

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

Parole Interview Transcript/Decision - FUSL000136 (2021-05-11)

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview
In the Matter
-of-

[REDACTED]

DIN # [REDACTED]
NYSID # [REDACTED]

TYPE OF INTERVIEW: Initial

HELD AT: Fishkill Correctional Facility
Video-conferenced to
20 Manchester Road
Poughkeesie, New York

DATE: May 11, 2021
DECISION DATE: May 11, 2021

BEFORE: COMMISSIONER C. DAVIS
COMMISSIONER S. SAMUELS

AT FACILITY: SORC J. Baumann
PA J. Arroyo

VERBATIM REPORTER: Lori Ciofalo

[REDACTED]

1 COMM. SAMUELS: Good evening, sir.

2 THE INMATE: Good evening.

3 COMM. SAMUELS: Can you please state your
4 name?

5 THE INMATE: [REDACTED]

6 COMM. SAMUELS: Mr. [REDACTED], I am
7 Commissioner Samuels. I am joined here this evening
8 by Commissioner Davis, to my right.

9 COMM. DAVIS: Hello, sir.

10 THE INMATE: How you doing, Commissioner
11 Davis?

12 COMM. DAVIS: I'm doing well, thank you.

13 INTERVIEW BY COMMISSIONER SAMUELS:

14 Q. Together, we make up your panel for your
15 interview. That is an initial interview for you; is
16 that correct, sir?

17 A. Correct.

18 Q. Are you ready to proceed?

19 A. Yes.

20 Q. I see here that you are currently serving a
21 term of twenty-five to life. You were convicted by
22 verdict out of Queens County of the following
23 offenses: Murder Second, Arson First, Possession of
24 a Weapon Third, Reckless Endangerment First, and
25 Arson Fourth; is that correct?

1 A. Yes.

2 Q. It looks like you served approximately
3 twenty-five years, so far; is that correct?

4 A. Right.

5 Q. Because your convictions were by verdict, I
6 have to ask you, do you have any appeals pending?

7 A. Yes. The Appellate Advocates, they are
8 preparing a motion for me, on the grounds of the
9 emotional distress that I suffered during the time of
10 the offense. So, yes, they're putting that together
11 for me.

12 Q. Okay. So is that with respect to the overall
13 sentence, your state of mind?

14 Just tell us, because we do have a court
15 reporter present here today, and she will be keeping
16 a verbatim transcript of today's interview and so if
17 you do have an appeal pending, anything that you say
18 here today with respect to the instant offense could
19 certainly make its way into your appeal.

20 A. Okay.

21 Q. Do you understand that?

22 A. Yes, I do.

23 Q. So, what exactly, you said that they submitted
24 a motion on your behalf with the Appeals Court?

25 A. Um, I believe it's -- no, no, it's with the

1 Sentencing Court. A law came out in 2019, called the
2 domestic violence act. It was mainly created for
3 woman that was subject to abuse, and that played a
4 factor, and that's what it was mainly created for.
5 So because of my situation, I was in a state of
6 emotional distress, and that's why I qualify, I meet
7 the qualifications.

8 Q. So you are ready to proceed with the interview
9 today; is that correct, Mr. [REDACTED]?

10 A. Yes.

11 Q. With respect to the details of the instant
12 offense, they are as follows: On or about June 6th
13 of 1996, a witness observed you arguing with the
14 victim, who was actually your aunt; is that correct?

15 A. Right.

16 Q. Her name was [REDACTED] (ph)?

17 A. Yes.

18 Q. Minutes later the same witness observed you
19 throw bottles at the victim, which contained gasoline
20 and were lit with fire. Finally, the witness
21 observed you fleeing the scene of the crime.

22 You refused to be interviewed after your
23 arrest, but provided the following written statement
24 to the police: That you were tired of your aunt
25 always arguing with you, you took some beer bottles,

1 put gasoline in them, stuffed them with socks, and
2 then waited for her. You admitted to throwing the
3 bottles at her, after lighting them. This is very
4 disturbing and horrific behavior, Mr. [REDACTED].

5 How old was your aunt at the time of her death?

6 A. I believe passed sixty.

7 Q. Were you living with her at the time?

8 A. Yes.

9 Q. How long were you living with her?

10 A. On and off, since nineteen.

11 Q. Since you were nineteen. And how old were you
12 at the time of the instant offense?

13 A. Twenty-four.

14 Q. And how old are you today?

15 A. Forty-nine.

16 Q. And how come you were living with your aunt?

17 A. Well, at age nineteen, I was in a mental
18 hospital for eight to nine months. The house I grew
19 up in went into foreclosure, while I was in the
20 hospital. The hospital couldn't release me, if I
21 didn't have an address to go to, so I was released to
22 stay at my grandmother's house, with my aunt, father,
23 and other family members.

24 It was a hectic situation going into because
25 there was massive drug use, arguments, fights, chaos,

1 while I was living there. I didn't choose to live
2 there. My house, that I grew up in, went into
3 foreclosure.

4 Q. So you said you were living with your aunt,
5 your grandmother and your father?

6 A. And my uncle, and his girlfriend, in the
7 basement, and another uncle, and a bunch of cousins,
8 upstairs.

9 Q. It must have been a big house?

10 A. Yeah, it was a --

11 Q. -- multifamily?

12 A. Right, basement, first floor.

13 Q. Where was your mother at the time?

14 A. She had gotten a condo out in [REDACTED]

15 Q. And so what was the relationship like with your
16 aunt, overall, prior to the day of the instant
17 offense?

18 A. It was good as far as me being a child. The
19 house was my grandmother's house, but she was like
20 senile, so other family members were taking care of
21 her. Prior to incident it was good.

22 I remember as a kid family get-togethers at the
23 house, but, you know, after the drugs everything
24 changed and it wasn't a family house no longer.

25 Q. Were you using drugs?

1 A. No.

2 Q. Were you using alcohol?

3 A. I drank, but I didn't have an addiction. I
4 just drank on occasion.

5 Q. You said after the drugs, so who in the house
6 was using drugs?

7 A. My father was heavily addicted to crack. I
8 stayed in the basement with my father, my uncle, his
9 girlfriend, and my little cousin.

10 So, who was using drugs and alcohol? My
11 father, my uncle's girlfriend, and occasionally my
12 older cousins would come through and use drugs.

13 Q. But not your aunt, who you killed?

14 A. Well, her boyfriend was a crack user, as well,
15 and two family members told me they saw her use
16 drugs.

17 Q. But you don't have any knowledge that your aunt
18 was a drug user?

19 A. Two cousins told me that, but I never saw her.

20 Q. All right. So can you just walk us through?
21 Tell us what happened that led to you killing your
22 aunt this way.

23 A. All right, um, after I got out of the hospital,
24 I'm living there.

25 Q. How long were you in the mental hospital?

1 A. Eight to nine months. This is when I was
2 nineteen.

3 I'm living downstairs in the basement with my
4 pops, he's smoking crack and he's bringing constant
5 friends around or whatever. There was arguments and
6 stuff.

7 The conditions prior to the incident of me
8 killing my aunt, I was in a very bad mental,
9 emotional, place. I was just coming out of the
10 mental hospital and the conditions of why I was in
11 the house, was my uncle -- well, the house was in
12 foreclosure. My mother and father's credit was bad,
13 so they got my uncle to put his name on the title,
14 and he was going to take out a mortgage loan to save
15 the house and he kept the money.

16 My uncle, I have memories of him in the
17 backyard playing. I loved him, and I thought he
18 loved me, but here it is, he stole the money, and I
19 lost my childhood home, so I was forced to stay
20 there.

21 Q. I believe you had mentioned that to us a few
22 moments ago, that's what led to you living in your
23 grandmother's home, with your aunt, and uncles and
24 your dad, right?

25 A. Exactly. So, I was upset about that. Now, he

1 lived upstairs with my two cousins, and that was one
2 source of anger. The other source was when I was
3 fourteen-years old, I saw my mother, she got off the
4 phone with a disturbed look on her face. I said,
5 mom, what's the matter? She was in communication
6 with my uncle's, the one upstairs, ex-wife.

7 My little cousin told her mother, his ex-wife,
8 that that same uncle, responsible for me losing my
9 house, he was molesting her.

10 Q. Okay.

11 A. So, now, I'm around this person, and I have
12 knowledge that he molested his own daughter, and I'm
13 in a bad place --

14 Q. Mr. [REDACTED], can I just ask you, I want to make
15 sure I have a good understanding of the timeframe. I
16 believe you told us that you were in the mental
17 hospital for approximately eight to nine months, and
18 you said you were nineteen-years old at the time.

19 A. Well, I was eighteen when I was in the
20 hospital.

21 Q. What was the reason for you being treated at
22 that time?

23 A. Depression.

24 Q. Any other diagnoses?

25 A. I can't recall, because it was a long time ago.

1 I know depression.

2 Q. I do see here that you have a mental health
3 level of level 1. We also have a Mental Status
4 Report here and the evaluation was done on May 5th,
5 2021. You are not currently on any medication.

6 I don't see a diagnosis here, but it looks like
7 in your history there was a diagnoses of Bipolar
8 Effective Disorder, manic with psychotic features.
9 Does that sound familiar to you?

10 A. Yes. You know, those words -- I mean just by
11 speaking to counselors, I just say it's depression.
12 Bipolar, psychotic, schizophrenic, those are
13 professional words, I know depression.

14 Q. Do you recall if any of those were your
15 diagnoses at the time that you were in the hospital,
16 from eighteen to nineteen?

17 A. I really couldn't say.

18 Q. Again, you said at the time of the instant
19 offense you were twenty-four-years old. Bring us to
20 that time, please. I would really like to know what
21 happened on this day in June of 1996, that led to you
22 throwing this cocktail at your aunt and killing her.
23 You lit it, it had gasoline in it, and so why would
24 you do that to your aunt?

25 A. Okay. 1995, I was staying there. The

[REDACTED]

1 situation was hectic. Like I said, lots of drug
2 activity, fights, arguments. I was getting Social
3 Security checks at the time and I wanted to get a
4 bank account for myself, because the crack drug users
5 would wait for the 1st of the month to steal my
6 checks.

7 I went to my aunt's bank to get an account.
8 They said, well, we can't give you an account for
9 yourself, it would have to be opened jointly with
10 your aunt. I said all right.

11 The constant arguments and chaos at the house,
12 I couldn't stand to be there anymore, so I got a
13 Greyhound bus ticket and I went to Jackson,
14 Mississippi, to try to get away. While I'm in
15 Jackson, Mississippi, we had the joint bank account,
16 and I tried to use my ATM card to get my SSI money,
17 and it didn't work. I kept calling the Bank of New
18 York and finally they said your aunt put a block on
19 your account. I was calling long distance from
20 Jackson, Mississippi, to New York, practically
21 begging my aunt, because I was homeless out here. I
22 was homeless, again. First, with uncle and now this.
23 I said could you please take the block off of
24 the account, so I could take out four, five hundred.
25 During this time it was October, November, December,

1 I was homeless for three months. She didn't take any
2 money out, because I got bank statements, but she
3 blocked it so I couldn't use it. There was like
4 sixteen hundred dollars and I said, listen, I'm
5 homeless, please. Three months begging, nothing.

6 January of 1996, I came back to New York. The
7 chaos in the house was still going on. Shortly,
8 maybe around June, it was still chaotic and hectic --

9 Q. At that time in June, were you given access to
10 the money in the joint account?

11 A. Yes. I shut the account down and I had the
12 checks going to another address. At the time I gave
13 my aunt like two hundred bucks to help her with the
14 bills. My check was about \$570.

15 The constant arguments, fights, chaos, between
16 her and my father, I said I can't stay here. I asked
17 her for some of the money back, so I could just get
18 away from there, and she said no. I was angry and,
19 unfortunately, that's when I committed the crime for
20 which I'm here for now.

21 Q. So let's go back. You had told us that you
22 eventually got access to the money, because you had
23 the checks. You shut down that account and you had
24 the checks going to a different address, correct?

25 A. Yes.

1 Q. When you were arguing with your aunt over
2 money, on the day of the instant offense, was that
3 money that she had previously taken out of the
4 account, that you were trying to get back from her?

5 A. No, no, just the two hundred that I gave to
6 help out with rent and everything, help out with food
7 and other things. And I didn't ask for it all back,
8 just some, so I could get away.

9 It doesn't justify it. I'm not trying to
10 justify it. I'm just explaining my reasoning at that
11 time.

12 Q. Who else was present at the time that you threw
13 the bottles, with the gasoline, at your aunt?

14 A. I think a cousin. I think my uncle,
15 downstairs, and another cousin, and somebody, a guest
16 was at the house.

17 Q. So where were they when you and your aunt were
18 arguing?

19 A. They was, I think, in the kitchen area, maybe
20 about thirty-five feet, a distance away.

21 Q. And when you threw the bottle at your aunt, did
22 this occur outside of the house?

23 A. No, I was inside.

24 Q. It occurred inside, so the fire was inside the
25 house?

1 A. Uh-huh.

2 Q. What did you do when you saw your aunt was on
3 fire?

4 A. I just threw it and just ran and got away. I
5 just ran.

6 Q. Did anyone in the house attempt to help her?

7 A. Yes. I think this gentleman, he's married to
8 my first cousin, he did attempt to help my aunt.

9 Q. You said you ran away. Where did you go?

10 A. I didn't have a place to go. I was walking
11 around at nighttime, up until maybe like about 1:30,
12 2 o'clock at night. I was on a bench in the park,
13 just laying there. I didn't have a place to go.

14 Q. How were you arrested?

15 A. An officer rode up to where I was laying down
16 on the bench, and he said you fit the description of
17 somebody, and that's how.

18 Q. What made you go to trial, Mr. [REDACTED]?

19 A. Initially, they offered me a
20 five-to-fifteen-year sentence for manslaughter,
21 because of my state of emotional distress. My
22 lawyer, prior to them making the offer, he wasn't
23 saying anything to me about my case. I had never
24 really been in serious trouble with the law. I
25 didn't know anything about the courts or anything.

1 All I know is my lawyer was not communicating with
2 me. I asked the courts, can I give you a decision on
3 the next court date, next month, and when I went back
4 to court the next month, they said get ready for
5 trial.

6 Q. What was your family's reaction to what you
7 did?

8 A. Shock, surprise, anger, because all my life I
9 had never been violent. I had never been a violent
10 person.

11 At age forty-nine, when I look back at the
12 whole situation, I held things in. I was always
13 quiet. I didn't realize I was very angry. I was
14 holding so much in.

15 Where I'm at right now, this
16 forty-nine-year-old person, looking back, the anger,
17 shock, is warranted. I wrote them a letter and I
18 told them the situation, but I never got a response.

19 Somebody suggested why don't you write an
20 Apology Bank letter. I said that's not sincere,
21 that's for show. I wrote a letter to them, but they
22 never responded.

23 Q. When was the last time you had any contact with
24 them?

25 A. The night of my arrest in 1996. My brother

1 identified me, the same brother that came and
2 testified against me at trial.

3 I just want to say one thing. When I got my
4 Presentence Report, this is the first time I saw my
5 Presentence Report since the crime happened, and I
6 just got it a few months ago, and they said that I
7 refused the presentence interview, so my whole
8 history is not even there.

9 I also got legal mail this morning and it says
10 that I refused the COMPAS interview.

11 Q. Yes, I saw that. We'll get to that. I want to
12 finish here.

13 A. My family, I understand where they're coming
14 from. I apologized and I asked for forgiveness. My
15 remorse is sincere, but I can't make them forgive me.

16 Q. Did your aunt have children?

17 A. I believe she had two adult children.

18 Q. You don't know?

19 A. I think they came around one time, when I was
20 younger. They lived down south. I asked, who are
21 they.

22 Q. You have been in for twenty-five years on this
23 matter. Why do you think you should be paroled?
24 This is a very heinous crime that you committed.

25 A. There's been times when I sat in my cell and I

1 said why do I think I should be paroled, and I
2 honestly cannot -- well, one thing I know, the way
3 society is with the COVID crisis, mass shootings and
4 things going on, I have developed a healthy fear of
5 God. When I was twenty-years old, I joined a church
6 across the street. Since I've been in prison, I've
7 been praying and studying.

8 Like I said, I have developed a healthy fear of
9 God, so that's going to keep me doing the right
10 thing, it doesn't matter in front of people. I know
11 that God is always there in my life and he's been
12 carrying me through these twenty-four, twenty-five
13 years. He's been with me through my dangerous
14 situations in prison. He has manifested himself to
15 me. Somebody tried to cut me in Sing Sing, and I
16 went in my cell and looked at my face and there was
17 nothing there.

18 Q. Okay. What would you say, Mr. [REDACTED], has been
19 the biggest change that you have seen in yourself?

20 I was looking over your Sentencing Minutes.
21 You were sentenced on December [REDACTED] 1998, before the
22 Honorable [REDACTED] [REDACTED], out of Queens County
23 Supreme. At the end of sentencing the Judge talked
24 about the fact that you're going to have to make the
25 best of your life while incarcerated and do

1 something. He said he didn't know what that
2 something was. He pointed out that the presentence
3 investigation mentioned that you were creative. But
4 he said you needed to do something, not to just let
5 it drag.

6 What would you say is the biggest change that
7 you've seen in yourself, during these twenty-five
8 years?

9 A. I'm not as quick to judge. Like when I look at
10 crime shows, I'm not as judgmental. In other words,
11 I learned not to judge people harshly, but then I
12 judge myself harshly.

13 When I look at crime shows I say this horrible
14 person did this horrible thing, and then God shows me
15 myself, look at what you did. There is a verse in
16 the Bible, mercy triumphs over judgement, and I
17 practice it where I'm at in the housing area.

18 Massive drugs all over the place, the guys, we
19 step on each other's toes, but in the course of that
20 my biggest change is trying to be more like Christ,
21 and not hold grudges, not hold stuff in, and try to
22 let the love of Christ shine through even in this
23 dark place.

24 So the biggest change is the knowledge of
25 Christ. The closer I get to Christ, the more I see

1 my own bad ways and as long as I can acknowledge that
2 the growth is ongoing.

3 Q. Thank you for that. I have your parole packet,
4 it was prepared with the assistance of the Criminal
5 Defense Clinic at Cardozo Law School. They did a
6 really good job. It includes your personal
7 statement, really going through your early years and
8 the crime of conviction, and your transformation
9 while confined, as well as your release plans.

10 Talk to us about your release plans. If you
11 were to be granted parole, where would you live?

12 A. Well, in regards to where I would live, I just
13 know I got to be around positive and supportive
14 people, wherever they would be.

15 In other words, I haven't really thought about
16 where, but I know the type of people I want to be
17 around. If I'm around positive people, to nurture
18 whatever good I have in me, wherever I am I'll be
19 okay.

20 Q. All right. I do see here that you would be
21 un-domiciled, but, again, because of the nature of
22 your mental health level, you should receive some
23 assistance with your re-entry.

24 We do also see that you have letters of
25 reasonable assurance from the [REDACTED], as

1 well as the [REDACTED]. There is also a letter
2 from [REDACTED]. And so it does appear that you've
3 reached out to those organizations for some
4 assistance with your re-entry.

5 We also have letters of support here from a few
6 members of the DOCCS staff. One is from Correction
7 Officer [REDACTED], it was provided in 2020. Officer
8 [REDACTED] is assigned to the housing unit. He talks
9 about getting to know you, you being polite, quiet
10 and respectful. He talks about you working in the
11 law library as a paralegal and law clerk.

12 We have another letter from Correction Officer
13 [REDACTED] (ph), who also talks about knowing you and
14 your work in the law library. We also have a
15 Commendable Behavior Report from Correction Officer
16 [REDACTED]. We will certainly make sure that we
17 consider those letters in our decision.

18 It looks like there is another Commendable
19 Behavior Report from Superintendent [REDACTED], also
20 from 2020. We have a letter from [REDACTED]
21 [REDACTED], also, discussing your release.

22 Talk to me about how you would support yourself
23 in the community.

24 A. Prior to the crime I was getting Social
25 Security, now I could get that reinstated, but if I'm

1 able to contribute to any type of organization,
2 that's what I would do.

3 Right now I'm in Bard College. I have twelve
4 credits. The Bard College Re-entry Network is pretty
5 extensive.

6 Q. Do you think you are capable of working?

7 A. Yes, I believe I am.

8 Q. What would you be interested in doing for work?

9 A. Criminal justice reform. I worked in the law
10 library helping people with their situations and I
11 could be an asset in that regard.

12 Q. You did include a copy of your resume. I do
13 see here that you have held a number of positions,
14 law related, during your confinement, also food
15 services and you were and industries worker at
16 Clinton in the tailor shop.

17 You have also earned your HSE, while
18 incarcerated. We do have a letter from the Bard
19 Prison Initiative Program, that we will consider. We
20 also have a letter from Appellate Advocates, that we
21 are also going to consider. It talks about you being
22 eligible to apply for their re-entry program. All
23 right, sir?

24 A. Yes.

25 Q. This is your first state term of incarceration;

1 is that correct?

2 A. Yes.

3 Q. What program would you say you have enjoyed the
4 most during your confinement?

5 A. Bard College. When they first accepted me in
6 2012, I took a course on African history. I studied
7 the history of Africa. This allowed me -- I allowed
8 people to help me. I've had people hurt me.

9 These college professors are really serious and
10 they hold the prisoners to the same standards as the
11 students on campus. They really helped me to trust
12 people and allow people to help me.

13 Q. Okay. Let's look at your discipline. Again,
14 in terms of programming it really seems like you used
15 the time wisely. You earned your HSE. You have been
16 in the college program. But you have had some bumps
17 along the way with your discipline. Do you agree
18 with that?

19 A. Yes.

20 Q. The record reflects that you have incurred
21 several Tier 2 and Tier 3 Misbehavior Reports during
22 your term. Your last Tier 3 was received in October
23 of last year, so not even a year ago, for violent
24 conduct, creating a disturbance and fighting. You
25 have another Tier 3 from 2018. You have more than

1 one from 2018. You have some in 2017. They have
2 been consistent throughout your term of
3 incarceration. And then you certainly had a number
4 of Tier 2's, as well. Why so much discipline?

5 A. After I got convicted the first place they sent
6 me to was Attica. I had never been in a maximum
7 security prison. I didn't know anything about state
8 prison.

9 Most of my tickets have been incurred in
10 Clinton, I was there for nine years. Like when I
11 first got there, I didn't know where the hospital
12 was, so I asked the officer where is it and he gave
13 me a ticket for being out of place. A lot of times I
14 put in grievances, like because the toilet bowl
15 didn't work. You know, I was in a bad way with
16 officers for grievances.

17 I read an article in the New York Times, in
18 2017, that said Clinton has the worst record of
19 giving African black prisoners misbehavior reports,
20 based on race, and I got most of my tickets at
21 Clinton. So it's either they're correct and I'm a
22 troubled prisoner, not being able to comply with the
23 rules and regulations or --

24 Q. Well, that's what we're concerned about.
25 Certainly when we see this much discipline, we begin

1 to get concerned as to whether you will be able to be
2 law abiding in the community, and follow the terms
3 and conditions of your parole, so I'm glad you
4 brought that up.

5 I do see here that you were on probation in the
6 past. It looks like it was for a YO adjudication,
7 probation was revoked at that time and you were
8 re-sentenced. You were on probation again, later in
9 the '90s, and probation was revoked again and you
10 were re-sentenced. So it's concerning when we see
11 the discipline and also the poor history on community
12 supervision.

13 We also have your COMPAS Risk and Needs
14 Assessment. You are familiar with the COMPAS, right,
15 sir?

16 A. Yes.

17 Q. And so with the COMPAS, you are asked a series
18 of questions, you're screened, in order to determine
19 what your risk levels and needs might be in the
20 community.

21 In your file we have that you refused to
22 participate in the self-efficacy portion of the
23 COMPAS assessment. It looks like the staff tried to
24 work with you a number of times, in order to get the
25 information needed to do the COMPAS, but it doesn't

1 look like they were successful, because I don't see a
2 COMPAS assessment here for you.

3 A. May I address that?

4 Q. Yes.

5 A. In regards to the self assessment, it's like 74
6 questions and they only gave me the questions from 30
7 to 70-something. They wanted me to sign off on this,
8 and they only gave me half the questions, so I don't
9 know the other half.

10 When they presented me with that I said there
11 are inaccuracies in my DOCCS file, that I want to
12 talk with somebody else about, and I said what about
13 the other 30 questions. They said, well, these are
14 questions we are going to answer based on your
15 record. I said, well, I found inaccuracies in my
16 record.

17 I've been here since January, and I have yet to
18 meet my counselor. I didn't refuse it. I wanted
19 some help in clarifying the inaccuracies in the
20 record, because they are going to use my record to
21 answer the questions from 1 to 30, and I didn't want
22 to sign anything that was inaccurate.

23 Q. All right, I get your explanation. We also
24 have your Case Plan. There were a few goals outlined
25 and they include continue to work on an appeal,

1 prepare for your upcoming Board, you wanted to
2 further your education by participating in the Bard
3 College Program, improve your work experience for
4 release. However, I also note that you refused to
5 sign your Case Plan.

6 It looks like you also refused to sign
7 documentation stating that you had refused to
8 cooperate with the COMPAS process. So we don't have
9 a COMPAS to use to determine your suitability for
10 release, so we have to move forward without the
11 benefit of that.

12 We also reach out to the sentencing court, as
13 well as the district attorney's office, and your
14 attorney, to get their input about your possible
15 release on parole supervision. We did receive a
16 letter of opposition from the Queens County District
17 Attorney's Office, that we must consider.

18 COMM. SAMUELS: I am going to stop here
19 and see if Commissioner Davis has any questions.

20 BY COMMISSIONER DAVIS:

21 Q. I have listened very carefully, it has been a
22 very thorough interview, sir, thank you for your
23 active participation in this interview.

24 I have reviewed your parole packet, great job
25 on this packet. It gave me a lot of insight about

1 you and your developmental history as it relates to
2 what you have endured by growing up in Brooklyn -- I
3 mean in the Bronx.

4 A. Queens.

5 Q. You were born in the Bronx, sir.

6 A. I was born in the Bronx, and from the age of
7 three, raised in Queens.

8 Q. I read it and it's very compelling. It gave me
9 some insight into what you've endured throughout your
10 history, so thank you for that.

11 A. You're welcome.

12 COMM. DAVIS: Thank you.

13 COMM. SAMUELS: Thank you, Commissioner
14 Davis.

15 CONTINUED BY COMMISSIONER SAMUELS:

16 Q. Mr. [REDACTED], I have nothing further. Before we
17 end is there anything else that you wish to tell us,
18 that we have not discussed already?

19 A. Well, I just received legal mail this morning
20 and the volunteers from Cardozo Law School, that
21 prepared this parole packet, there is a letter from
22 them, they addressed the claims that I refused to
23 participate in the COMPAS and other things.

24 They said, well, you should write the counselor
25 and ask could you do the COMPAS self-efficacy. I

1 just got that letter today. They said the Parole
2 Board is going to look at it as either you're
3 complying or defiant.

4 As I said before, would you sign something that
5 they're using to make a determination, which there
6 are inaccuracies in the record? Would you sign it?

7 Q. We talked about that, Mr. [REDACTED].

8 A. Okay.

9 COMM. SAMUELS: So we are going to close
10 now. We are going to deliberate and you will receive
11 a decision from us within a few days. Okay?

12 THE INMATE: Thank you.

13 COMM. SAMUELS: Take care.

14 (Interview concluded.)

15

16

17

18

19

20

21

22

23

24

25

[REDACTED]

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

3 DECISION

4

5 [REDACTED] parole is denied. Hold 24 months.
6 Next appearance 5/2023.

7 A review of the record and interview lead the Panel
8 to conclude that your release would be incompatible with
9 the welfare of society.

10 The Panel considered the Instant Offenses of Murder
11 Second, Arson First, Criminal Possession of a Weapon
12 Third, Reckless Endangerment First, and Arson Fourth,
13 all of which are of serious concern to this Panel.

14 You are currently serving a sentence of twenty-five
15 to life. The record reflects that while arguing with
16 your aunt, who you were living with at the time, you
17 poured gasoline into a bottle, inserted a sock into the
18 bottle and lit it on fire. You then threw the bottle at
19 your aunt. As a result, your aunt was set on fire and
20 subsequently died from her injuries.

21 During your interview you explained that the
22 argument began over money. You expressed your remorse,
23 however, your Instant Offense, together with your prior
24 criminal history and poor history on community
25 supervision, represents a continuation of your criminal

1 conduct and demonstrates your poor judgment.

2 Your current term represents your first New York
3 State term of incarceration. Consideration has been
4 given to your mental health and parole packet, which was
5 prepared on your behalf by the Criminal Defense Clinic
6 at Cardozo Law School, and included, among other things,
7 your personal statement, letters of support, and a
8 Commendable Behavior Report from DOCCS staff, letters of
9 reasonable assurance and Certificates of Achievements.

10 We also considered your programming, which includes
11 completion of academics, vocational and Transitional
12 Services Phase 1. We note your current participation in
13 BPI, as well as your work assignment as a paralegal
14 assistant in the law library.

15 However, more compelling is your disciplinary
16 history, which is replete with Tier 2 and Tier 3
17 Misbehavior Reports for infractions such as violent
18 conduct, threats, direct order and fighting. Your poor
19 institutional conduct leads us to question your
20 rehabilitative progress, as well as your willingness to
21 be law abiding in the community and comply with the
22 Conditions of Parole. Further, your misconduct
23 continues to demonstrate your poor judgment.

24 Also concerning is your refusal to sign your Case
25 Plan or to participate in completing the self-efficacy

1 portion of the COMPAS assessment, which again
2 demonstrates your poor judgment and inability or
3 unwillingness to follow the rules.

4 We weighed and considered official opposition from
5 the Queens County District Attorney's Office. We also
6 reviewed and considered the Sentencing Minutes and
7 Presentence Investigation, which revealed that the
8 bottle of gasoline struck your aunt in the chest and a
9 fire erupted in the home, while other occupants were
10 present. The other occupants were able to escape,
11 however, your aunt was found lying in the driveway of
12 the home with burns on most of her body.

13 Your utterly reckless conduct led to the tragic
14 loss of life. Moreover, your conduct was violent and
15 demonstrated not only a total disregard for the law, but
16 also for the life of another and the safety of others.
17 A further aggravating factor is you continued your
18 criminal lifestyle, despite being on probation.

19 Your release would trivialize the senseless loss of
20 life and would deprecate the seriousness of the Instant
21 Offense so as to undermine respect for the law.
22 Therefore, with all statutory factors weighed and
23 considered, discretionary release is not appropriate at
24 this time.

25 (All Commissioners concur.)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATION

I, Lori Ciofalo, 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 32 pages, is a true and correct copy of same and the whole thereof.

Lori Ciofalo
Lori Ciofalo, Court Reporter
Dated: May 11, 2021