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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview

In the Matter

-of-



TYPE OF INTERVIEW: Reappearance

LOCATION: Woodbourne Correctional Facility
(Video-conferenced to 20 Manchester Road,
Poughkeepsie, New York 12603)

DATE: November 2, 2021
DECISION DATE: November 2, 2021

BEFORE: COMMISSIONER BERLINER
COMMISSIONER LEE
COMMISSIONER SAMUELS

AT FACILITY: C. SMITH, SORC
A. MORALES, ORC

VERBATIM REPORTER: Erin Chickery, Hearing Reporter

1 COMM. SAMUELS: Good afternoon.

2 THE INMATE: Good afternoon, Commissioners.

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

4 THE INMATE: My name is [REDACTED] and
5 my number is [REDACTED]

6 COMM. SAMUELS: Thank you, Mr. [REDACTED] I am
7 Commissioner Samuels, I'm joined here this afternoon by
8 Commissioner Berliner in the center --

9 COMM. BERLINER: Hello sir.

10 COMM. SAMUELS: -- as well as Commissioner Lee
11 at the other end of the table.

12 COMM. LEE: Hi. How are you, sir?

13 THE INMATE: Good, ma'am. Thank you.

14 COMM. SAMUELS: Together we make up your panel
15 for this reappearance interview. Are you ready to proceed,
16 Mr. [REDACTED]

17 THE INMATE: Yes, Commissioner Samuels.

18 INTERVIEW BY COMMISSIONER SAMUELS:

19 Q. I know that you've been seen a number of times by the
20 Board now, it looks like you were last seen in December of 2019,
21 I was actually on that panel but I was not the lead. At that
22 time parole was denied and you were held for 24 months, right?

23 A. That is correct.

24 Q. Do you recall any particular reason why parole was
25 denied?

1 A. Because they said I wasn't ready for society at that
2 moment.

3 Q. We're certainly going to get into the instant offenses
4 again, we're going to look at your institutional adjustment, as
5 well as your plans in the community if you are to be paroled,
6 okay?

7 A. Yes, ma'am.

8 Q. I see here that you're currently serving a term of 16
9 years, three months to 40 years. You were convicted by plea of
10 two counts of Rape in the First Degree out of Queens County, you
11 also were convicted by verdict out of Queens County of the
12 following offenses; Rape First, Assault Second, Sexual Abuse
13 First and Unlawful Imprisonment First; is that correct?

14 A. Remorsefully, that is correct.

15 Q. Now, because some of your convictions were by verdict I
16 must ask you, do you have any appeals pending?

17 A. No, ma'am, I do not.

18 Q. As you're well aware we do have a court reporter
19 present and she will be keeping a verbatim transcript of today's
20 interview. How long have you been incarcerated now?

21 A. Twenty-four years.

22 Q. And how old are you, sir?

23 A. Forty-nine.

24 Q. Thank you. With respect to the details of the instant
25 offenses they are as follows; on August 12th, 1994 you approached

1 your 22 year old female victim and you offered her a ride. You
2 then punched her, pulled off her pants and underwear, choked her
3 and forcibly raped her.

4 On December 8th, 1996 you climbed on top of your victim in
5 the passenger seat, you pulled the seat and struck the victim
6 about the face and body causing bruising and you choked the
7 victim around the neck and forcibly put your penis inside of the
8 victim. The victim sustained bruises.

9 On May 11th, 1997 you drove the victim who was 17 years
10 old at the time to a location after promising to drive her home
11 from a night club. You then pulled over onto the side of a
12 deserted street, climbed on top of her in the passenger seat,
13 began kissing her, and you put your hands on her breasts. When
14 the victim grabbed the door of the car you put your hands around
15 the victim's neck, choked and threatened her, then you proceeded
16 to force the victim into the back seat where you had sexual
17 intercourse with her. The victim sustained bruises on her neck.
18 Do you understand the description of the three indictments, sir?

19 A. Yes, Commissioner Samuels, I do.

20 Q. I believe when you committed some of these offenses you
21 were actually on probation, right?

22 A. That is correct.

23 Q. What was the reason why you were on probation?

24 A. I had a fight with my friend so when I went to court
25 they gave me probation for the fight.

1 Q. And probation was for how long?

2 A. One year.

3 Q. Then during that year you began committing these
4 offenses. Talk to us overall about this, Mr. [REDACTED] because
5 this is all very concerning crime. These acts of violence that
6 you committed against these women. Did you know any of your
7 victims?

8 A. Yes, I did, I met one of them in the club the week
9 before and I met her again and that was outside the club.

10 Q. Which one did you meet the week before?

11 A. Ms. [REDACTED]

12 Q. You met her at a night club?

13 A. Yes, ma'am.

14 Q. And were you both inside the club, did you meet her
15 outside, what were the circumstances?

16 A. No, I met her in the club and then we went and had a
17 drink and we danced a little bit and then I offered her and her
18 friend a ride home, and my friend. She accepted my offer and we
19 dropped off her friend and my friend and then I committed the act
20 when she refused my behavior.

21 Q. How old was Ms. [REDACTED]

22 A. She was 21 years old I believe.

23 Q. Was your intention all along to rape her?

24 A. Not with her, not at all.

25 Q. When you saw that she wasn't interested in having

1 intercourse with you, why did you force yourself on her?

2 A. That was my stupid thinking. I was young and stupid
3 and I thought I could do whatever I wanted at that time, I didn't
4 care about nobody.

5 Q. How old were you at the time?

6 A. I was 23 years old.

7 Q. The offense involving Ms. [REDACTED] occurred when?

8 A. That happened in December of 1996.

9 Q. So you're saying that you were young and stupid, you
10 thought you could do whatever you wanted?

11 A. That's not an excuse to justify what I did, there's no
12 justification for what I did. I did it for my own self
13 gratification, I didn't care about people, I didn't care about my
14 life, I was just living, running around like a knucklehead.

15 Q. It isn't an excuse because you were still at that point
16 an adult and the concern is that you committed multiple separate
17 acts of rape against these women. One time, okay, but there are
18 three separate incidents here.

19 A. I have no excuse or justification for that. At that
20 time I run around and just did what I wanted to do and I wasn't
21 thinking about my future, I didn't reflect on what I was doing, I
22 was just running around for my own gratification. I have no
23 excuse.

24 Q. Were you married at the time?

25 A. No, I was not married, I was just hanging out with

1 friends, drinking, going to class, partying.

2 Q. What's your view of women or what was your view of
3 women at the time?

4 A. At that time I didn't care about women, man, myself, I
5 didn't understand life.

6 Q. Specifically women, because the way you went about
7 raping these women was extremely violent.

8 A. Absolutely, I think about that every day. What I did
9 is a horrible act. I didn't care about nobody at that time, now
10 I don't think like that no more.

11 Q. What's your way of thinking now?

12 A. I have grown, I have learned growth from this, I don't
13 know how to put into words how I feel. I have a lot of women in
14 my family, I got nieces, nephews, there's more women in my family
15 and I think if somebody did that to them, to my sister or my
16 niece and them, it would really -- I got tremendous shame and
17 guilt in myself.

18 Q. What country are you originally from?

19 A. Afghanistan. I was raised in the country where you
20 don't see women as man so you can treat them like whatever you
21 want. I'd see my friends treat a woman bad so I thought it was a
22 normal thing. I had no intention of doing that but I did it and
23 it really hurts me every day. I pray for their healing every day
24 what I did to them.

25 Q. How old were you, sir, when you came to this country?

1 A. I was 10 years old. They had the Russian war in
2 Afghanistan and they took us out of there in the '80s.

3 Q. Were you parents married?

4 A. Of course they were married, I got brothers and
5 sisters. My father passed away when I was nine months old, I was
6 the youngest, and then my mother took care of everybody and we
7 were fortunate enough to come to this country for a better life
8 and I took life for granted. My whole family is successful
9 except me.

10 Q. I was reading through the Sentencing Minutes, one of
11 your minutes is from July 27th, 2005, you were sentenced before
12 the Honorable Michael [REDACTED], out of Queens County
13 Supreme, and one of your victims addressed the court, do you
14 remember that?

15 A. Yes, ma'am.

16 Q. Do you remember the name of that victim?

17 A. [REDACTED] (phonetic).

18 Q. How did you come to meet Ms. [REDACTED]

19 A. I went to a club and when I came out of the club I was
20 outside in the corner of the club waiting for my friend and she
21 came out of the club and I approached her and started talking to
22 her.

23 Q. Did that become your M.O., you would go to night clubs
24 and then you would end up befriending your victims and then get
25 them to get into the car?

1 A. It wasn't like I was planning it or anything, it just
2 ended up happening like that.

3 Q. With all three of these offenses you met the women at a
4 club, right?

5 A. That's right. We used to go to clubs and meet girls,
6 party, it was like a normal thing.

7 Q. But it wasn't normal to rape them.

8 A. Absolutely not, that is immoral what I did.

9 Q. Ms. [REDACTED] addressed the Court and she talked about
10 the fact that she could not express the horror that she had
11 experienced that night and how she had feared for her life. The
12 grief and embarrassment that followed with her feelings of
13 damage. The depression that had set in. She was terrified to
14 leave her home and that all of this suffering was caused by one
15 man, you.

16 A. Yes.

17 Q. In court that day the district attorney talked about
18 the fact that you were an opportunist, sexual deviant, and that
19 you didn't deserve any leniency from the Court. You didn't
20 deserve to live among civilized society. Do you remember that?

21 A. Yes, ma'am, I do.

22 Q. What do you think about that statement today, do you
23 think you deserve to live among society?

24 A. I worked very hard to better myself all these years. I
25 learned and I grow, I took the classes, I changed my life, I

1 wanted to change, and I am ready and I am safe today. I can
2 assure you of that. I am not that same person I was 24 years
3 ago, I don't feel like that. I walk around with shame and guilt
4 every day for what I did and I am not that person.

5 Q. I know you completed the sex offender program, right?

6 A. That is correct.

7 Q. What did you learn about yourself by taking that
8 program?

9 A. I learned about my deviant behaviors that I was doing,
10 I learned that I used to be an opportunist, take opportunity of
11 innocent women which is wrong, and I learned I was selfish and do
12 whatever I wanted to justify my actions and all that was wrong.
13 I did everything for my own gratification.

14 Q. How were you ultimately arrested?

15 A. I turned myself in. I went to the precinct, I knew I
16 needed help. My brother used to work for NYPD and I went and
17 spoke to him about what I was doing and the cops came and he told
18 me you have to go do the right thing and I said I need help, so I
19 went with him to the precinct and I turned myself in.

20 Q. I note from looking at the PreSentence Investigation
21 report that one of the incidents happened back in December of '96
22 but you weren't arrested until a few weeks later, almost a month
23 later, right?

24 A. That is correct.

25 Q. And that was when you turned yourself?

1 A. They came looking for me and I went to my brother and I
2 spoke to him and he advised me to do the right thing, I said I
3 need help and I went with him to the precinct and I turned myself
4 in.

5 Q. And then were you released on bail at that time?

6 A. Yes, I was.

7 Q. And while out on bail you committed another offense,
8 right?

9 A. That is correct.

10 Q. That was involving Ms. [REDACTED]

11 A. Ms. [REDACTED] yes.

12 Q. Do you remember how old Ms. [REDACTED] was?

13 A. Seventeen years old.

14 Q. And you said you met her at the club as well?

15 A. I went to the club and she was in the club and I met
16 her in the club outside.

17 Q. Any other programs you've taken, Mr. [REDACTED], that
18 you feel have impacted you in a positive way?

19 A. Commissioner Samuels, I was hungry for change, I wanted
20 to change and better myself, so every program I took I got
21 everything out of it. I was hungry for help. I took ASAT, I did
22 very well, I took NA, I went to ART, every program that was
23 available to me, mandatory, not mandatory, religious services. I
24 was hungry for help, I wanted the help. Programs are there but
25 it's what you want out of them and I learned a lot and I grew all

1 these years. I'm not a kid anymore, what I did I think about
2 every day. I just need one chance to prove to my family, to
3 myself, especially to my victims, Ms. [REDACTED] Ms. [REDACTED]
4 Ms. [REDACTED] I pray for their healing, my family prays for their
5 healing, I am so sorry.

6 Q. If you had a chance to speak to your victims today what
7 would you say to them?

8 A. What could I say to them? How could a human being
9 forgive for what I did? I would be ashamed to look at them for
10 what I did to them. I would beg them for forgiveness, I will go
11 to my grave --

12 Q. Are you okay, sir?

13 A. Yes, I am.

14 Q. Go ahead, continue.

15 A. I will go to my grave thinking about what I did to them
16 and I pray that they can forgive me and I pray for their healing.
17 I am so sorry, please forgive me for what I did.

18 Q. If you were to be paroled, where would you live?

19 A. I can live in one of my brother's houses. As a sex
20 offender I know I have to register and there's criterias that I
21 have to follow and it's not gonna be easy out there, I have to
22 get my life together but I'll be living at my brother's house.
23 If that address is not approved I can live at my sister's house.

24 Q. Which brother?

25 A. He's a police officer and he got a few houses, one is

1 empty.

2 Q. Where would that house be, would it be in [REDACTED],
3 Queens, where?

4 A. In [REDACTED]

5 Q. We do have a letter of support here from your brother
6 whose name is also [REDACTED] his middle initial is [REDACTED].
7 He says he's a sergeant with the NYPD Intelligence Department,
8 he's been with them for over 25 years. He actually wrote on
9 behalf of your entire family and he said that he has seen the
10 change in you and your rehabilitation, and that they are going to
11 be there to help you when you return to the community. That's
12 the only recent letter that we have. I also noticed that I don't
13 have any type of release plan from you, Mr. [REDACTED] I know in
14 the past you may have submitted some things to the Board but I
15 don't see anything recent, any particular reason why?

16 A. I was talking to my counselor Ms. Morales and I told
17 her everything is the same, I have the same job, same housing,
18 everything is the same so I went with my old one that is there.
19 I didn't want to put a new one because it would have been the
20 same thing that I put in two years ago and four years ago, same
21 plan, everything.

22 Q. Where do you plan to work?

23 A. My cousin has a jewelry store, I can work with him,
24 that's my first. And my nephew's got a used car dealership with
25 a mechanic shop and that's my plan B. If that doesn't work then

1 I can work with him to fix cars and do whatever I have to do to
2 do the right thing.

3 Q. Given the nature of your offenses, the fact that there
4 are multiple offenses here, multiple victims, and that you were
5 on probation at the time, why do you think you should be granted
6 parole?

7 A. Commissioner, first and foremost, I did a lot of
8 thinking, reflection in my time and I am not the same person that
9 I used to be. I am ready and I am safe to be in society. I will
10 not commit these heinous acts ever again.

11 Q. How can you be so sure? What's gonna happen when you
12 return to the community and let's say you get the urge again, you
13 decide you want to go to a night club or find some other way to
14 pick up someone?

15 A. There's a moral way of doing things, not being an
16 animal. I'm not an animal. I was acting like an animal before.
17 Seeing somebody do that to my nieces and nephews is not a human
18 being. You meet somebody you do the right thing. When they say
19 "No," no means no. I didn't understand "No" before, now I do
20 understand what "No" mean. No means no, Commissioner.

21 Q. In terms of your mental health level you're a level six
22 which indicates you don't have any mental health needs or
23 concerns, do you agree with that?

24 A. Yes.

25 Q. You will be leveled. Right now we don't know what your

1 sex offender level will be but you will be leveled. This is your
2 first state term of incarceration, right?

3 A. That is correct.

4 Q. We talked about your programming and you talked about
5 the impact that programming has had on you. You have completed
6 ASAT, ART, SOP, and Transitional Services Phase 1 and 2. You
7 also completed Vocational programming?

8 A. Yes, ma'am, I did.

9 Q. In which area?

10 A. I took electric, I took horticulture, I took floor
11 covering, food service, I like working with food.

12 Q. So you participated in a number of programs. We have
13 your disciplinary history here, you did have a number of
14 misbehavior reports throughout the years, however you have been
15 discipline free since August 2007 so we'll certainly consider
16 that to your credit.

17 A. Thank you.

18 Q. We also have your COMPAS Risk and Needs Assessment, are
19 you familiar with the COMPAS?

20 A. Yes, I am.

21 Q. Your COMPAS shows you're low risk for felony violence,
22 arrest and absconding. You're really low and unlikely in all
23 categories, Mr. [REDACTED], with the exception of history of
24 violence which is medium, 6 out of 10. We also have your Case
25 Plan, some of your goals include to develop positive use of

1 leisure time, you wanted to become a role model for kids and to
2 maintain positive family relationships. You talked about your
3 spirituality and your Islamic faith. You wanted to improve
4 decision-making skills which is certainly a good goal to have.
5 Maintain your sobriety. I was reading somewhere in one of the
6 Sentencing Minutes that it said you were an alcoholic?

7 A. Alcoholic, yes, and I used to smoke marijuana and God
8 knows what else my friends used to put in there. I used to just
9 take it and smoke it. I have no desire for alcohol or drugs.
10 I'm religious so if I was doing what I was supposed to do, like
11 my religion told me to do, then I wouldn't have committed these
12 heinous acts.

13 Q. You also have another goal here, to win your appeal and
14 remain positive. At the beginning I asked you were there any
15 outstanding appeals, you said no. Have all your appeals been
16 exhausted?

17 A. Yes, everything is exhausted.

18 Q. Thank you. We will consider the Sentencing Minutes
19 from both matters, both of them are out of Queens County Supreme,
20 I put the other minutes on the record. We also have minutes from
21 January 5th, 1998 before the Honorable [REDACTED]
22 [REDACTED] so we will consider those minutes as well. We
23 also reach out to the sentencing court as well as the district
24 attorney's office and your attorney to get their input about your
25 possible release on parole supervision, we did receive a letter

1 from the Queens County District Attorney's Office that we must
2 consider.

3 I'm going to stop here and see if Commissioner Berliner
4 has any questions?

5 COMM. BERLINER: I do. Good afternoon, sir.

6 THE INMATE: Good afternoon.

7 COMM. BERLINER: You just told Commissioner
8 Samuels a few minutes ago that "No means no and I understand
9 that now," or something to that effect?

10 THE INMATE: Yes.

11 COMM. BERLINER: Why didn't you understand that
12 before?

13 THE INMATE: Because I was stupid, I didn't
14 want to take no for an answer. I thought I could do whatever
15 I wanted to do at that time. They tell me no, I didn't
16 understand no. I thought "how could you refuse me?" I was
17 just an ignorant, selfish bastard.

18 COMM. BERLINER: Thank you for clearing that up
19 for me, that was all I had. Commissioner Lee?

20 COMM. LEE: I listened carefully, I have no
21 questions, thank you for coming in.

22 CONTINUED BY COMMISSIONER SAMUELS:

23 Q. Mr. [REDACTED] I have nothing further, what else do you
24 think we need to know to be able to make our decision that we
25 haven't discussed already?

1 A. First and foremost I would like to thank you for the
2 opportunity to have this opportunity to have this hearing and if
3 I missed anything that I didn't clarify to you, please feel free
4 to ask me. I'm not a very eloquent speaker. When I come here I
5 want to say so much but I can't put it to words. It's not easy
6 to come here. What I did hurts me and every time I come here I
7 don't get experience for coming here. It's not like I get better
8 and better, it's very hard. I will not disappoint this Board if
9 you grant me parole, I will take life because life is precious
10 and I will cherish every day of my life. I am ready and I am
11 safe, I can assure you of that. I will not let nobody down. I
12 would like to apologize from the bottom of my heart to
13 Ms. [REDACTED] Ms. [REDACTED] and Ms. [REDACTED], I am so sorry from the
14 bottom of my heart what I did to them. Even if I get paroled and
15 I go home, whenever that may be, I will always pray for their
16 healing and forgiveness.

17 Q. Have you ever heard of the Apology Bank?

18 A. Explain to me, I can't recall it.

19 Q. Through the Office of Victim's Assistance you would be
20 able to submit a letter of apology to your victims. There's no
21 guarantee that they'll read it but you said that you would like
22 to express your remorse to your victims. I know you've been in
23 for quite a long time, as I was looking through your file I
24 didn't see where one had ever been submitted, so speak to your
25 counselor if you're so inclined to submit a letter of apology to

1 your victims, you can do so through the Apology Bank, okay?

2 A. Thank you.

3 COMM. SAMUELS: We're going to deliberate now
4 and you'll receive a decision from us within a few days. Take
5 care.

6 THE INMATE: Thank you very much.

7 (Interview concluded.)

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

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5 DECISION

6
7 [REDACTED] parole denied. Hold 24 months. Next
8 appearance November 2023.

9 A review of the record and interview lead the Panel to
10 conclude that if released at this time there is a reasonable
11 probability that you would not live and remain at liberty without
12 again violating the law, and that your release would be
13 incompatible with the welfare of society.

14 The Panel considered the instant offense of three counts
15 of Rape First, Assault Second, Sexual Abuse First, and Unlawful
16 Imprisonment, which consists of three separate incidents. The
17 record reflects on multiple, separate occasions you raped your
18 victims including one who was just 17 years old while in a
19 vehicle. Your actions also included punching, slapping, and
20 choking your victims. The record further reflects you were on
21 probation at the time you committed some of those offenses. When
22 asked about the instant offense you told us you did not know any
23 of your victims prior to the instant offense. You explained you
24 met them at a night club on separate occasions. You also told
25 us, at the time, you did not value women and thought because of

1 your culture you could do whatever you want. You explained you
2 have come to understand your actions were wrong and expressed
3 your remorse. However, your actions were violent and
4 demonstrated poor judgment.

5 Your current term represents your first New York State
6 term of incarceration. Consideration has been given to your Case
7 Plan as well as your letter of support from your family and your
8 2019 parole packet which you told us still reflects your current
9 plans. Your rehabilitative efforts were also considered and
10 include completion of SOP, ASAT, ART, Phases I and II and
11 Vocational programming. We also reviewed and considered your
12 disciplinary history which reflects you have been discipline free
13 since 2007. While the Panel commends your progress and overall
14 institutional adjustment, discretionary release shall not be
15 granted merely as a reward for good conduct or efficient
16 performance of duties while confined. We weighed and considered
17 your COMPAS Risk and Needs Assessment and the low risk scores
18 indicated therein, with the exception of you being medium for
19 history of violence. Notwithstanding your low risk scores, the
20 Panel departs from your low risk scores for risk of felony
21 violence and arrest for the following reasons;

22 First, the instant offense involves multiple acts of
23 violence and sexually deviant behavior against multiple victims.

24 Second, you committed some of the offenses while on
25 community supervision. Additionally, while on bail for one of

1 the sex related offenses, you committed another rape. Given your
2 repeated course of conduct and poor history on community
3 supervision, we have little reason to believe that you will be
4 law abiding in the community and will comply with parole.

5 We also weighed and considered your Sentencings Minutes
6 and PreSentence Report which reveal the immense pain and
7 suffering you caused your victims and we remain concerned about
8 the lasting impact of your actions. You displayed not only a
9 total disregard for the law but for the life and safety of
10 others.

11 Further, your repeated actions demonstrate your
12 willingness to put your own needs above that of society's. Your
13 release would trivialize the severity of your offense and would
14 so deprecate the seriousness of the crime so as to undermine
15 respect for the law.

16 Lastly, we also considered official opposition from the
17 Queens County District Attorney's Office.

18 Therefore, based on all statutory factors weighed and
19 considered, discretionary release is not appropriate at this
20 time.

21 (All Commissioners concur.)

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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 23 pages, is a true and correct copy of the same and whole thereof.

Erin Chickery

Erin Chickery, Court Reporter

Dated: November 2, 2021