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### Parole Interview Transcript/Decision - FUSL000137 ( 2018-09-19)

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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

2 BOARD OF PAROLE

3 \*\*\*\*\*

4 Parole Board Interview

5 In the Matter

6 -of-



9 \*\*\*\*\*

10 TYPE OF INTERVIEW: Reappearance

11 LOCATION: Fishkill Correctional Facility

12 18 Strack Drive

13 Beacon, New York 12508

14 INTERVIEW DATE: September 19, 2018

15 DECISION DATE: September 19, 2018

16 BEFORE: Commissioner Marc Coppola

17 Commissioner Erik Berliner

18 Commissioner Tyece Drake

19 ALSO PRESENT: Mark Heady, SORC

20 Jacqueline Arroyo, PA

21 COURT REPORTER: Anthony D'Ambrosio

22 Certified Shorthand Reporter

23

24

25

1 BY COMMISSIONER E. BERLINER:

2 Q. Have a seat.

3 A. Good morning, sir.

4 Q. Good morning. Are you [REDACTED]?

5 A. Yes, sir, I am.

6 Q. All right. Mr [REDACTED] Commissioner Berliner,  
7 this is Commissioner Coppola, this is Commissioner Drake.

8 COMMISSIONER M. COPPOLA: Hello, sir.

9 COMMISSIONER T. DRAKE: Hello.

10 INMATE: Hello.

11 Q. We are here for a reappearance interview, right?

12 A. Yes, sir.

13 Q. This would be your third time before the board  
14 between your initial and your LCTI and now this  
15 reappearance, right?

16 A. Yes.

17 Q. Okay. It's a new panel, it's a new opportunity for  
18 you. We're not bound by any of the prior decisions, but  
19 of course we are going to cover the same ground during  
20 our conversation, okay?

21 A. Absolutely.

22 Q. All right. I do have your packet, I appreciate that  
23 you put that together. We are going to talk about the  
24 crime and your background, talk about how you have done  
25 over the years you've been incarcerated, and finish up

1 with your plans for release, and we'll go through your  
2 packet together, all right?

3 A. Yes, sir.

4 Q. You are convicted of murder in the second degree and  
5 you're serving a 20 to life sentence by plea in  
6 Westchester County, right?

7 A. Yes, sir.

8 Q. January of 1997, you and your co-defendant [REDACTED]  
9 is it [REDACTED], is that how you say it?

10 A. [REDACTED], yes.

11 Q. Drove to the home of the victim [REDACTED]  
12 the intent to burglarize it. During the burglary, the  
13 victim who was home with her 17 month old baby was  
14 mortally wounded by both a knife and a gun, right?

15 A. Yes, sir.

16 Q. At least in terms of the records at the time of the  
17 sentencing, there's some dispute about whether you were  
18 in the home or not in the home.

19 A. There is, sir.

20 Q. We'll get into that in a moment. So, as I understand  
21 the circumstances, and then I would like you to fill in  
22 for me in your own words, if you would, Mr. [REDACTED] had  
23 worked -- the family owned a stable, is that right?

24 A. Yes.

25 Q. And Mr. [REDACTED] had worked there or been around that

1 stable for almost a decade, right?

2 A. He worked for them, yes.

3 Q. Did you work for them, were you familiar with the  
4 property and the family?

5 A. I was familiar with the property. I would go when I  
6 was a child early in my youth and ride horses there. So,  
7 I had been there and I went on trails.

8 Q. But Mr. [REDACTED] had worked there, right, he knew the  
9 family well. Did you know the family?

10 A. No, sir. I knew Mr [REDACTED] because I used to go  
11 to actually get the services of riding horses, so I knew  
12 him that way.

13 Q. Okay. How old were you at the time?

14 A. I had just turned 21.

15 Q. Okay. And how old was Mr [REDACTED]

16 A. He was older than me by months. He may have been 22  
17 at the time.

18 Q. So, you're young guys but not kids, right?

19 A. Yes.

20 Q. Okay. So -- and, again, correct me if I get this  
21 wrong, but what we all agree for sure happened, the two  
22 of you went there to burglarize the place?

23 A. Burglary and robbery, absolutely.

24 Q. Why were you doing that?

25 A. For monetary gain, for money.

1 Q. Why did you need the money?

2 A. Because I was in the street and I wanted to buy a  
3 car.

4 Q. Okay. And so you said, oh, hey, that stable, or  
5 [REDACTED] said, oh, I know?

6 A. So, [REDACTED] actually set it all up. I was a part of  
7 the entire plan and robbery from the very beginning.  
8 This actually commenced a week before, the plan. About  
9 ten days prior to January 6th, we actually went and  
10 attempted to do the robbery. At the time, someone was  
11 outside, so we aborted. And at that time, it was myself,  
12 [REDACTED], and [REDACTED]. On the morning of  
13 January 6th, I received a beep and I called and [REDACTED]  
14 asked me to meet him in the block and we met and he said  
15 that we were going to go back, and I agreed to go with  
16 him.

17 Q. Okay. Let me stop you here for a second. Why the  
18 stable?

19 A. It was his place, he was familiar [REDACTED] he  
20 said that there was money in the safe with jewelry.

21 Q. Okay. So, you guys agree you were going to go steal  
22 some stuff because you needed money?

23 A. Yes.

24 Q. [REDACTED] says, I know a place where there's money,  
25 let's go to the stable, they keep money and jewelry in

1 the safe?

2 A. In the home, it was their home.

3 Q. That's right.

4 A. It was their home, sir.

5 Q. Right. Okay. I'm sorry. Go ahead.

6 A. So, on the day -- on the day prior, the initial  
7 attempt, we were outfitted with disguises. On the day in  
8 question, we didn't have any disguises. And in my  
9 initial, in my first parole board, I failed to be  
10 accountable for my full participation in the crime, and  
11 it's unfair not only to myself, but more importantly to  
12 Mr. [REDACTED] and to the memory of Mrs. [REDACTED] who didn't  
13 deserve to die that day. This was senseless.

14 Q. And in what way did you fail to be accountable?

15 A. I failed to openly say that I knew that morning, when  
16 I got into the car, that Mrs. [REDACTED] was going to die. I  
17 didn't want to believe it, of course, but the reality is  
18 that we didn't have any masks, we were going to the home,  
19 she know [REDACTED] so, of course, she had to die, like,  
20 that was the plan. And at my initial parole board, I  
21 failed to be accountable for that. I constantly said,  
22 no, I didn't know, I didn't know, I didn't know, but the  
23 truth is, I did know, sir.

24 Q. So, did you discuss it, or it was just sort of  
25 understood between you, that this is how it had to end?

1 A. It was understood. It was understood.

2 Q. Okay.

3 A. It wasn't a conversation, but it was understood. And  
4 that morning we went, and he was driving at the time, we  
5 stopped at a Home Depot, picked up a linoleum knife, went  
6 into the car, got back into the car, went to the home,  
7 stopped a block away, got out of the car. Before -- I'm  
8 sorry, I'm going to backtrack for a second. Before we  
9 got into the car on my block, I actually went to the  
10 basement and grabbed the gun, and I got into the  
11 passenger side and I gave him the gun. So, I provided  
12 the gun also, so...

13 Q. I'm sorry, let me stop you here and ask you a  
14 question.

15 A. Sorry.

16 Q. It was understood between you [REDACTED]  
17 Mrs. [REDACTED] had to die because she knew [REDACTED]. Why did  
18 you stay in the car [REDACTED] in, why didn't you go  
19 in [REDACTED] in the car, she didn't know you?

20 A. I did go. I was a lookout. I did go, sir. [REDACTED]  
21 didn't go alone. I went with him. I had this false  
22 sense of protecting like my family, trying to be less  
23 culpable almost, less responsible, by not admitting that  
24 part, and it's horrible that I didn't. Like I'm  
25 accountable, I have to be accountable for my actions, and



1 the reality is, I did go.

2 Q. Okay.

3 A. I stood at the door.

4 Q. The door to the room, the door to the house?

5 A. The door to the house, sir.

6 Q. Okay. So, you robbed the place?

7 A. We didn't even rob anything. There was nothing to  
8 rob. Like everything happened so fast. We got in, I  
9 stood at the door, I heard yelling, thumping, gunshot, we  
10 left.

11 Q. You were not in the room -- are you all right? Take  
12 a minute.

13 A. She didn't deserve that.

14 Q. No, I agree there.

15 A. No one deserved that. Mr. [REDACTED] didn't deserve  
16 that.

17 Q. For sure. You were not in the room when [REDACTED]  
18 killed Mrs [REDACTED]

19 A. No, but...

20 Q. You were in the house, I understand.

21 A. I was in the house and I stood at the door. I was  
22 paralyzed almost.

23 Q. So, he comes out of the room, it's done, she's dead.  
24 What do you guys do then?

25 A. We just leave. He was like, let's go.

1 Q. You didn't take anything?

2 A. There was nothing to take. I don't know where the  
3 safe was. I mean, that was the plan, get her to open the  
4 safe, but no safe ever opened. We left empty handed.  
5 This is so senseless.

6 Q. Why did he kill her before she opened the safe? He  
7 didn't talk about it on the way back?

8 A. I didn't want to talk about anything, sir. We got  
9 into the car, we left, we went to a friend's house,  
10 stayed there for a little while, acted as if it didn't  
11 happen, and we drove to the block, and he kept going.

12 Q. All right. You pled guilty to this, he took it to  
13 trial, right?

14 A. Yes.

15 Q. You got a lesser sentence, 20 to life, in part, I  
16 guess in large part because it was reasonably undisputed  
17 that he did the killing, and also that you spared the  
18 family the second trial, right?

19 A. Yes.

20 Q. Okay. All right. You were on probation at the time,  
21 right?

22 A. Yes, I was.

23 Q. You have one prior conviction?

24 A. Drugs.

25 Q. It's for attempted criminal sale of a narcotic back

1 in '95, right, you got five years probation?

2 A. Yes, sir.

3 Q. That's the rest of your criminal history, right?

4 A. Yes, sir.

5 Q. Okay. Where did you get the gun, you picked it up,  
6 where did it come from?

7 A. [REDACTED], some guy named  
8 [REDACTED].

9 Q. But I'm saying why, why did you have a gun, why did  
10 you have access to a gun?

11 A. It was a sense of survival that came with having a  
12 gun, you know, in many respects, and I thought I needed  
13 it for protection considering the lifestyle I was living  
14 at the time.

15 Q. Okay. Let's talk about how you have done since  
16 you've been incarcerated. How long have you been in?

17 A. Nearly 22 years.

18 Q. Okay. In all that time, one Tier III back in '02,  
19 three Tier II's. The last one in 2011, right?

20 A. Yes, sir.

21 Q. Okay. So, you have been able to follow the rules  
22 here, certainly over the last eight years, and I would  
23 say reasonably well over the course of your 22 years,  
24 right?

25 A. Yes, sir.

1 Q. Okay. Programmatically you've done very very well,  
2 right?

3 A. Yes.

4 Q. You have satisfied that which was asked of you by the  
5 department, ASAT, ART, Transitional Services Phase I,  
6 right?

7 A. Yes, sir.

8 Q. You got a vocation. What vocation did you get?

9 A. Computer repair at the time.

10 Q. Okay. And then you are also doing college, right?

11 A. Yes, sir.

12 Q. You got a degree?

13 A. I do. I have an associate's and my bachelor's.

14 Q. In what?

15 A. I have an associate's in liberal arts and a  
16 bachelor's degree in organizational management from Nyack  
17 College.

18 Q. From Nyack College. It's a good school.

19 A. Yes, sir.

20 Q. Do you get good grades?

21 A. I do fairly well. In the beginning it was tough and  
22 I adjusted and I did better as time went on. I continue  
23 my education today.

24 Q. I see that. You're still in -- is it your master's  
25 degree program?

1 A. Actually, no, it's a public health specialization  
2 that I'm interested in.

3 Q. Okay. And you also work as a hospice aide?

4 A. I am, sir.

5 Q. And you're a clerk in the school, right?

6 A. I'm a clerk in the school, I'm a hospice aide, and I  
7 work in the church [REDACTED].

8 Q. So, you have done well since you've been here, right?

9 A. Fairly well, yes.

10 Q. I have your case plan where you list your goals.  
11 Continue working at the hospice program. There were some  
12 older goals about LCTA and your degrees, which you  
13 already accomplished. Attend AA meetings, right?

14 A. Yes.

15 Q. Do you have a drug problem or drinking problem?

16 A. I know that it was required of me to go to substance  
17 abuse treatment by the department, and I remember being  
18 in those groups and having the opportunity to speak and I  
19 expressed myself in a way that normally doesn't happen,  
20 because I'm around people who are open and honest about  
21 their shortcomings, and I decided that I needed some of  
22 that before, like as I got to the ending of my two years,  
23 I felt it was important for me to revisit that on my own.  
24 I think it's helpful in understanding people, places, and  
25 things, which is something that I refuse to forget.

1 Q. Okay. I have your risk assessment here. You score  
2 low risk in every category. I assume you agree you don't  
3 pose a risk to the community?

4 A. I do not pose a risk to the community, sir.

5 Q. Okay. Let's talk about your plan. You're going to  
6 live with your wife in the Bronx?

7 A. Yes, sir.

8 Q. Okay. You put this together?

9 A. I did, sir.

10 Q. All right. You did a nice job.

11 A. Thank you.

12 Q. I've read through it and shared it with my  
13 colleagues. You're a very good writer. I read your  
14 personal statement.

15 A. Thank you, sir.

16 Q. And your statement of responsibility. Appreciated a  
17 section entitled, "Insight into past criminal behavior."  
18 It was descriptive and I learned a lot about you. You  
19 have written a letter of apology, right?

20 A. Yes, sir.

21 Q. Why did you do that?

22 A. I did that because I felt like -- first, I felt it  
23 was the right thing to do. Second, I felt that I have a  
24 responsibility to not only understand my behavior myself,  
25 but I have a responsibility to Mr [REDACTED] and I needed

1 him to at least hear that I am completely sorry for what  
2 I had done. And it's almost like the beginning of the  
3 rest of my life, being able to write it on paper and send  
4 it and feel that there is a possibility that he may  
5 receive this and read it, though it's not guaranteed,  
6 which I understand, but the possibility is there, and  
7 it's a starting point almost.

8 Q. Okay. Let's talk about your family. I have a letter  
9 here from your wife, right?

10 A. Yes, sir.

11 Q. From your mother, Ms. [REDACTED].

12 A. Yes, sir.

13 Q. Your brother [REDACTED].

14 A. Yes, sir.

15 Q. I have some letters here from friends as well. I'm  
16 not going to go through each of them with you, you put  
17 them in here and I have read them. There is some letters  
18 from staff here from the department, [REDACTED] in  
19 particular, who wrote on your behalf. And a couple of  
20 the officers, Officer [REDACTED], Officer [REDACTED]. So,  
21 some of the staff here thinks highly of you, right?

22 A. Yes.

23 Q. You have a job offer with [REDACTED]

24 [REDACTED] in the Bronx.

25 A. I do, sir.

1 Q. What are you going to be doing there, you're a shop  
2 laborer?

3 A. Yes, it's a shop laborer position, and it was only  
4 available through my brother. My brother -- my brother  
5 is employed by Mr [REDACTED] and he spoke on my behalf and  
6 it means a lot to know that someone actually is willing  
7 to offer me the opportunity.

8 Q. You also have letters of reasonable assurance from  
9 the [REDACTED], from [REDACTED], the [REDACTED]  
10 [REDACTED] [REDACTED] and [REDACTED]  
11 [REDACTED], right?

12 A. Yes, sir.

13 Q. So, what are you going to use those services for?

14 A. Well [REDACTED] offers a CDL class, which I'm  
15 interested in, once provided permission to drive. I  
16 think that would be something good to have to fall back  
17 on or to even find employment in that area, if I had to.

18 Q. Okay.

19 A. [REDACTED] and [REDACTED]  
20 there for post substance abuse treatment in the event  
21 it's mandated of me, and I know they also offer  
22 assistance for re-entry, they offer re-entry assistance,  
23 along with Mr. [REDACTED] at Bard and Mr. [REDACTED] at  
24 Hudson Link, they all offer re-entry opportunities for  
25 us, and I understand that it's going to be difficult



1 re-entering into society, and along with my wife and my  
2 family and friends who are all taken on helping me, and  
3 that's very important.

4 Q. You have some certificates, your achievements, and  
5 then you end the packet with some photos, right, you and  
6 your grandmother. This is your grandfather, right, your  
7 family?

8 A. Yes, sir.

9 Q. You [REDACTED] married in '98?

10 A. We did.

11 Q. Okay. I guess they held a birthday party for you, is  
12 that right?

13 A. Yes, sir.

14 Q. So, it's a nice packet. You got a lot, you know, you  
15 got a lot to look forward to out there, right?

16 A. Yes, yes, I do. It's in the expense, of course, of  
17 Mrs. [REDACTED] and the family and so many other  
18 people who are affected by my crime.

19 Q. Did you know she had a baby?

20 A. No -- I knew she had a child, yes.

21 Q. When you guys left the house, where was the baby?

22 A. I don't know.

23 Q. What time did this all happen?

24 A. Early afternoon maybe.

25 Q. In every case we ask the Judge, the district

1 attorney, and defense attorney if there is anything they  
2 want us to consider, we do have a response from the  
3 district attorney in your case, so we'll consider that.  
4 I want to talk about sentencing, but first let me ask  
5 Commissioner Coppola if he has any questions?

6

7 BY COMMISSIONER M. COPPOLA:

8 Q. Sir, when -- this packet, when was this packet  
9 prepared, it says 2018, but it doesn't say what day you  
10 prepared this?

11 A. Well, it happened -- when I completed it, sir, is  
12 that what you're asking me?

13 Q. Yes.

14 A. I handed it in Friday last week, or Thursday.

15 Q. Did you think about any changes that you might have  
16 wanted to make?

17 A. The addendum was my personal statement, and I left  
18 other things there from my past, and I changed my release  
19 plan, I added to my release plan.

20 Q. What was changed in your personal statement?

21 A. My accepting that I knew that day that Mrs. [REDACTED]  
22 was going to die.

23 Q. What I'm a little troubled by is, insight into past  
24 and criminal behavior, narrative of the crime.

25 A. It conflicts.

1 Q. Why didn't you take that out if you made an addendum  
2 and you handed this in on Friday? In here you say you  
3 were still in the car.

4 A. I know.

5 Q. And you just told us you were in the home, you knew  
6 it was going to happen the whole time, you were in the  
7 home. In here you completely glossed over it, you forgot  
8 about the crime completely, you skipped an entire  
9 description, and then you just went to, he got back in  
10 the car?

11 A. I realize that.

12 Q. So, why wouldn't you take that out if you were going  
13 to come in here today?

14 A. It was there from my original and -- this has been a  
15 process for me.

16 Q. Okay. Well, that's why I'm reading it confused, and  
17 I thought, maybe he put this together a year ago and just  
18 put it all together, but if you made an addendum and put  
19 this together on Friday, I would have went through this  
20 with a fine tooth comb and made sure I didn't misspell a  
21 word, make a mistake, misrepresent something, but you  
22 left the impression here that I was still in the car,  
23 that you didn't even know what happened until he uttered  
24 the words, she made me do it.

25 A. Yes, sir.

1 Q. So, that is conflicting with regard to that. Other  
2 than that, I mean, you did a good job putting it  
3 together. Who helped you with this packet?

4 A. No one, sir.

5 Q. The parole preparation project or no one helped you  
6 with it?

7 A. No.

8 Q. Only because I see the same format that they use in  
9 some of the --

10 A. Right. We do that in our -- in the chapel.

11 Q. Okay.

12 A. We sell the bindings and I work there.

13 Q. Okay. No attorneys helped you with this or anything?

14 A. No, sir.

15 Q. Okay. You did a good job. You're a smart guy, no  
16 doubt about it, your educational achievements. So, I'm  
17 not assuming that you didn't, that's why I'm curious who  
18 helped you, because I was also curious that in all of  
19 this -- is this the first time sitting in that chair that  
20 you admitted that you were in the home when this  
21 happened?

22 A. It is, sir.

23 Q. So, through 23 years -- how long have you been in?

24 A. Nearly 22 years.

25 Q. Almost 22 years.

1 A. My first time saying it out loud.

2 Q. Yeah. So, in all of your programs and everything you  
3 have done, you really never, when you say I take  
4 responsibility for my actions and I take full  
5 responsibility for my part, you never really have until  
6 just this moment.

7 A. This is the first time I have said it out loud.

8 Q. But that's what I'm saying though.

9 A. Yes, yes, sir.

10 Q. But throughout your sentence, it's never come out of  
11 your mouth to anybody, other than what the story that you  
12 have always maintained, that you went there -- and let's  
13 be honest, anybody can assume, without a mask, you go to  
14 someone's house that you know, someone is getting killed  
15 when you go in there with a weapon, that's got to be a  
16 given, but in any statement you ever made throughout your  
17 incarceration, it's always been, you knew the truth, but  
18 it's always been that you were culpable but never in the  
19 home?

20 A. Yes.

21 Q. Okay.

22 A. If I may?

23 Q. Sure.

24 A. I created a narrative, and the narrative is the one  
25 that you have read. That narrative became my truth. I

1 falsely thought that I was trying to reserve some of the  
2 image of being the monster that I was. I was  
3 compartmentalizing that narrative and I failed to  
4 actually accept full responsibility, and in a sense, I  
5 thought I was doing it for my mother and my grandparents,  
6 who I admire greatly, by telling them I wasn't in the  
7 home. It was almost as if I was saving them from having  
8 to accept and to live with, their grandson who is a  
9 monster -- who was a monster at the time.

10 Q. Do you still speak to them, are they still alive?

11 A. They both passed.

12 Q. Your grandparents?

13 A. Yes.

14 Q. What about your mother?

15 A. My mother is still alive.

16 Q. Does she know?

17 A. My wife knows.

18 Q. Does your mother know?

19 A. Not yet.

20 Q. She's going to know.

21 A. Yes, sir.

22 Q. Don't you think she should hear it from you first?

23 A. She's going to hear it from me. She's going to hear  
24 it from me.

25 Q. How does the phone system here work, are you able to

1 go out and make a phone call after the interview?

2 A. I am, and I'm going to tell her.

3 Q. One thing that would be terrible is if she hears this  
4 from someone other than you, it's almost going to be  
5 worse than the lie that you perpetrated for all of these  
6 years. And I give you credit for coming forward with it,  
7 but at the end of the day, maybe you better tell your  
8 mother before she hears it from someone else.

9 A. I will. I had a long conversation with my wife about  
10 it and I told her I was coming in here today and I was  
11 going to do this.

12 Q. Okay.

13 A. She knows. She helped me through it.

14 COMMISSIONER M. COPPOLA: Okay. Thank  
15 you.

16 COMMISSIONER E. BERLINER:

17 Commissioner Drake?

18

19 BY COMMISSIONER T. DRAKE:

20 Q. And you're participating in the religious programs  
21 that are here?

22 A. Yes, ma'am.

23 Q. How long have you been participating in those  
24 programs?

25 A. I've been participating in religious programs for

1 easily 15 years, but since I got here I was active in  
2 counseling people and helping prepare organizations,  
3 facilitating for bible studies and putting things  
4 together for hospice, yes, yes.

5 Q. So [REDACTED] you mentioned him before.

6 A. Yes.

7 Q. Does [REDACTED] know?

8 A. I didn't even tell him.

9 COMMISSIONER T. DRAKE: No more  
10 questions.

11

12 BY COMMISSIONER E. BERLINER:

13 Q. All right. I want to talk about sentencing for a  
14 minute. You were sentenced by Judge [REDACTED],  
15 [REDACTED], right?

16 A. Yes, sir, Judge [REDACTED].

17 Q. So, some of what I originally wanted to talk to you  
18 about were the inconsistencies and I think we covered  
19 those at length in this conversation. So, I just really  
20 have one other thing that I want to ask you about  
21 sentencing. You tried to withdraw your plea at the last  
22 second.

23 A. I did.

24 Q. Why?

25 A. The time, the time scared me tremendously. The fact



1 that I actually admitted to -- I mean, I was going -- I  
2 took 20 years to life, and I was selfish and I was  
3 thinking of myself, and I tried in the last minutes to  
4 take back my time in the hopes of some false notion that  
5 things were going to change in some way.

6 Q. Okay. My last question for you, in that case is, and  
7 we have covered some of this, but as you have said  
8 several times, this woman senselessly lost her life.

9 A. Yes, sir.

10 Q. A young mother.

11 A. Yes, sir.

12 Q. What do you think about that now?

13 A. Well, I think that she didn't deserve this, and I  
14 think that I owe a great deal of debt for the rest of my  
15 life. I understand that there is nothing that I can do  
16 to change what I did, so if I'm able to actually live in  
17 the presence of the act itself and the suffering and  
18 allow that to pull me forward. I, for a very long time,  
19 continued to deal with the things that I couldn't change.  
20 I lived with that, wishing that I could do something to  
21 change the outcome. And I finally realized that is not  
22 possible, there is no way I can change what happened.  
23 What I can do is change my behavior and change who I am  
24 and change myself moving forward, which is when I decided  
25 I was going to go to school and be a better person and I

1 was going to try to live outside of this framework of  
2 negativity that I lived in. I decided that I was going  
3 to take programs and identify those turning points, this  
4 language I learned in the long termers' responsibility  
5 project. I didn't know this language prior to the long  
6 termers' responsibility project, and at that program, I  
7 was able to look at my turning points to figure out how I  
8 became the person who committed this crime, how I became  
9 the person who could sit in a vehicle with a man and go  
10 knowing that an innocent woman was going to lose her  
11 life. And without minimizing -- without -- this is in no  
12 way an excuse, in no way do I use this as an excuse, but  
13 I was able to identify something that happened to me as a  
14 child at 11 years old, and I knew that I felt inadequate  
15 because of a rape that I experienced. And I have very  
16 low self-esteem and I live my life measuring myself  
17 against people and feeling like I had to constantly prove  
18 myself to my peers, to myself, to everyone around me. I  
19 understand that I have a responsibility to give back to  
20 people who have experienced the same things that I have,  
21 and I was able to discuss those things in YAP. My spiel  
22 in YAP, which was the Youth Assistance Program, has  
23 always been my experience with the rape, and I was able  
24 to touch, in particular, a girl named [REDACTED], she calls  
25 herself [REDACTED]. She actually admitted to me in a small

1 group that she was going through something, and I  
2 received word from a counselor maybe two years later,  
3 thanking -- not two years, some time later, thanking me  
4 for that. That was before I even identified that that  
5 was a problem. And I've advocated through the PREA  
6 program, which I was a part of, I'm in the video, and  
7 here I am again speaking about rape out loud, and I  
8 understand that that doesn't define me, that doesn't make  
9 me who I am, that doesn't make me less of anything. So,  
10 it was imperative that I was able to own that and to  
11 control it and to be the person that I am. That's as  
12 much as I could ever do for Mrs. [REDACTED] in this point in  
13 my life. There's nothing else I can do for Mrs [REDACTED]  
14 but identify who I am and know that I will never commit a  
15 crime. I despise crime these days. I look at the  
16 television and I look at the -- I look at [REDACTED]'s  
17 horrible death and I say, I was a part of that, and it  
18 leaves me disgusted, it leaves me feeling shame and anger  
19 and regret. I understand that I have a responsibility  
20 and I am a credible messenger and I know that I can touch  
21 people, and I've been given back, I've been serving and I  
22 will continue to serve for the rest of my days.

23 Q. All right. Thank you for coming in. I appreciate  
24 the fact that you were honest with us. There is a lot to  
25 go through here. This is a tough decision. There is a

1 lot to think about. It's going to take us a few days,  
2 okay, and we'll get back to you as soon as we can.

3 A. Thank you.

4 Q. Okay. Good luck to you.

5 A. Thank you, Mr. Coppola. Thank you, Ms. Drake. I'm  
6 sorry.

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

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1  
2 DECISION

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4 Denied 24 months. Next appearance September 2020. The  
5 Board of Parole commends your personal growth,  
6 programmatic achievements, and productive use of time.  
7 However, a review of your records, a personal interview,  
8 and deliberation lead the panel to conclude that release  
9 at this time is incompatible with the welfare of society.  
10 Accordingly, parole is denied. Your instant offense of  
11 murder two represents your first New York State  
12 incarceration and the tragic escalation of a criminal  
13 history that included a prior felony conviction. You  
14 were on probation for that crime at the time of the  
15 instant offense. Your institutional adjustment has been  
16 good. Your case plan goals are positive, you have  
17 satisfied the programs required of you by DOCCS, and  
18 several volunteer programs as well. You have also  
19 excelled academically. Your disciplinary record has been  
20 clean since 2011. However, discretionary release on  
21 parole shall not be granted merely as a reward for good  
22 conduct or efficient performance of duties while  
23 incarcerated. The COMPAS risk assessment indicates low  
24 risk in every category. The panel departs from the  
25 COMPAS for several reasons. The panel notes to your

1 credit that you finally acknowledge the more significant  
2 role you played in this offense, however, you have lied  
3 about this involvement for more than 20 years. Second,  
4 there is official opposition to your release. Finally,  
5 the tragic, senseless, and premeditated nature of the  
6 crime in which a woman was needlessly murdered while her  
7 17 month old child was in the home. As such, with all  
8 factors, including your well developed parole packet and  
9 plans for release considered, the panel concludes that  
10 your release at this time would so deprecate the  
11 seriousness of the crime as to undermine respect for the  
12 law.

13 (All Commissioners concur.)

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

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

*Anthony Dambrosio*

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Anthony D'Ambrosio, CSR