

25 A. It was a tragedy.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. When you say "they weren't very good shots," what do
2 you mean by that?

3 A. As a young kid who was trying to prove himself we shot
4 at these guys.

5 Q. Some people are trained to shoot in certain areas like
6 center mass, so when you say "they weren't very good shots," did
7 you have a target area that you were aiming toward?

8 A. The first shot, yeah, the largest part of the body of
9 course.

10 Q. So it was your intention to shoot him in the back?

11 A. Yes.

12 Q. And as you've indicated you achieved that, correct?

13 A. Unfortunately, yeah, I killed these guys and I'm sorry.

14 Q. So this first shot that made contact with Officer
15 [REDACTED], did he fall to the ground?

16 A. Yes.

17 Q. So while he was laying on the ground, did you conduct
18 the subsequent shots, as you claim, to the buttocks, the shoulder
19 and the head?

20 A. As he was falling, yeah.

21 Q. Can you describe for me if Officer [REDACTED] made any
22 verbal commands to you or any pleads?

23 A. He did not.

24 Q. I know you indicated that the shots occurred
25 simultaneous with Officer [REDACTED], can you describe for me

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

1 what you recall from that moment when he was shot approximately
2 six or more times by your co-defendant [REDACTED]?

3 A. Officer [REDACTED] was -- I imagine he was trying to
4 retrieve his weapon, I imagine he was -- I know I heard him cry
5 out, "Don't shoot me" and trying to escape from being shot.

6 Q. So when he cried out "Don't shoot me," was he facing
7 your victim face-to-face or was he --

8 A. In my mind, trying to remember back 48 years, I think
9 he was trying to turn around to face his assailant.

10 Q. Because he may have heard the initial shot with the
11 other officer?

12 A. Yes.

13 Q. And so, as you claim, he cried out "Don't shoot me,"
14 would that be accurate?

15 A. Yes.

16 Q. And your co-defendant ignored that request --

17 A. Yes.

18 Q. -- and he shot him? Do you recall where that first
19 shot made contact?

20 A. No, my focus was on Officer [REDACTED].

21 Q. Do you recall seeing Officer [REDACTED] lying on the
22 ground?

23 A. Yes.

24 Q. Do you recall hearing additional shots as he lie on the
25 ground?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. As I was retrieving Officer [REDACTED]'s weapon he was
2 continuing to be shot, yes.

3 Q. And can you recall at that moment in time where he was
4 shot at on his body?

5 A. I recall -- no, I can't say exactly where he was shot
6 at because of the adrenaline and everything that was going on at
7 that particular time. It was seconds of this destruction that we
8 caused to these families and to the officers. So trying to
9 recall that detail, no.

10 Q. And I want you to just share what you recall, I don't
11 want you to embellish, but whatever you recall from that moment
12 to do so. So both these young officers are on the ground,
13 they're seriously injured at this point or are they dead?

14 A. Yeah.

15 Q. They were deceased at this point?

16 A. I don't know how soon thereafter they were pronounced
17 deceased or dead.

18 Q. You didn't know?

19 A. No, I didn't know.

20 Q. So you said you kneeled down to retrieve the weapon
21 from Officer [REDACTED], correct?

22 A. Yes, sir.

23 Q. And this weapon, was it still in his holster?

24 A. I took it from his holster, yes.

25 Q. And the weapon from Officer [REDACTED], was that also

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 retrieved?

2 A. Yes.

3 Q. Was it also in his holster?

4 A. I believe so, yes.

5 Q. So neither one of them had an opportunity to unleash
6 their weapon in defense, correct?

7 A. They did not.

8 Q. So after removing the weapons from these two seriously
9 injured or deceased officers, what happened next?

10 A. We fled.

11 Q. And when you fled the community there, did all five of
12 you flee together?

13 A. Yes.

14 Q. And these officers remained on the ground, correct?

15 A. Yes.

16 Q. Upon fleeing, did you ever call for EMS assistance?

17 A. No, sir.

18 Q. Did you ever call the police to report a crime that
19 occurred that you've committed?

20 A. No, sir.

21 Q. Did anyone call the police to report this?

22 A. Not to my knowledge.

23 Q. Did you call anyone to offer any assistance to these
24 men?

25 A. We did not.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. Where did you flee to?

2 A. We fled to an apartment where I was staying at.

3 Q. And was that in the same community, the Harlem
4 community?

5 A. Bronx.

6 Q. In the Bronx. So the five of you fled, did you flee on
7 foot or did you arrive there in a vehicle?

8 A. We fled by foot to an area, then we jumped in a cab.

9 Q. So did you make it outside of the Harlem community
10 before you entered the cab?

11 A. I don't know, I'm not that familiar with the projects.

12 Q. So at this time, while in a cab, the five of you are
13 all together?

14 A. Yes.

15 Q. And you make your way back to the Bronx, correct?

16 A. Yes.

17 Q. And who resided at that home in the Bronx?

18 A. [REDACTED].

19 Q. Did he live there alone?

20 A. No.

21 Q. He lived there with his family?

22 A. Yes.

23 Q. Wife, children, or parents?

24 A. Wife and children.

25 Q. And can you share with the panel what was going on at

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 that time? You know, you just committed a murder of two police
2 officers, what is the transactions between the five of you?

3 A. I think we went to the kitchen and talked it over,
4 waited for it to come on the news, and then went our separate
5 ways.

6 Q. So as you waited for the publicity around what
7 occurred, the murder of these two officers, were you able to view
8 it in the news?

9 A. I didn't hear you.

10 Q. Were you able to view the incident in the news?

11 A. I believe we did.

12 Q. At that point, after viewing the news that outlined the
13 murder of these officers, at that point did you all separate?

14 A. Yes.

15 Q. Where did you go?

16 A. Actually that's where I was visiting, when I came to
17 New York that's where I was staying.

18 Q. With [REDACTED]?

19 A. Yeah.

20 Q. So who left the home?

21 A. [REDACTED] left and I believe [REDACTED] may have left, I
22 don't recall, but I know that [REDACTED] and [REDACTED] and myself
23 stayed there, if I remember correctly.

24 Q. Thank you for that information. And how long did you
25 remain in New York City before returning to the State of

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 California?

2 A. A week, maybe two.

3 Q. Did you commit any additional crimes at that time?

4 A. No.

5 Q. Did you plan to commit any additional crimes?

6 A. No, I didn't plan to commit the crime that I did
7 commit.

8 Q. And how did you travel back to the State of California?

9 A. By plane.

10 Q. And did you have the service weapon with you belonging
11 to Officer [REDACTED] and Officer [REDACTED]?

12 A. No, I did not.

13 Q. Where were the weapons?

14 A. They were being shipped. My weapon and I think one of
15 the weapons, I don't remember which one, was being shipped.

16 Q. So the weapon you used to murder Officer [REDACTED] was
17 being shipped back with his service weapon or was it perhaps
18 Officer [REDACTED]'s weapon? How many weapons did you send back
19 to California?

20 A. There were two of them.

21 Q. And one of the weapons was the weapon belonging to you
22 that killed Officer [REDACTED]; is that correct?

23 A. Right.

24 Q. And the other weapon belonged to one of the officers,
25 correct?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. Right.

2 Q. Do you recall what happened to the other weapon?

3 A. No, I don't.

4 Q. Was there any reports of your co-defendant sharing with
5 you what they may have done with the weapon?

6 A. I learned later during the course of trial what
7 happened to it.

8 Q. And can you share that with me, please?

9 A. It was alleged during the course of trial that it was
10 buried somewhere down south.

11 Q. And who buried that weapon?

12 A. I don't know, I wasn't there.

13 Q. And who indicated that it was buried?

14 A. The prosecutor.

15 Q. I'm sorry?

16 A. The prosecutor.

17 Q. And for the record, you had no knowledge of that,
18 correct?

19 A. Of it being buried, no, sir. I think I was in -- I
20 might have been in jail, I don't know.

21 Q. So you arrived back to the State of California, are you
22 waiting for the arrival of these weapons?

23 A. Yes.

24 Q. And how long soon after your arrival did the weapons
25 arrive to you in your care?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. I think a week or a week after.

2 Q. And you indicated that you shipped those weapons there,
3 was that through the United States mail service?

4 A. If my memory serves me correctly it was through the
5 mail service.

6 Q. So these weapons arrived to you in California and you
7 used these weapons for what?

8 A. I used the weapons for what is the question?

9 Q. Yes. Are you committing additional crimes in the State
10 of California with these weapons?

11 A. I did commit additional crimes, yes.

12 Q. Can you tell me about those crimes?

13 A. Yeah, there was a bank robbery that I recall and that's
14 all I remember after May 21st, 1971.

15 COMM. DAVIS: At this point I'm going to ask
16 the other Commissioners on the panel if they have any
17 additional questions for you. Thank you. Commissioner
18 Agostini?

19 COMM. AGOSTINI: Thank you, Commissioner Davis.
20 Good morning again, Mr. [REDACTED]. A few questions I have also
21 related to the instant offense and that time of your life to
22 help me understand what was going on in that context. You're
23 from California, you came to New York, you said that
24 Mr. [REDACTED] was originally from New York and brought
25 yourself and your co-defendants to New York?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 THE INMATE: Yes.

2 COMM. AGOSTINI: When did you arrive in New
3 York prior to May 21st? How long were you in New York before
4 the crime?

5 THE INMATE: We came to New York for a meeting.
6 There was a meeting of Panthers who had split. The Eldridge
7 Cleaver faction of the party were having a meeting to deal
8 with some of the issues of what was going on with the split.
9 How were we moving forward in terms of the politics that we
10 were engaged in before I committed this terrible, terrible
11 crime, killing these two police officers. I did not express
12 to Commissioner Davis to what degree I recognize the harm that
13 I've committed to these families and the pain and anguish that
14 I've given to these families. I did mention to him my concern
15 about [REDACTED] but I have also wronged and recognize the pain
16 that was given to Officer [REDACTED] and his family as well.
17 The issue of race as mentioned about Jones should not have
18 played a part but that was the reality back then and it's
19 important for me to share with you guys my own evolvment,
20 maturing from a young militant to the man I am today.

21 COMM. AGOSTINI: And I thank you for that. I
22 realize during these interviews very often it can end up
23 being -- the person being interviewed is often responsive and
24 does not take that opportunity to elaborate as you just have
25 because you're answering a series of dozens of questions, so

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED] Y

1 you get in that mode of sitting back and answering and we
2 realize that. I appreciate that you shared you were in New
3 York about three weeks and the reason you came to New York
4 with Mr. [REDACTED] and the others was to attend a meeting.
5 Was that a Black Panther meeting --

6 THE INMATE: Basically, yes.

7 COMM. AGOSTINI: -- that was taking place in
8 New York with Mr. [REDACTED]? And you mentioned that there was a
9 young boy, 12 or 14 years of age from Brooklyn who you said
10 lost his life in an incident with police. Did that happen
11 while you were in New York in those three weeks or did that
12 happen before you came here?

13 THE INMATE: No, no, during those three weeks
14 when I was here. During the period I was here that's when it
15 happened.

16 COMM. AGOSTINI: So help me understand, did you
17 come to New York not only for the meeting but with the
18 intention of --

19 THE INMATE: Absolutely not.

20 COMM. AGOSTINI: -- killing law enforcement --

21 THE INMATE: Absolutely not.

22 COMM. AGOSTINI: -- and a general retaliation?

23 THE INMATE: Absolutely not. No.

24 COMM. AGOSTINI: So your statement then is that
25 while you were here this boy lost his life and the idea was

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 then formed to --

2 THE INMATE: To kill them.

3 COMM. AGOSTINI: -- to take it into your own
4 hands to retaliate?

5 THE INMATE: Yes, ma'am. That's, again, a lack
6 of maturity and a lack of understanding. We felt, I guess,
7 duty-bound based upon our beliefs at that time to respond and
8 tragically took these two peoples lives.

9 COMM. AGOSTINI: It's my understanding that in
10 California, prior to this time, I know about the burglary and
11 the juvenile ranch, were there prior crimes, bank robbery, law
12 enforcement, anything else prior to the time that you came to
13 New York and had engaged in while you were in California?

14 THE INMATE: Yes, there were.

15 COMM. AGOSTINI: Just generally describe what
16 those were.

17 THE INMATE: Retaliation and shootouts against
18 the police, gun trafficking, compiling weapons. Much of these
19 incidents were resolved in the San Francisco case when I got
20 there between 2007 and 2009, when I was out there. They had
21 an indictment of several incidents in which eight of us were
22 charged and we resolved all those cases, those incidents, from
23 the group of guys who were BLA members.

24 COMM. AGOSTINI: And I appreciate that
25 additional information. Did I understand you to say that you

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

1 had engaged in a shootout with police in California before
2 May 21st, 1971?

3 THE INMATE: Yes.

4 COMM. AGOSTINI: Did any officers, to the best
5 of your knowledge, lose their lives in that?

6 THE INMATE: No.

7 COMM. AGOSTINI: So in New York this idea was
8 formed. The 911 call to the police department that resulted
9 in Police Officers [REDACTED] and [REDACTED] coming to the
10 community, was that a call that you or one of your
11 co-defendants placed to lure them to the community?

12 THE INMATE: I did not and I do not know of
13 anyone else who did.

14 COMM. AGOSTINI: Is it your belief that there
15 was a call they responded to --

16 THE INMATE: I believe it was a legitimate
17 domestic issue call. It was by chance that we saw that
18 cruiser there.

19 COMM. AGOSTINI: Okay. So when you lay and
20 wait for them to return to the cruiser, you had not been
21 laying in wait prior to that time? You saw them and --

22 THE INMATE: Yeah, it was a crime of
23 opportunity.

24 COMM. AGOSTINI: What was it that you were
25 doing at the housing complex to begin with? Why were you guys

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 there?

2 THE INMATE: We were looking to retaliate.

3 COMM. AGOSTINI: So you were in the
4 neighborhood looking for policemen to have a confrontation
5 with?

6 THE INMATE: Yes, ma'am.

7 COMM. AGOSTINI: Okay. And you have said that
8 you and your co-defendant had begun to shoot at them when
9 their weapons were holstered, Officer [REDACTED] was shot first in
10 the back and then in other places, I'm gathering from your
11 description the shooting of Officer [REDACTED] was quick and
12 perhaps he died on the spot there, is that a reasonable
13 assumption?

14 THE INMATE: Yes, it is a reasonable
15 assumption, yes.

16 COMM. AGOSTINI: And at that same time
17 co-defendant [REDACTED], with his own weapon, shot at Officer
18 [REDACTED], and did one of you retrieve [REDACTED]'s service
19 revolver?

20 THE INMATE: Not me.

21 COMM. AGOSTINI: Not you, so then Mr. [REDACTED]
22 retrieved Officer [REDACTED]'s service revolver. Did Mr. [REDACTED]
23 give it to you?

24 THE INMATE: No.

25 COMM. AGOSTINI: And so when you shot at

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Officer [REDACTED], were there any bullets remaining in your
2 own weapon? If not, what weapon did you shoot at Officer
3 [REDACTED] with?

4 THE INMATE: It was my own weapon and I saved I
5 think two. One or two shots. I think two or three shots. I
6 shot at -- there was seven bullets in the chamber, in the
7 clip, I must have kept at least one.

8 COMM. AGOSTINI: Okay. And you had stated
9 several minutes earlier when speaking with Commissioner Davis
10 that you had shot at Officer [REDACTED] six times or more than
11 six times?

12 THE INMATE: No, ma'am, that's not my
13 statement. I didn't say I shot at Officer [REDACTED] six
14 times, I said -- he asked me how many times Officer [REDACTED]
15 was shot, was it more than six, and I said maybe it was, but I
16 didn't say I shot at him six times.

17 COMM. AGOSTINI: Thank you for that
18 clarification. This is why we do review these things and
19 sometimes ask the same question several times, so that we can
20 make sure we're on the same page and have understood the
21 communication correctly.

22 THE INMATE: Sure.

23 COMM. AGOSTINI: And so I am under the
24 impression that Officer [REDACTED] was shot many times?

25 THE INMATE: Yeah, I said that, many times.

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

1 COMM. AGOSTINI: And did you shoot at Officer
2 [REDACTED] with Officer [REDACTED]'s weapon?

3 THE INMATE: I did not.

4 COMM. AGOSTINI: With some other weapon other
5 than the one that you came with?

6 THE INMATE: I did not. I only shot at him one
7 time with my weapon.

8 COMM. AGOSTINI: Did you have another clip that
9 you changed the weapon for?

10 THE INMATE: I did not. The multiple shots of
11 Officer [REDACTED] was as a result of my co-defendant.

12 COMM. AGOSTINI: Your co-defendants?

13 THE INMATE: Co-defendant.

14 COMM. AGOSTINI: Mr. [REDACTED]?

15 THE INMATE: Yes, ma'am.

16 COMM. AGOSTINI: Okay. So is it your position
17 that largely Mr. [REDACTED] did all of the shooting at Officer
18 [REDACTED] and you shot him one time?

19 THE INMATE: I believe one time, yes, ma'am.

20 COMM. AGOSTINI: And what was the weapon -- you
21 sent your own weapon by U.S. mail back to California, whose
22 was the other weapon that was in the package with it?

23 THE INMATE: Officer [REDACTED]. May I clarify?

24 COMM. AGOSTINI: Yes.

25 THE INMATE: When I was arrested on

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 August 28th, 1971 I was arrested with my weapon and
2 Mr. [REDACTED] had Mr. [REDACTED]'s weapon, that's how that
3 resolved.

4 COMM. AGOSTINI: I appreciate that. And when
5 you did return to California shortly after these two officers
6 lives were taken, you ended up in another offense with an
7 officer, you were driving a car and were pulled over and it
8 was your prior statement at a different interview that the
9 person in the vehicle with you had shot at the officer who was
10 attempting to pull you over?

11 THE INMATE: Exactly, we were trafficking
12 weapons and it was a traffic violation, a car chase, an
13 accident, and Mr. Washington stepped out of the vehicle,
14 engaged, and I was still trying to put the vehicle back into
15 service. He was hit, jumped back inside the car, we were
16 surrounded and eventually pulled out of the vehicle, severely
17 beaten and taken to the hospital and was arrested.

18 COMM. AGOSTINI: And is that the offense that
19 took place at the end of August 1971?

20 THE INMATE: August 28th, 1971, and I've been
21 in prison ever since.

22 COMM. AGOSTINI: Which was going to be my next
23 question, you've been in custody since that time, served
24 approximately five years in California?

25 THE INMATE: For that arrest, yes.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 COMM. AGOSTINI: For that arrest that we just
2 spoke of at the end of August, and from California you were
3 then transferred to the State of New York and your trials
4 began at that time?

5 THE INMATE: 1972 transferred to -- from San
6 Quentin I was transferred to The Tombs. No, no, excuse me, to
7 Old Queens Detention.

8 COMM. AGOSTINI: Queens House of Detention?

9 THE INMATE: Yeah, Queens House of Detention
10 for the trial here. We got convicted in '75 and I was
11 transferred back to California, back to San Quentin to
12 complete that sentence. Was paroled in 1977 and was issued
13 back to New York to serve this sentence.

14 COMM. AGOSTINI: Okay. Thank you, Mr. [REDACTED],
15 for answering those questions. Thank you, Commissioner Davis.

16 COMM. DAVIS: Thank you, Commissioner Agostini.
17 That was very thorough in those questions there. Commissioner
18 Corley, any questions for Mr. [REDACTED]?

19 COMM. CORLEY: Yes. How are you, sir?

20 THE INMATE: I'm all right.

21 COMM. CORLEY: I'm listening carefully at this
22 very thorough interview. I find it interesting, I asked you a
23 little bit earlier if you could identify male role models, if
24 you remember when we talked, and you actually mentioned
25 Mr. [REDACTED]?

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

1 THE INMATE: Yes.

2 COMM. CORLEY: And when the shooting took place
3 I'm wondering what the role of Mr. [REDACTED] and Mr. [REDACTED]
4 was because it seemed as if they were almost watching over you
5 to make sure that only you and Mr. [REDACTED] actually did the
6 shooting; is that accurate?

7 THE INMATE: That's accurate. I was trying to
8 prove myself, that I could actually commit this horrible crime
9 that I committed, and as a young kid, you know, wanting to
10 show his bones, get his bones, by tragically murdering these
11 two police officers, these two public servants.

12 COMM. CORLEY: So you were, and I heard you say
13 that, you were a young man trying to prove yourself. Do you
14 think you were trying to prove yourself to Mr. [REDACTED] or
15 to the party or to the army?

16 THE INMATE: I don't know if I can separate the
17 two, but yes.

18 COMM. CORLEY: And I'm wondering --

19 THE INMATE: To Mr. [REDACTED] and to the
20 party, to the army, to the organization that I was worthy of
21 being part of that group, yeah.

22 COMM. CORLEY: Yeah, because they didn't do the
23 actual shooting but provided you with the weapon, from what
24 I'm listening to; is that correct?

25 THE INMATE: Yes, that's correct.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 COMM. CORLEY: And when you got back to the
2 apartment, I'm wondering how you personally felt because you
3 had some reservations about shooting, I'm wondering how you
4 personally felt when you actually got back to the apartment?
5 How did you personally feel?

6 THE INMATE: A mix of feelings for having
7 actually committed this myself and also anguish realizing that
8 I just took two lives.

9 COMM. CORLEY: I'm wondering, and Commissioner
10 Davis was asking you what transaction took place between all
11 of you once you got into the apartment, I'm wondering if you
12 had anything to say or what your personal feelings was at that
13 time?

14 THE INMATE: Part of these claims that I hate
15 is we just killed two cops, you know?

16 COMM. CORLEY: And how important was it for
17 that to be actually news worthy? Because you mentioned that
18 you actually was almost waiting for it to come on the news so
19 you could see it on the news, was that important that it
20 become newsworthy to you and to the others?

21 THE INMATE: In our misguided thinking, I
22 imagined that we was hoping that the community would recognize
23 that there are some people out there that was retaliating
24 against our community being brutalized, being targeted.

25 COMM. CORLEY: And all of your acts, because

DIN # [REDACTED]

NYSID # [REDACTED]

1 now it was not only in New York but also in California, and
2 I'm listening to you exchange with Commissioner Agostini as
3 she talked to you about things that happened in California,
4 was everything a calculated act related to the BLA business?

5 THE INMATE: It was never, in this instance, a
6 personal revenge. It was all based upon politics at the time
7 and my belief that we were engaged in revolutionary
8 activities.

9 COMM. CORLEY: Thank you, sir, I appreciate
10 that. Thank you.

11 COMM. DAVIS: Thank you, Commissioner Corley.
12 Certainly important questions asked and very intriguing
13 feedback offered.

14 THE INMATE: I tried to be as honest and
15 forthright and open than I have been in previous parole
16 hearings.

17 COMM. DAVIS: We appreciate that. We
18 appreciate your openness, we appreciate your willingness to
19 thoroughly and completely answer our questions, and we value
20 truth telling here on this panel. So thank you, sir. In this
21 component part of the interview, sir, we outlined the serious
22 nature of the instant offense and your role in it. We also
23 reviewed here, sir, the tragic loss of life of these two
24 police officers protecting the community received by violence,
25 particularly gun violence at that time, and how they

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 themselves became victims of that through your act and the act
2 of your co-defendants.

3 All right, sir, we note here that you've been also
4 engaged in other elements of crimes not only in the State of New
5 York but also in California, both involving the illicit use and
6 actions of guns. We also note here, sir, that you were
7 approximately 19 years old during the commission of this crime
8 and that you were attached to negative peers that further
9 advanced your ideology that facilitated these motivations. At
10 this moment, before we move on, we're going to take a moment to
11 break and we'll be right back. Thank you.

12

13 (Whereupon, a recess was taken.)

14

15 CONTINUED BY COMMISSIONER DAVIS:

16 Q. Mr. [REDACTED], we're back once again. Thank you, sir, for
17 your patience in allowing us to break to process through all that
18 is before us. So we've outlined thus far, we reviewed your
19 formative years as it relates to what you've experienced. We've
20 also focused in on the instant offense and your involvement in
21 that offense. At this time, sir, I want to look at other aspects
22 of your behavior while confined. I think for the most part we've
23 reviewed your behavior while in the community related to your
24 formative years and the instant offense, but there's so much more
25 to you than those 19 years. You've been in prison for 42 years,

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 right?

2 A. Forty-eight.

3 Q. Forty-eight, we can't forget the California experience,
4 so we want to get an idea of what you've been doing throughout
5 that time. But more specifically here, for the 42 while in
6 DOCCS. I want to get a sense of your ability and/or willingness
7 to follow the rules during your term of confinement. It says
8 here that throughout that period you've incurred approximately 10
9 misbehavior reports, it's a combination of both Tier II and Tier
10 III tickets. Your last ticket received however was a Tier II
11 ticket, that was received on June the 9th, 2017, and that was for
12 an altered item; is that correct?

13 A. Yes, it is.

14 Q. Can you recall, sir, what that was about?

15 A. Yes, I was fixing myself a meal in the cell, or a hot
16 pot that is altered, so that it can in fact cook the food that I
17 was cooking. The officer came to search my cell, saw that my hot
18 pot was altered and he confiscated my hot pot and the food that
19 was in it, and gave me a Tier II. Gave me seven days keep-lock
20 for it. At the time of the disciplinary hearing they gave me
21 that time for the disciplinary, seven days keep-lock.

22 Q. Okay. So it's been a little over two years since
23 you've not received an infraction, correct?

24 A. In all of my years -- yes, that's correct. In all of
25 my years of incarceration I never received infractions for

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 weapons, violence, for anything that would be associated to what
2 led me coming to prison in the first place.

3 Q. Thank you for that. I'll also note here that you have
4 not received an infraction since your last board appearance where
5 you were given a 15 month hold by Commissioner Berliner and
6 Commissioner Drake, that was on the 11th of December 2018, right?

7 A. That's true.

8 Q. But in further review of your discipline record I do
9 note a Tier III ticket. The last Tier III ticket you received
10 was prior to that stated Tier II that we just spoke of. That was
11 given on the 28th of February 2013, that was for an unauthorized
12 location, can you recall what happened?

13 A. Unauthorized location?

14 Q. Yes.

15 A. Oh, yeah, it was for having two stamps in my pocket on
16 the way to the law library. They pulled me out of the line to
17 search me and found two stamps and they said it was unauthorized
18 for me to have two stamps in my pocket on my way to the law
19 library. Unauthorized location for the stamps.

20 Q. All right. And the other infractions you received
21 throughout your term involved tampering with an electric outlet,
22 I assume you were trying to smoke a cigarette?

23 A. No, I don't smoke cigarettes. Don't smoke, don't do
24 drugs, nothing illicit like that.

25 Q. What were you doing with the electric outlet? Because

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 I know in prisons they use that to get a light so they can
2 usually smoke, so what were you doing with that electric outlet?

3 A. I don't -- that one I -- electric?

4 Q. If you can't recall that's okay. It's stated here and
5 you should know that.

6 A. Might have been for a razor. Hooking up my --

7 Q. Radio?

8 A. No, my razor, cutting my hair. I didn't have any
9 batteries for it or something like that.

10 Q. So you do have additional tickets, they're for altered
11 items, utensils, and unauthorized exchange. Out of those tickets
12 the most serious would be for the explosives ticket you received
13 back on the 18th of December of 1999 and your affiliation with
14 gangs on the 26th of July 2011. Were you involved with gangs?

15 A. No, that was -- let me see what that was. What year
16 was that?

17 Q. That was the 26th of July 2011 in Attica.

18 A. In Attica. I believe that was the double bunk strike,
19 I think it was. I was resolving -- no, that was -- I really
20 can't recall which one that was but, no, I wasn't involved in
21 gangs, I was probably trying to break up gangs. Disturbance
22 between gangs.

23 Q. Sir, in Auburn the explosives, what was that about?

24 A. That was literature, no physical materials. I received
25 some literature in the mail when I was in Eastern Correctional

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 Facility prior to being transferred to Auburn and it was during
2 the Columbine period and I had asked some visitors how these kids
3 was getting this stuff to learn about these things that they were
4 doing, they told me it was on the Internet. They found it on the
5 Internet. Without my asking to do so they sent me some materials
6 that they had on the Internet. I received it through the mail in
7 Eastern, was transferred to Auburn years later, maybe a year
8 later, and through a search I still had the stuff in my property.
9 I should have gotten rid of it but I had stuff in my property and
10 it was found and that's what it was.

11 Q. And this literature you describe, was it the aim to
12 teach one how to make explosives?

13 A. I don't know. I don't remember what -- I think it
14 might have been something from Anderson Cooper, pieces from
15 Anderson Cooper that was found on the Internet. That was posted
16 on the Internet.

17 Q. So we've reviewed your discipline in that area,
18 focusing in on the challenges you've experienced, particularly
19 during your initial introduction into DOCCS and how you've had to
20 find your way over time to really balance out prosocial
21 behaviors, right? Your tickets sort of really suggest that you
22 had some challenges early on so we will note that. You certainly
23 identified how to assimilate in your environment without going
24 against the rules. It is noted here that you haven't received a
25 misbehavior report since your last board appearance by

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 Commissioner Drake and Commissioner Berliner, at which time you
2 received that 15 month hold.

3 We also have here, sir, that in further evidence your
4 ability to engage in prosocial behaviors you followed the
5 recommendations by DOCCS and as such you've participated in and
6 completed a number of programming opportunities, and I'm going to
7 list a few for the record and to perhaps jog your memory. I have
8 noted here that you've completed Phase 2, Phase 3, ART,
9 Therapeutic Participation as a participant in that area, and
10 currently you work in the medical services as of May 2019,
11 correct?

12 A. Yes, I'd also like to bring to your attention that just
13 two weeks ago I had another session with my therapist, so I'm
14 continuing that process as well.

15 Q. We'll talk about that, that's good for you. We'll talk
16 about that in a moment. It's nice to see that you were actually
17 able to really actively engage in those programs and complete
18 them successfully. Because as I reviewed your programming
19 history you faced a number of challenges. You know, over the
20 years you were actually removed from some of those titles because
21 of poor discipline, right? And so I think you've taken the time
22 to examine how best to move forward in that area.

23 A. I don't know if I understand you correctly,
24 Commissioner Davis, I was -- those programs, if I was removed at
25 any time from those programs it was because of the hot pot

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 incident or the -- those kinds of things, not because I was
2 rebellious or fighting against the programs themselves.

3 Q. Duly noted. And I think when you engage in those
4 illicit behaviors that go against the rules of the facility there
5 are residual consequences, right?

6 A. True.

7 Q. You can't do positive here and expect positive outcomes
8 in the -- you get negative outcomes in the end, right?

9 A. True.

10 Q. They're not siloed. So when you receive those
11 infractions you're pulled away from these opportunities, right?
12 Further undermining what you want to achieve. So those times you
13 were engaged in drafting at one point or the teacher aide
14 programming, you were in -- a kitchen helper, all of those
15 opportunities were removed from you because of those illicit
16 engagements, right? But once again, you've learned from that and
17 you've moved yourself forward, right?

18 A. True.

19 Q. I also note here that you were working as a porter on
20 the B Block but you were removed back in May because of some sort
21 of psychiatric reason, what was that about?

22 A. A porter in B Block, what institution is that?

23 Q. This was May 2019 so I'm guessing -- I wanted to learn
24 more about what that was about. So it says that you entered on
25 the 13th of May 2019 and were removed several days later on the

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 19th, it says reason "removed for medical or psychiatric
2 reasons."

3 A. It was medical.

4 Q. Medical, okay. Can you share what happened?

5 A. I just had surgery on my knee, that's what -- yeah,
6 I've been on medical for some time now.

7 Q. Thanks for that clarity. And that comes along with
8 age, right?

9 A. All of it comes along with age.

10 Q. I identify this. Anyway, moving along, sir, your
11 ability to program really suggests that you have really focused
12 in on what's best for you and how to really support ways to
13 really increase positive outcomes for your life. This is further
14 evidenced in your academic standing. I know that you have
15 acquired two college degrees, a Bachelor of Arts in Psychology --
16 in Sociology, I should say, and a Bachelor of Science in --

17 A. Psychology.

18 Q. -- Psychology.

19 A. Your field.

20 Q. Very well, congratulations to you, sir. My field?

21 A. I would love to be able to also get a Master's in
22 Psychology but unfortunately I have not had the opportunity.

23 Q. Good for you, sir. I also note that you have a
24 certificate in drafting and a certificate in graphic literacy as
25 well?

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 A. True.

2 Q. So you've done well in that area. You also have a Case
3 Plan on file, your Case Plan is designed to assist you in your
4 supports in becoming self-reliant in many different ways and
5 addressing all of those potential risks that can undermine your
6 efforts to re-enter the community successfully, right?

7 A. Yes.

8 Q. But the Case Plan is generally based on any potential
9 risks that we see that you may face in your COMPAS. So why don't
10 we begin to focus on your COMPAS first, okay?

11 A. Yes, sir.

12 Q. Do you have a copy of your COMPAS before you?

13 A. I do.

14 Q. Why don't you follow it with me so we are clear what
15 we're looking at. So your COMPAS is a risk assessment tool to
16 assess any potential risks you may experience, we use a graded
17 tool system where it ranges from 1 to 10, 10 being the most
18 elevated risk. Here it says you scored one in many of the
19 indicated areas such as risk of felony violence, arrest risk, and
20 abscond risk. There are also low risk factors for criminal
21 involvement, history of violence, and prison misconduct. You
22 also have a slew of unlikely risks for re-entry to substance
23 abuse, I know you indicated that you do not use any illicit
24 substances, right?

25 A. No.

DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. So that will totally support that. There's also
2 unlikely risk for low family support, we know that you have a
3 number of families who have written in in support of you and who
4 you maintain contact with, correct?

5 A. That's true.

6 Q. There's also an unlikely risk for re-entry employment
7 expectations, we know that you have letters of assurance in that
8 area as well.

9 I'm going to ask the other Commissioners if they have
10 any questions for you. Commissioner Agostini?

11 COMM. AGOSTINI: Thank you, Commissioner Davis.

12 The topic of drugs came up and it's my understanding that
13 you've always avidly been against drugs as a young man?

14 THE INMATE: Absolutely.

15 COMM. AGOSTINI: You didn't participate in
16 drugs either --

17 THE INMATE: No.

18 COMM. AGOSTINI: -- and thought it was harmful
19 to the community.

20 THE INMATE: Yeah.

21 COMM. AGOSTINI: There's never been a drug
22 ticket here.

23 THE INMATE: No.

24 COMM. AGOSTINI: On the hot pot at Shawangunk
25 in 2017, the alteration is for the water to be hotter so one

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 can boil and cook items; is that correct?

2 THE INMATE: It's true. They sell us food in
3 the commissary, they don't give us anything -- any way to
4 prepare it.

5 COMM. AGOSTINI: It requires boiling?

6 THE INMATE: Yeah.

7 COMM. AGOSTINI: But the hot pots don't boil so
8 people alter them to get them to heat up?

9 THE INMATE: Yeah, one of the tricks in prison,
10 it's a survival technique.

11 COMM. AGOSTINI: I did notice you had a -- the
12 same ticket in '91 also in Shawangunk?

13 THE INMATE: I know.

14 COMM. AGOSTINI: Almost everybody in Shawangunk
15 gets a hot pot ticket at some point in their bid, right?

16 THE INMATE: I guess it's something that's
17 utilized over the years, huh?

18 COMM. AGOSTINI: Yes. You talked about the
19 knee surgery that you had around May or recently, did you get
20 a replacement or you just had some work done on your knee?

21 THE INMATE: Had some work done on it. I have
22 two strained ACLs, a cracked meniscus and arthritis and they
23 gave me two gels.

24 COMM. AGOSTINI: They gave you some gel did you
25 say?

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

1 THE INMATE: Yeah, they inserted gel.

2 COMM. AGOSTINI: They inserted a gel into the
3 knee?

4 THE INMATE: Yeah. In 2013 I had a stroke,
5 Monday I went out for an echocardiogram to check on my heart
6 because I'm having some difficulties, so I'm aging in prison.

7 COMM. AGOSTINI: I was gonna ask you next about
8 what health conditions you may be facing so I appreciate that
9 you shared about suffering a stroke in 2013 and now having
10 some issues with your heart and you just had an EKG on Monday.

11 THE INMATE: Yeah, echocardiogram on Monday,
12 I'm waiting for the diagnosis.

13 COMM. AGOSTINI: Okay. I hope that treatment
14 helps, I don't know if this is a -- we won't get into medical
15 stuff, I have some familiarity with these issues as well and
16 I'm certainly wishing you the best in treatment and for
17 improvement in your health conditions. I will resume in other
18 questions that I have as we get to other sections going
19 forward, thank you.

20 THE INMATE: Thank you.

21 COMM. DAVIS: Thank you, Commissioner.
22 Commissioner Corley, any questions?

23 COMM. CORLEY: Nothing in this area,
24 Commissioner.

25 COMM. DAVIS: Thank you, Commissioner.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 CONTINUED BY COMMISSIONER DAVIS:

2 Q. So, Mr. [REDACTED], we've outlined that you have many low
3 risk indicators in your COMPAS scores, nonetheless you do have a
4 Case Plan on file. Your Case Plan appears to be appropriate,
5 you've outlined a number of goals, tasks and activities to
6 address areas of concern for you. I just want to go over it with
7 you. Your first goal here is to make your parole. It's a goal
8 that you've established and I recommend that you continue to work
9 with all parties to support these efforts. You also have
10 appropriate goals to establish a computer program or some sort in
11 the community. You also have additional goals to appeal your
12 December 2008 Parole Board decision, is that still a goal of
13 yours?

14 A. It's not. That's a moot issue. What I intend to do
15 when I am released is obtain a degree in audiovisual engineering
16 and also web designing, and part of the process with that will be
17 also trying to establish these computer labs in the community.

18 Q. I like how you segued into that. So just to be clear,
19 this appeal from the last board appearance is not active,
20 correct?

21 A. No, it's moot because I've --

22 Q. Okay, and so moving along, the other goals you have is
23 to maintain your health, which is certainly a positive goal to
24 have. Other goals include developing positive relationships and
25 to complete another book, as well as to acquire an additional

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 masters that you've identified, all right, so that's very nice to
2 see. You should know, Mr. [REDACTED], as in all cases here on the
3 Parole Board we reach out to the officials and we ask if they
4 wish to weigh in on your parole, they should write us and share
5 their thoughts with us, and in this case we have letters from the
6 district attorney's office, the Courts, and your defense counsel,
7 all right?

8 A. Yes.

9 Q. So all stakeholders have responded, we have those
10 letters here, in some cases they're a continuation of people who
11 have responded and so we will consider all of those letters,
12 okay?

13 A. Yes, sir.

14 Q. We also have an extensive number of letters in the form
15 of community opposition to your release, those letters will be
16 considered just the same, okay?

17 A. Yes, sir.

18 Q. Equally considered are the letters of support from
19 those individuals close to you advocating for your support and
20 your release, okay?

21 A. Yes, sir.

22 Q. You should know that we have a number of letters from
23 people close to you who believe in you and want you to be home.
24 This part is just as exhaustive as those opposing your release.
25 Those opposing your release come from the general community, they

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 come from civic organizations and elected officials. The people
2 supporting you come from similar backgrounds as well, all right?

3 A. That's true.

4 Q. As well as your family members, those close to you. I
5 have here that your mother has written in, that's perhaps the
6 most important person, right? She wrote as recent as the 14th of
7 August, her name is [REDACTED], and she says that you're an
8 idol amongst your siblings and they look to you for guidance and
9 that she and your stepfather loves you very much.

10 A. My stepfather has passed away.

11 Q. It's in her letter, she said that he was a computer
12 program analyst and that he loves you.

13 A. No doubt about it. And in 2009 I had an opportunity to
14 visit with him, he visited with me in 2009 and I took the
15 opportunity to apologize to him for my behavior as a kid.

16 Q. Let the record reflect Mr. [REDACTED] is having an
17 emotional experience as evidenced by his tears as he recounts his
18 experience with his stepfather.

19 A. He was a good man and I didn't see it at the time. He
20 was a good man.

21 Q. You should know we also have additional letters from
22 your siblings. We have a letter from your sister [REDACTED], she too
23 has written in very recently, July 26th, 2018, she says she's
24 very close to you, that you both grew up in a middle class
25 community and that you are a loving and kind and peaceful man.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 Your brother had written in on July 28th, 2018, he says he's your
2 younger brother, this is [REDACTED], and he says that you earned the
3 highest -- sorry, you earned the right and deserve the right to
4 be released to parole. He says you are nonviolent. You have a
5 letter from your daughter [REDACTED], she's 46, she says that her
6 life has been a living hell during her formative years without
7 you, but since she's reconnected with you that you've offered her
8 the guidance and support to move her life in a different
9 direction. She says through that support she acquired her GED
10 creating opportunities for herself she would have never achieved.

11 We also have a letter from a host of other family members
12 such as your grandson [REDACTED], he says he's now 20 and he looks to
13 you for guidance as well, and there's letters of course from your
14 great granddaughter, all right? There's a number of people from
15 academia who have written in in support of you, some of the most
16 prestigious universities around the country, they said they've
17 known you for a number of years and they believe in you. We have
18 officials from the University of Washington, that being Dr.
19 [REDACTED] is it?

20 A. Yes.

21 Q. Says that he's known you for quite a while and will
22 support you if given release. Same true for Dr. [REDACTED] of the
23 American University?

24 A. Yes.

25 Q. As well as Professor [REDACTED] from Arizona State

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 University. And this is not exhaustive, there's others that
2 remain in your file, I'm just picking out a few that sort of
3 resinate with me, these people who have a deep belief in you and
4 I just wanted to share that with you. You also have letters from
5 the Black and Hispanic and Asian Caucus of the New York City
6 Legislature, as well as a number of community advocates, all
7 right?

8 A. Yes.

9 Q. Why do these people believe in you?

10 A. Why do they believe in me?

11 Q. Yes.

12 A. They believe in me because despite the horrible thing
13 that I did, the horrible crime I committed, they recognize the
14 need of redemption and rehabilitation. They note that in my
15 years of imprisonment that I have contributed to not only the
16 prison environment but also to the community at large and I
17 continue to be of service. They have accepted the fact that I've
18 taken ownership of this crime that I've committed and they
19 recognize that no person is unredeemable, particularly if they
20 continue to seek to serve and be of value, and who also have --
21 they recognize the fact that I was 19 years old and an
22 underdeveloped kid at the time when I committed this terrible
23 crime, taking the lives of these two police officers and
24 devastating these two families. They recognize my own remorse
25 and understanding of that and they believe that I can be of

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 service, continue to give something back to the community as part
2 of my own part of redemption in a very nonviolent way. As been
3 exemplified in these 48 years of my imprisonment.

4 Q. Thank you for that. But as you know there's also the
5 other side to that, as I stated there's a great number of
6 opposition to your release from elected officials and --

7 A. May I comment?

8 Q. -- and individuals from civic organizations and so why
9 do you believe they're against your release?

10 A. Very good question. I do understand their
11 apprehension, we're living in a time where there is some degree
12 of violence and destruction in society at large and I imagine
13 there is some degree of angst or fear or anxiety on their part,
14 however there is nothing rational in my thinking that supports
15 their position. I'm the last Black Panther Party member left in
16 the New York State prison system. Since 1977 there have been
17 releases of members, formative members, and not a single one has
18 been engaged in these type of criminal activity, not a one.
19 Never one has been sent back to prison, not a one. I don't know
20 if they know that. I don't know if they understand that. I
21 don't even know if they really care. I do understand their
22 anxiety in regards to what happened in this particular case and I
23 respect that, but that does not necessarily mean that their fear,
24 if that's what we would call it, is valid. I am not 19 years old
25 anymore, I am now a great grandfather, I am terribly anguished

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

1 that I took that away from the [REDACTED] and the [REDACTED] family.
2 I don't know how much more I have on this planet, I don't, but
3 I'm hoping I'll be able to share at least a minute with my kids
4 on the streets.

5 Q. Thank you for that offering. Has justice been served?

6 A. That's an open-ended question, Commissioner. It's easy
7 for me to say that justice has been served, but I don't think
8 that the taking of a life qualifies to any degree of service.
9 Those families will continue to live their pain and that anguish,
10 I will continue to live with my knowing what I did. In terms of
11 the sentence, the sentence was 25 to life, I've almost doubled
12 that, so has justice been served? I'm praying that the Parole
13 Board will come to that conclusion.

14 Q. I ask the question because I can't assess your
15 emotional state as it relates to whether or not you believe that
16 justice has been served. I can only assess through your behavior,
17 and your behavior for me suggests that you may have an idea that
18 you're ready for parole, but when I look through your record a
19 lot of your preparation is focusing on the outside and what life
20 would be like for you, right?

21 A. True.

22 Q. I can't speak to the emotional, I can only speak on
23 your behavior and what it presents to me, all right?

24 A. I'm hoping that what you see is behavior of a person
25 who has changed, a person who is qualified to be released from

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 prison, who has a plan to do the best service to the community,
2 to re-establish himself with his family, to not be engaged in any
3 type of criminal activities. I don't think that my record
4 indicates to any degree that I will be engaged in any form of
5 criminal activities upon my release from prison and I have three
6 jobs waiting for me, too.

7 Q. Tell me about those individuals in Rochester who's
8 offering you housing and employment, what is that about?

9 A. [REDACTED] (phonetic) is a dual citizen of the
10 United States and Israel. He's a member of the Jewish -- the
11 great Jewish community. His wife is a Christian evangelical.
12 And so they will have a Muslim in their household. They invited
13 me into the household, so we're gonna have some interesting
14 conversations. They are very humane people. I've met them, I've
15 grown to have a found love for them, they have petitioned their
16 community to accept me as you see in one of their signature
17 letters from the community. Most comprised of professional
18 people, that these individuals are willing to support. I intend
19 to make them proud for having been supporting me, to not let them
20 down. I'm looking forward to the opportunity to be able to
21 converse and perhaps work with them on one level or another in
22 their own profession. That would be a learning experience for
23 me. That would be a hell of a learning curve for me from 48
24 years inside prison and I'm looking forward to that opportunity
25 provided that I'm granted it.

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. Well, it appears they believe in you and they're
2 offering you these opportunities. Have you ever given it any
3 thought what you would do if that is not an achievable outcome
4 for you? We've seen people who place their focal point on one
5 specific plan and when that plan is not offered to them they
6 begin to fall to the wayside in many different ways. Have you
7 given what you would do if not offered the opportunity to be
8 supported by those individuals in Rochester?

9 A. That question lends to -- are you asking me what I
10 would do if I was denied parole or are you asking me if there
11 were not people in Rochester to support me?

12 Q. We're talking about release plans, right?

13 A. Correct.

14 Q. So in that mindset, and what I know of, if you're not
15 able to receive a placement in that general jurisdiction, what
16 are your other plans?

17 A. Okay, I have jurisdiction in -- I have support from of
18 course my mother in Georgia and there are some opportunities
19 there available for me. If I were to be paroled to New York City
20 there is a group of individuals who are prepared to provide me
21 housing and assistance there. If I were -- you know, I often
22 tell guys here, I would rather sleep on a park bench than sleep
23 in a cell because on a park bench there's a come up. You can
24 come up, you can re-develop yourself to do better. There's
25 nothing better here inside prison.

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 Q. I disagree with that. I'm going to respectfully
2 disagree with that because we know in DOCCS there's a number of
3 programming opportunities offered to you as evidenced by your
4 record, as evidenced by your educational outcomes, so through
5 those experiences you can create different tomorrows for
6 yourself. We also know that through your history, when one is
7 placed into the elements, that being into the general society,
8 out in the streets without any supports, any guidance, adverse
9 experiences follow, right? So the idea here is that you plan and
10 you plan accordingly so you are successful if given the
11 opportunity.

12 A. Sure.

13 COMM. DAVIS: I'm going to ask the other panel
14 members if they have any questions for you. Commissioner
15 Agostini?

16 COMM. AGOSTINI: Thank you, Commissioner Davis.
17 Mr. [REDACTED], I've been listening carefully and I heard you
18 express that other members or all the other members of the
19 Black Panther Party have been released from incarceration in
20 the State of New York, is that what you said?

21 THE INMATE: Yes, ma'am, I did say that. They
22 have been released and as far as I know the majority of them
23 are doing very well for themselves.

24 COMM. AGOSTINI: And I'm sure that that is
25 true. There are, I presume, many people in the Black Panther

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 Party who never went to prison at all, and there's many people
2 in prison who had nothing to do with the Black Panther Party,
3 they're in prison because they've committed a crime, they
4 violated the law and were convicted as such. You are in
5 prison for the crimes that you committed in killing these two
6 men who were police officers, in my understanding, and not for
7 your membership in the party, would you -- is that why -- do
8 you think that you are in prison for your political views or
9 for the crime for which you committed?

10 THE INMATE: I'm in prison because I broke the
11 law. I'm in prison because I committed a crime. I was tried
12 and convicted in the Court of Law. I recognize that I have
13 committed a horrendous criminal offense and I think I have
14 duly paid for that criminal offense. I tried to do -- during
15 my period in prison I tried to do everything I possibly can to
16 redeem myself for that criminal offense.

17 COMM. AGOSTINI: And I am aware as Commissioner
18 Davis pointed out, you have exceptional programmatic
19 accomplishments, educational accomplishments, you are a
20 published author, I'm not sure how many books you've
21 published?

22 THE INMATE: Two.

23 COMM. AGOSTINI: Two books, that's quite an
24 accomplishment. You taught also African American and Black
25 History Studies during your years of incarceration as well. I

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 think you have said in prior interviews you really like
2 teaching and have done a lot of it?

3 THE INMATE: I do. I like it when I see a
4 student and the light bulb turns on and you can say "he gets
5 it." That's very rewarding for any teacher, but, yes, I enjoy
6 it.

7 COMM. AGOSTINI: Do you still hold the same
8 political tenets and views that you held when you were a 19
9 year old man?

10 THE INMATE: Absolutely not. I don't believe
11 that killing police officers in and of itself is a resolution
12 to the problems that we're confronting, society at large. At
13 my last parole hearing I made an example of -- I shared an
14 example of a very close friend of mine, a former fireman, and
15 I expressed how they are heroes to me. People run away from a
16 fire, firemen are running towards it. The same thing can be
17 said about police officers. Commissioner Drake raised the
18 issue of what happened down in Texas I believe it was --

19 COMM. AGOSTINI: She did.

20 THE INMATE: -- and everybody's running away
21 from that situation, police officers are running towards the
22 violence or running towards it to resolve that violence.
23 That's heroic. That's a different kind of human being to put
24 their life on the line for others in that capacity. I didn't
25 understand it when I was 19, I do now, and they are also

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

1 heroes in many ways, but I recognize that.

2 COMM. AGOSTINI: Thank you, Mr. [REDACTED].

3 THE INMATE: And I'm not afraid to say it
4 either.

5 COMM. AGOSTINI: I appreciate that, thank you
6 for that. Thank you, Commissioner.

7 COMM. DAVIS: Thank you, Commissioner Agostini.
8 Commissioner Corley, any questions?

9 COMM. CORLEY: Sure. How you doing, sir?

10 THE INMATE: All right.

11 COMM. CORLEY: I guess I would just really
12 follow up on the exchange you just had with Commissioner
13 Agostini because we've talked extensively about the atmosphere
14 during the '60s and '70s, it was a volatile time as you have
15 discussed with us, and this too, our present day, is a
16 volatile time, particularly as it relates to community and
17 police relations, would you agree?

18 THE INMATE: Yes, I will.

19 COMM. CORLEY: And so I guess the question
20 would be, you know, as someone who has taken a life of two
21 police officers and we know, I don't think it is a secret,
22 that many law enforcement organizations are against you being
23 released, I don't think that's a secret --

24 THE INMATE: That has been since 2002 when I
25 first became parole eligible.

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 COMM. CORLEY: Do you feel that you have
2 something to offer as it relates to the healing and the
3 improvement that needs to take place with community and police
4 relations? Particularly, and I know you're interested in
5 working with young people, but particularly with our young
6 people because it is so needed, what role would you play in
7 that?

8 THE INMATE: Yes, my experience is valueless in
9 regards to what I can provide young people. What I've been
10 providing these kids here inside prison. Teaching them how to
11 resolve conflicts in a way that has been not related to
12 violence. I'd like to bring that back to the community as
13 well. Conflict resolution is very important. Something I did
14 not know when I was 19. Something I'm very well experienced
15 with today. And I don't want to pat myself on the back but to
16 not have an individual who had that kind of experience in our
17 community is a tragedy. As you see our community needs it, I
18 understand that, I hate to see the revolving door inside
19 prison, these guys coming back, they leave, I'm still sitting
20 here, but they keep coming back, that's a problem for me.

21 COMM. CORLEY: How would it in no way diminish
22 your pursuits in terms of computer literacy because that is
23 important --

24 THE INMATE: Sure.

25 COMM. CORLEY: -- but as one who has worked

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 with young people extensively, I know that there is a
2 particular attitude as it relates to community and police
3 relations, that's why I'm asking that question.

4 THE INMATE: Sure.

5 COMM. CORLEY: Because those who are 19 and
6 under do have a particular attitude as it relates to police
7 officers and I just wanted to know, would you play a role in
8 trying to add some healing in that area?

9 THE INMATE: Absolutely. Absolutely. I
10 think -- one thing that we had or had existed and does not
11 exist anymore is PAL, Police Athletic League. They used to be
12 part of a general relationship between the police and the
13 community. That needs to be resurrected in certain ways.
14 There's also various programs, Community Affairs, bringing the
15 institutions together versus social organizations in our
16 community with the police for open discussion but also in
17 terms of programs. Our community doesn't have recreation
18 facilities like they used to have. I think there's a way that
19 we can bring those things back together again, or bring them
20 back into existence. But more importantly we need to have
21 some kind of dialogue between the community and police
22 departments. There seems to be this divide between the two
23 and it's difficult to resolve that divide.

24 COMM. CORLEY: Thank you, sir.

25 THE INMATE: There has to be someone that's

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 able to champion that and what I bring to the table is both
2 what I've done and my ability to redeem. I need to redeem --

3 COMM. CORLEY: I got you.

4 THE INMATE: -- for the life that I took.

5 COMM. CORLEY: I got you. Thank you.

6 THE INMATE: Those two men.

7 COMM. CORLEY: Thank you, sir.

8 COMM. DAVIS: Thank you, Commissioner. I would
9 also like to place on the record the emotional response by
10 Mr. [REDACTED] as evidenced by his tears related to the question
11 by Commissioner Corley.

12 CONTINUED BY COMMISSIONER DAVIS:

13 Q. Mr. [REDACTED], I do have a follow up question. I know
14 it's very important to Commissioner Corley to process through the
15 restorative justice as it relates to the crimes, so to hear you
16 speak of how you would approach this speaks volumes. I think
17 there's a lot more for you to process through in ways to grieve
18 that healing space for both you and the community in which you
19 aspire to belong, right? But moving forward, sir, I just want to
20 process through further something you mentioned earlier, I know
21 it's very important to you to highlight that you are actively
22 participating in therapy, correct?

23 A. True.

24 Q. And that since we've last met you've indicated, sir,
25 that you've met with your therapist an additional time; is that

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 also correct?

2 A. Yes, sir.

3 Q. And so do you have a favorable experience from that
4 process or what should I know about that?

5 A. I think I've -- I think that this emotional openness
6 is -- or that process is indicative of my not blocking or holding
7 back or being reserved through my emotions and the issues that I
8 have to deal with, and I will continue to do so. She has offered
9 to be of assistance to me if I am granted release and I will
10 avail that opportunity upon my release. But again, I would like
11 to point this out too as well, prison is not the best place for
12 one to resolve their issues. You know, prison is tough. The
13 environment in prison does not necessarily lend to one
14 confronting these kinds of issues of redemption. Issues of
15 rehabilitation. It actually opposes it. Although programs are
16 available, they don't necessarily establish as far as the extent
17 of the issues that has to be resolved. And so there's conflict
18 with that. The environment of confinement, the environment of
19 sitting in a cell, for me 48 years living in a cell, it does not
20 bode well after a period of time. Matter of fact it's the
21 opposite, a person can -- or some people do and that's why I have
22 a problem coming back, you know?

23 Q. Thank you for sharing that. We acknowledge that there
24 are some challenges with the police in the community, in many
25 communities, and we also recognize that those same attitudes and

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

1 beliefs present itself in many prisons, jails, and correctional
2 systems --

3 A. True.

4 Q. -- so perhaps this can be the battleground where you
5 develop the idea and skill sets needed to develop more on what
6 you've discussed here, all right?

7 A. I don't know how much more I can develop but I hear
8 what you're saying.

9 COMM. DAVIS: So I thank you for that
10 information, I'm going to ask the other Commissioners if they
11 have any closing remarks for you or questions. Commissioner
12 Agostini?

13 COMM. AGOSTINI: Thank you. I think we've
14 conducted a thorough interview today, I hope that you feel
15 that as well. I don't have any additional questions, I was
16 able to ask the questions that I wanted to ask or Commissioner
17 Davis or Commissioner Corley asked the questions I had hoped
18 for. So I do want to thank you for answering my questions for
19 our discussion and for this interview today.

20 THE INMATE: I also thank you. My only concern
21 is if I have in any way not substantially answered your
22 questions that would lend to a favorable decision for me, that
23 I might have an opportunity to respond to anything that is
24 adverse to that idea.

25 COMM. AGOSTINI: Well, I appreciate that. I

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 found your answers to be thorough and forthcoming and so I
2 don't have anything else that I would want you to elaborate on
3 or clarify. I would imagine, as you know, we have a couple of
4 weeks, as provided for within the law, during which we will
5 deliberate. I imagine we are going to have extensive
6 deliberations during that time frame. Thank you.

7 THE INMATE: You're welcome.

8 COMM. DAVIS: Thank you, Commissioner.
9 Commissioner Corley, any questions or closing remarks?

10 COMM. CORLEY: Sir, I would just also like to
11 thank you for your candidness and I must say that I don't
12 think that any unfinished business took place as it related to
13 the questioning. I too am satisfied with what I have heard
14 today, and again I want to thank you for appearing.

15 THE INMATE: Thank you all. Commissioner
16 Corley, I respect your judgment.

17 COMM. CORLEY: Thank you, sir.

18 COMM. DAVIS: Thank you, Commissioner. Well,
19 Mr. [REDACTED], I too thank you for your active participation in
20 this interview and your responses related to my line of
21 questioning. I'll also acknowledge at this point that we've
22 conducted a very thorough interview, in my belief, and that
23 we've covered many different factors and aspects related to
24 the instant offense and your involvement in that offense and
25 what were the circumstances surrounding that. We also

[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

1 reviewed and covered what you've engaged yourself in following
2 this offense and how you've impacted the spaces around you.
3 So we thank you for your interview, we'll take this time,
4 we'll deliberate, and we'll notify you of our decision in
5 writing.

6 THE INMATE: Okay.
7 (Interview concluded.)

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[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

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

4

5 DECISION

6

7 [REDACTED], parole denied. Hold 12 months. Next
8 appearance September 2020.

9

10 After an overall review of the record, an extensive
11 personal interview, and due deliberation, it is the determination
12 of the panel that your release at this time remains incompatible
13 with the welfare and safety of society and would still so
14 deprecate your offense as to undermine respect for the law.

15

16 You stand convicted of two counts of degreeless Murder by
17 way of verdict in New York County. The instant offense involved
18 your actions, in concert with your codefendants, where you
19 approached two (2) New York City Police Officers from behind,
20 without notice, and shot them several times. Each officer
21 sustained a gunshot wounds to the head and throughout their
22 bodies, causing their subsequent deaths. As the mortally wounded
23 officers laid on the ground, you and your codefendants removed
24 their service weapons from their holsters and fled the scene.

25

26 According to your statements made during your parole
27 eligibility interview, you fled to a location in the Bronx, New
28 York, where you finalized your escape. The stolen police service

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 weapon belonging to one officer, along with your firearm, was
2 placed in the mail via the United States Postal Service (USPS)
3 and mailed to a location in the State of California. You flew to
4 California and retrieved the weapons. In fact, when you were
5 apprehended by law enforcement officers in California, you had on
6 your possession the stolen service weapon of the murdered NYC
7 Police Officer to which the service weapon belonged.

8 Your instant offense represents your only term of New York
9 State (NYS) incarceration. Although you maintained your
10 innocence for many years, you now acknowledge your role in the
11 instant offense. However, your criminal engagements in
12 California are extensive and also includes crime against law
13 enforcement. You have demonstrated a continuation of negative
14 behaviors that began during adolescence and escalated quickly
15 thereafter. The panel has considered your age at the time of the
16 instant offense and the external factors in the community that
17 may have influenced your impulsive reactions. In addition, the
18 panel notes the adverse challenges you endured during your
19 formative years that have created a certain level of
20 vulnerability for you.

21 Nonetheless, in determining your suitability for release
22 to the community, consideration has been given to your COMPAS
23 risk and needs assessment. Your COMPAS indicates low scores for
24 Risk of Felony Violence, Arrest Risk, Abscond Risk, Criminal
25 Involvement, History of Violence, and Prison Misconduct, among

[REDACTED] DIN # [REDACTED]

NYSID # [REDACTED]

1 other low risk indicators. However, the panel departs from the
2 COMPAS risk and needs assessment because you come across as still
3 believing in the righteousness of your crime and because your
4 remorse lacks the depth that is necessary to give your low risk
5 of reoffending the necessary weight to overcome the remaining
6 standards that this panel finds you still fall short of.

7 In addition, the panel has considered your appropriate
8 case plan. You highlighted several goals, tasks, and activities
9 to support your level of rehabilitation. These goals are in
10 further support of your engagement in DOCCS recommended programs.
11 Moreover, consideration was given to your sentencing minutes,
12 extensive level of community support and letters of assurance.
13 Your letters of support are from several family members-including
14 your mother. Additional support letters are from individuals in
15 the community, academia, civic organizations, professionals,
16 advocates, and elected officials. The panel acknowledges,
17 however, receipt of as many or more letters in opposition to your
18 release. These letters of opposition are extensive, and they
19 have been submitted from community members, civic organizations,
20 professionals, law enforcement and elected officials, all of
21 which have been considered as well.

22 Your course of conduct in targeting law enforcement
23 officers across several jurisdictions concerns this panel. This
24 panel is equally concerned about your other criminal engagements
25 and violent crimes. You appear to have gained insight into the

DIN # [REDACTED]

NYSID # [REDACTED]

1 factors that contributed to your feelings, thoughts, and
2 behaviors that fueled your reaction to your environment and
3 subsequent negative behaviors, and the panel applauds you for
4 that growing insight. You have improved your discipline over the
5 years and have demonstrated prosocial behaviors by following the
6 rules of the facility. As such, you have not received additional
7 misbehavior reports since your last board appearance. In
8 addition, the panel acknowledges the advances you have made in
9 acquiring educational achievements as evidenced by two
10 undergraduate college degrees and several certificates of
11 completions from various programs. However, discretionary
12 release shall not be granted merely as a reward for good conduct
13 or efficient performance of duties while confined. Further, the
14 panel concludes that a release is not appropriate. A release at
15 this time would so deprecate the seriousness of the offense as to
16 undermine respect for the law.

17 (Commissioner Davis and Commissioner Agostini concur.)

18 (Commissioner Corley dissents.)

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[REDACTED]

DIN # [REDACTED]

NYSID # [REDACTED]

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CERTIFICATION

I, Erin Chickery, 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,
and that the foregoing, consisting of 107 pages, is a true and
correct copy of the same and whole thereof.

Erin Chickery

Erin Chickery, Court Reporter

Dated: October 21, 2019

FILED: SULLIVAN COUNTY CLERK 07/08/2020 04:14 PM

NYSCEF DOC. NO. 17

INDEX NO. [REDACTED]

RECEIVED NYSCEF: 07/08/2020
FUSL000112