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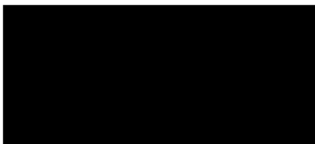
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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

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: April 7, 2021
DECISION DATE: April 7, 2021

BEFORE: COMMISSIONER CORLEY
COMMISSIONER SEGARRA

AT FACILITY: C. SMITH, SORC
S. DEIGHTON, OA2

VERBATIM REPORTER: Erin Chickery, Hearing Reporter

[REDACTED]

1 COMM. SEGARRA: Good morning.

2 THE INMATE: Good morning.

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

4 THE INMATE: [REDACTED]

5 COMM. SEGARRA: [REDACTED] --

6 THE INMATE: [REDACTED]

7 COMM. SEGARRA: Thank you for that. I am

8 Commissioner Segarra and I'm joined today with Commissioner

9 Corley.

10 COMM. CORLEY: How are you, sir?

11 THE INMATE: Good morning, sir.

12 INTERVIEW BY COMMISSIONER SEGARRA:

13 Q. We're here for your reappearance interview.

14 A. Yes, Miss.

15 Q. You were seen in May of 2019 and your discretionary

16 release was denied and you were held 24 months. So we're here

17 today, two different Commissioners and a new opportunity at

18 release.

19 A. Yes, ma'am.

20 Q. And that's what you want, right?

21 A. Yes, ma'am.

22 Q. It's gonna be somewhat -- we're gonna cover the same

23 things that were covered in the last interview, which is the

24 crime itself, your rehabilitative process, we're gonna get into

25 your COMPAS, and discuss your plans for release and your packet.

1 We actually look at both of them but we're gonna primarily focus
2 on your most recent one, all right?

3 A. Thank you.

4 Q. During today's interview we'll focus on this one unless
5 you want to reference anything in the first one.

6 A. No, that's fine.

7 Q. What's been different? What's changed since the last
8 time you saw the Panel two years ago?

9 A. I just continue to do what I've always done.

10 Q. Excuse me, I apologize, if it's safe to do so, can you
11 remove your mask? We do have a court reporter here and we want
12 to make sure that she gets a really good transcript of today's
13 interview.

14 A. Yes, ma'am.

15 Q. In talking about what's been the change in the last two
16 years, what you have worked on regarding your rehabilitation,
17 what was the suggestion, if anything, from the prior
18 Commissioners and how you may have worked towards that.

19 A. I continue to do -- the last Commissioner had
20 recommended that I continue to focus on my behavior, to be
21 disciplinary free, which I continue to do and I don't find hard
22 to do. The other thing she mentioned was -- it said something to
23 the fact of continue rehabilitative ways to further your insight
24 into the behaviors and into your crime. So I think I focused on
25 that primarily because that word was a little tricky, you know,

[REDACTED]

1 insight. Like to grasp it correctly but I think I did eventually
2 get ahold of it from asking around, what people thought of the
3 word insight. So with that I continue to focus on my AVP and AA,
4 which actually gives me ideas about insight as well as listening
5 to others speak. It makes me realize how to do it better or how
6 to dig deeper into myself to realize what brought me to that
7 point in my life and I must say that it's a work in progress.
8 You use it every day and it helps each and every day.

9 Q. You told me what was the objective for the next
10 interview, which is today, but you didn't really tell me -- you
11 didn't touch on it at all, what did you find in seeking that
12 insight?

13 A. I'm sorry. What I found in myself was my behaviors
14 actually started more prior to the evening of the occurrence, the
15 death. My manipulative behaviors probably arised somewhere
16 around my late teens, early teens where I became, not consciously
17 knowing I was doing it but -- it was like I took it for granted.
18 I took my parents, my friends, my family, my job opportunities
19 for granted like I was a deserving person of this. You're a
20 great guy 'cause you're a good kid from the block so you deserve
21 this. That's where I think I discovered it and I realize now
22 that behavior continued. When I had done something wrong I was
23 always able to cover it up with a lie and say "but I'm a good kid
24 from the block," and that enabled me to do a lot of -- progress
25 to worse things and always managing to cover it up. I never took

1 responsibility for it.

2 If someone said you were wrong, I had the answer. I'm not
3 wrong, this is what happened. He did it, they did it, I didn't
4 do it. But it started early, like I said as a teen. As I got
5 older the behavior got worse. It evolved to worst lies and I
6 become a more manipulative person, a more deceitful person. I
7 always had the answer when I really didn't. I never had the
8 courage to look into myself and that's what progressively led me
9 to that evening.

10 Q. I guess, and I'll ask you about the crime now. So you
11 were convicted by way of verdict, you took the case to trial,
12 were they offering you anything?

13 A. Yes, the judge offered me 15 to life.

14 Q. Why didn't you take it?

15 A. Again, I was not -- I did not want to be held
16 responsible for taking somebody's life and as I look back it was
17 the most self-serving thing. I was gonna prove to everybody that
18 I'm still a good person and I was not a good person. I
19 understand 15 to 25 is different but I just didn't want to be
20 held responsible. I refused to believe that I could do something
21 like that or let anybody else believe I could do that.

22 Q. We do have a court reporter, as I mentioned, she will
23 transcribe today's interview into a transcript that can be
24 available at another court hearing, another court proceeding,
25 public forum, do you have any pending appeals?

[REDACTED]

1 A. No, ma'am.

2 Q. When did you finally take responsibility for this?

3 A. Many years later, to be honest with you. Full
4 responsibility. The blanketed telling your family and friends
5 I'm sorry for what I've done, but the full responsibility came
6 years later when I was incarcerated, when I was already doing
7 time. That's when I started to discover it wasn't just about
8 telling people that you're sorry but explaining to them how sorry
9 I really was. How I wasn't responsible to them, how I deceived
10 them, as well as -- I think one of the things that bothered me
11 the most or has bothered me was the way I conducted myself at
12 that courtroom. My arrogance, my defiance was affect behavior
13 (sic).

14 Q. We don't have the Sentencing Minutes from that day so I
15 don't have any information regarding what was said between you
16 and the judge or the attorneys, but I'm sure that's something
17 you -- considering the fact that you're describing your behavior
18 then, I'm sure that's something you remember clearly. Your
19 conviction here states it's for Murder Second and it was out of
20 Kings County. The details of the offense indicates that this
21 occurred on August 22nd, 1993 at approximately four a.m., you
22 were an off-duty member of the NYPD and your victim, [REDACTED]
23 [REDACTED] --

24 A. Yes, ma'am.

25 Q. -- left the [REDACTED] together and went to the

[REDACTED]

1 apartment of your parents located in Brooklyn. Your parents were
2 reportedly not home at the time. Sometime after arriving you
3 fired six shots from your service revolver into the victim. One
4 striking her in the face, one in the hand, and four in the back.
5 The police recovered your .38 caliber service revolver from the
6 scene. Also recovered from the scene was a tin foil packet and
7 straw both containing cocaine. The record states that the
8 victim's autopsy report indicated the cause of death as a gunshot
9 wound to the head and body with penetration of the aorta, liver,
10 and intestines.

11 [REDACTED] please tell us what happened that day.

12 A. Earlier in that evening I went out with a couple of
13 friends to another place. After that I told them I had leave, I
14 went to the [REDACTED] I went there because I needed a
15 drink, I ran into some friends, which one was [REDACTED] and some
16 other friends. I continued to drink that night, hung out until
17 4:00 when the bar closed. They asked if I wanted to go to an
18 after hours bar, I said no, thank you, I was going home. From
19 there I went to my home, I lived with my parents, I went to my
20 parents' home, and [REDACTED] came with me and I continued to --

21 Q. What was the point to invite [REDACTED] over to your house?

22 A. It was an open invitation to the group. There was four
23 or five of us. There was my friend [REDACTED] who lived across
24 the street from me, it was [REDACTED] and another person or two and I
25 said, "Listen, I don't wanna go to an after hours joint, if yous

1 wanna come back to my apartment my parents aren't there." They
2 go to an after hours joint, ██████ said she didn't wanna go, that
3 she would meet them later. As I look back now, the idea of going
4 back to my parents apartment was to continue drinking and use
5 drugs.

6 Q. But you could have continued drinking and using drugs
7 at the bar, at the next location?

8 A. Yeah but I didn't wanna go. I know it sounds crazy but
9 I didn't wanna go to an after hours joint.

10 Q. Here's my question, where did you live?

11 A. Right up the street from the bar. ██████

12 Q. Did you live with your parents?

13 A. Yes.

14 Q. I'm sorry, repeat the address again.

15 A. ████████████████████

16 Q. So you lived there with your parents?

17 A. Yes.

18 Q. And you had your own room?

19 A. Yes.

20 Q. And you invited ██████ over to continue to consume
21 alcohol and get high. Get high on what?

22 A. I was using cocaine, ma'am.

23 Q. So you invite her over and that was the intent, why
24 didn't she wanna go with the friends and drink and get high over
25 there? Was there any sexual component to your invitation?

[REDACTED]

1 A. No, ma'am. I was going through -- I had recently broke
2 up with a girlfriend so I wasn't really -- not that I wasn't
3 interested in women but at that time I was not -- I was more
4 about destroying myself.

5 Q. Were you working a regular schedule?

6 A. Yes, ma'am. As far as working, I used to work four to
7 11.

8 Q. Were you working during that time? You were using
9 drugs and --

10 A. No, no. At the time of the occurrence, no, I was
11 actually -- I shouldn't have been out that evening to begin with,
12 that's the worst lie of the night. I wasn't allowed to be out
13 that evening. Prior to that evening, maybe three or four days
14 prior to that, I was involved in an incident where I was then
15 brought to a hospital, had a minor injury but I had to wait -- at
16 that time you had to wait to see the Department's general
17 surgeon, so I had to wait to be checked over. I was already
18 checked over in the hospital and I was fine, but I had to be
19 re-checked over. I shouldn't had been out that evening to begin
20 with. I had a pass for maybe three hours during the day, like if
21 you needed to go to church or needed to buy medication, but I was
22 not allowed out.

23 Q. I need to get a better sense of that day. Tell me, how
24 long were you using cocaine?

25 A. On that evening or leading up to that evening? I'd say

[REDACTED]

1 I first tried cocaine somewhere in my late teens, then I started
2 to really use it, which is horrible, at 21, 22 where I became a
3 little more dependent on it.

4 Q. When did you become dependent on it?

5 A. I'd say a couple years after that, 25, around there.

6 Q. When you were about 25 years old?

7 A. I would say I was becoming more and more dependent on
8 it, yes.

9 Q. So that would have been about 1992, this crime happened
10 in 1993, so as an officer you were dependent on cocaine?

11 A. Yes, ma'am.

12 Q. Were you addicted to alcohol?

13 A. That I think was the gateway to my dependency, which
14 alcohol I started many years before that.

15 Q. So that day you take [REDACTED] to your house, we can't say
16 your parents house because you lived there too and I want to keep
17 it clear that this is your home, and when you bring someone to
18 your home you know where everything is?

19 A. Yes, ma'am.

20 Q. So you bring [REDACTED] over, it says 4:00 in the morning, I
21 don't know what time it was prior to that that you brought her
22 over, then what happened? You go upstairs or you go inside and
23 what happens? It was an apartment of a house?

24 A. An apartment.

25 Q. It was an apartment in a house?

[REDACTED]

1 A. A multi-apartment home. So we go -- we leave the bar
2 approximately 4:00 in the morning, I'd say sometime like an hour
3 later, maybe an hour and a half later, she actually left and then
4 came back. She had left and came back, I was still up and awake,
5 then after --

6 Q. Why'd she leave?

7 A. I think she had went home for a time being. Actually I
8 think she went home to change or check on her family or
9 something. I don't remember the exact circumstances of why she
10 left but she came back within a half hour or 40 minutes and I was
11 still awake. I do recall at one point I got up to go to the
12 bathroom and when I came out I happened to look to my right and I
13 noticed [REDACTED] which my bedroom was not far from there, and I
14 noticed she was standing by my bedroom. When I had left her she
15 was in the living room so I was a little startled at first, but I
16 have a box where I keep my -- it should be a locked box, it's
17 not, but I had my personal belongings, my shield, my gun, a few
18 other items, which I usually keep it in the top of my closet. I
19 don't know how it got there, although I do obviously realize
20 afterwards that I must have brought it down earlier in the day.
21 Anyways, I look over there and I see her standing there. At that
22 moment, for some reason, I allowed myself to get extremely -- the
23 way I screamed, the aggressiveness in my voice, "What the hell
24 are you doing?" Along with a lot of other words, I don't wanna
25 repeat those words, I just like reached over and -- she was just

1 going through it and she was saying something to the fact of --

2 Q. She was going through what?

3 A. My box. Like just looking through it but as I look
4 back I take it as I was just being over, how do you say -- I made
5 more of it than it really was. There was nothing wrong with
6 standing there and looking at it. As I look back I took it as,
7 is something gonna happen to me? Am I being played? Am I being
8 fooled into something?

9 Q. You told me that you saw her by the doorway of your
10 bedroom and now you're saying that she had a locked box that you
11 kept in the top of your closet.

12 A. No, no, no, ma'am, I'm sorry if I said that, that's
13 where I usually keep the box but I had it on my dresser that day.

14 Q. So was she in the doorway or was she in your bedroom?

15 A. It's in the bedroom. Let's say it's in the bedroom.
16 What I'm trying to say is the doorway was closer to where I was.
17 When I came out of the bathroom the doorway is right there, the
18 dresser is right there. Want me to continue?

19 Q. Yes.

20 A. Sorry I'm a little nervous. I then got very
21 aggressive, I screamed, I yelled, I grabbed the gun and I
22 repeatedly pulled the trigger.

23 Q. What'd you say before you pulled the trigger? I mean
24 you shot her in the face, the hand -- the hand, was that a
25 defensive --

1 A. I can't even tell you exactly but I would imagine. Why
2 would I do that? That's the problem. I repeatedly pulled the
3 trigger of the gun. Through the screaming, through the yelling,
4 I just -- pure insanity ran through my mind.

5 Q. [REDACTED] who were you really mad at? Your
6 ex-girlfriend you had just broken up with? Was that misdirected
7 anger?

8 A. I wouldn't say that it's misdirected anger but I've
9 thought about a lot of the things I've done and I had anger with
10 me, my ex-girlfriend, my friends, my job because I was becoming
11 distant from everybody and blaming everybody else but myself. I
12 had many opportunities to correct my behavior, to ask for help,
13 but to ask for help it means you'll lose your job. People would
14 be ashamed, you'd be ashamed, they'd talk about you using drugs,
15 you don't want your family to know you use drugs, and you
16 definitely don't want your job to know you're using drugs because
17 you don't wanna lose your job. So all those things that was
18 building inside of me, and yes maybe including my ex-girlfriend,
19 which I actually sort of broke the relationship up because I was
20 telling her I needed time to be alone, I needed time to think
21 and --

22 Q. Go back to that day, what did you do after? Your
23 defense was self-defense, right?

24 A. Yes, I ran to the window, I screamed up to the neighbor
25 and I asked him to dial 911. When the police came I went

1 outside, they had asked what happened --

2 Q. You left the part out where you barricaded yourself.

3 A. When I ran into my bedroom I barricaded myself into the
4 bedroom. What I mean by barricaded is I shoved the door closed,
5 put the TV there, went to the window and screamed up. I think I
6 was asking for Mr. Eli, who was one of the Rabbis that lived
7 upstairs, but I don't think it was Mr. Eli that answered, it was
8 the superintendent who answered me and I told him to please call
9 911.

10 Q. Why did you plead self-defense? I want to know what
11 was going on with you at the time.

12 A. Because in my mind I couldn't do this. I could not
13 take somebody's life.

14 Q. Was it that you couldn't do it or you didn't want to go
15 to jail?

16 A. Let me correct myself, not only did I not want to go to
17 prison but on top of that I did not want to lose my job. I
18 didn't want to lose friendships, I didn't want to lose my life,
19 which was already a wreck but I couldn't see at the time.

20 Q. Let's talk about your victim. Let's talk about the
21 things your victim lost because you're going down a path of all
22 the things that you didn't want to lose.

23 A. I just wanted to show my selfishness.

24 Q. I got it, I got it.

25 A. I was a selfish person.

1 Q. Tell me about the losses in your victim's life, she had
2 a family.

3 A. There's no other --

4 Q. She's the only one that went with you that night to
5 your house to drink and get high. I don't know if that's what
6 she was intending to do, I know that that was your intention.
7 I'm not saying that that was what she was going to do but she was
8 the only one out of all your friends that went to your house.

9 A. Yes, ma'am.

10 Q. So tell me about her losses, her family's losses. Did
11 she have kids? Could she sing with them anymore? Could she
12 dance with them anymore? Could she take them to school? Could
13 she watch her kids become parents? Could she become a
14 grandparent? I mean how traumatic do you think that experience
15 was for your victims? That's pretty traumatic for a child to
16 lose their parent. She had children, right?

17 A. As far as I'm concerned she had one daughter that I
18 actually saw one time. I have a mom, I have a sister, so I
19 cannot imagine how I would feel with that loss. I don't even
20 like the fact that I don't get to see my mother, although I do
21 get to see her physically. My sister raised a daughter, my niece
22 [REDACTED] I always think, although I try not to bring it to my
23 sister's attention too much, but I say "this could be [REDACTED]'s
24 daughter" or if my mom isn't feeling well, "who's there to help
25 her mom." The thing that haunts me -- one of the things I think

[REDACTED]

1 about mostly is the courtroom. When I was in the courtroom on
2 the left side, looking out from the stand, I could see my mom,
3 then I looked on the right side and I see [REDACTED] and I
4 always tell people, and I always feel the same way, had I left
5 that day with [REDACTED], it would be like going home with my
6 mother. She was the same as my mom. She's the same person. She
7 raised children, she had more than one child, my mother raised me
8 and my sister. She sat quietly there the way my own mother did,
9 which when I look back now is frightening. Of course I think
10 about it now but no parties, no weddings, no Christenings. A big
11 thing in my neighborhood were Sweet Sixteens for girls. When her
12 daughter turned 16 she doesn't have her mom to throw her a Sweet
13 Sixteen party. I mean I don't have children myself but I do get
14 excited when I hear about my sister's children, their schooling.
15 My niece [REDACTED] they live in Spain but I do communicate with
16 them a lot through E-mail and still like that. I robbed the
17 [REDACTED] family, I robbed [REDACTED] obviously, I took her parents'
18 child, there's nothing that can replace that.

19 Q. [REDACTED] do you think that as a police officer
20 you're held to higher standards?

21 A. I'd like to say this, if you promise something to
22 somebody and you have the ability to do it, then you should do
23 it. When I look back -- first of all, I didn't deserve the job
24 because going into the job I was manipulative. I was a drunk
25 already turning into a drug addict.

[REDACTED]

1 Q. How long were you on the job when you committed this
2 offense?

3 A. A little more than two and a half years.

4 Q. Are you gonna answer my question, do you think as a
5 police officer you should be held to higher standards?

6 A. To an extent, yes, ma'am. You should be held to -- you
7 promise something to the people, to the community, a city, they
8 trust you. You have to take it serious and, yes, I do believe
9 that you should be held to a higher standard. If you're willing
10 to ask for that job and take that responsibility, you should be
11 willing to give it back.

12 Q. As a police officer, did you believe that police
13 officers should be valued more in the community?

14 A. Valued more in the community, I mean I believe that --
15 me personally, I did community policing, I feel that -- well I
16 was taught and it worked well, was to reach out. It's not hard
17 to reach out as a police officer and tell them, hey, I remember
18 the first job I did, I had a foot post and they told me to go
19 into each store and get familiar with the people. So I guess the
20 police officer reaching out is progress and --

21 Q. [REDACTED] are these tough questions because you're
22 having a hard time, you're not answering them.

23 A. Maybe I'm misinterpreting them. I'm just a nervous
24 wreck. Just explain that again. A higher standard, yes, but I
25 don't understand as far as the community question, just ask that

1 again. I'm sure I'll get it but just ask the question again,
2 ma'am.

3 Q. Why are you so nervous? Are you nervous? I should ask
4 that question first.

5 A. Yeah, I'm nervous.

6 Q. What role did your addiction -- you said you were
7 dependent, that was your word.

8 A. Yeah, I would say my dependency was very high at that
9 point.

10 Q. So what role do you think that played in you committing
11 this offense?

12 A. It played a part but there were other things that
13 played a part as well. My ability to hide my anger and not
14 reveal my anger and let it build into me, I think that played a
15 big part in it as well.

16 Q. Your anger, your dependency, your deceptive ways,
17 right, you talked about deception?

18 A. Most definitely. Beyond deceptive, lying.

19 Q. Let's look at your period of incarceration here, this
20 is your first time you've ever been arrested for any crime.
21 During this period of incarceration your COMPAS levels indicate
22 you're a low risk of felony violence, a low risk of arrest, a low
23 risk to abscond. It's low and unlikely in the categories of your
24 needs with the exception of highly probable for re-entry
25 substance abuse. While incarcerated have you used any illegal

[REDACTED]

1 drugs or been in an intoxicated state, altered your mind with any
2 substances?

3 A. No but I did find other bad behaviors.

4 Q. Yeah, you do have quite a few misbehavior reports but
5 none since the last time you saw the Parole Board, right?

6 A. No, ma'am.

7 Q. When I see a ticket for excessive tobacco what does
8 that mean? Are you selling cigarettes in the facility?

9 A. Most of my tickets, yes, are for excessive tobacco and
10 gambling. Another one of my bad behaviors.

11 Q. [REDACTED] can you answer my question, please?

12 A. They were for gambling purposes.

13 Q. So they weren't for -- you weren't selling the tobacco?

14 A. Yes, if I had excessive amounts I would sell it, yes,
15 ma'am.

16 Q. Do you know that when you have an excessive amount of
17 tobacco and you're selling tobacco in the facility that's just
18 another way of criminal thinking?

19 A. Yes, ma'am.

20 Q. And you know that's still illegal behavior?

21 A. Yes, ma'am.

22 Q. At least illegal regarding the rules and regulations,
23 that's why you got a Tier III. I know that was some time ago in
24 2007 but I'm looking at your criminal thinking and that's what
25 I'm trying to figure out here. You have a 2008 unauthorized

1 valuable, gambling, you got extensive time, I think, 26 days in
2 the SHU, that means it was a serious offense, it was a Tier III.
3 Where's your criminal thinking today and your gambling? Did you
4 exchange one addiction for another? Did you go from one
5 dependence or addiction to another? Did you have issues with
6 gambling back then as well?

7 A. The gambling part was prison. It was one addiction for
8 another. Like I said, I think my drinking and drugging was all
9 my behavior. It's what I do to feel relevant and most certainly
10 I disregarded the rules because, one, I thought I knew better so
11 I disregarded the rules for gambling as well as excessive
12 cigarettes.

13 Q. Did the excessive cigarettes give you a sense of power,
14 that you have more than other people?

15 A. Yes, it made me feel partly relevant. It made me feel
16 power over others, yes. I would say it made me feel part of the
17 prison, for lack of a better term, culture.

18 Q. Trying to fit in?

19 A. Yes.

20 Q. Trying to fit in up until 2008, that's a lot of time
21 incarcerated and still trying to fit in. Tell me how you found
22 yourself. What are the programs you participated in and been
23 successful at?

24 A. I think the two most important programs I've taken
25 are -- I mean I did some other programs as far as YAP, which I

1 enjoyed, but the two that I focused on mainly is AA and AVP.

2 Q. You've completed all mandatory programs, what are you
3 participating in now? Do you have a work assignment?

4 A. Yes, I work in the block for half a day and I continue
5 to participate in, although recently because of the coronavirus
6 we've been a little delayed, but I continue AVP, I continue AA.
7 My AVP is my --

8 Q. Do you have a sponsor?

9 A. No, I currently don't have a sponsor.

10 Q. Tell me what's the block. I asked you for your work
11 assignment and you told me the block.

12 A. The block is -- I work as a porter in the block. I do
13 the windows and the staircase.

14 Q. A porter?

15 A. Yes, ma'am.

16 Q. Tell me about the employment goals upon release.

17 A. Okay, I have the opportunity to get a job in a roofing
18 company, construction company.

19 Q. How old are you?

20 A. Fifty-four.

21 Q. Do you know how hard it is to do roofing and
22 construction at the age of 54?

23 A. Yes, I thought about that, ma'am.

24 Q. How's your health overall?

25 A. Thankfully, good.

1 Q. How's your mental health? Do you have to go to special
2 housing due to your career path prior to incarceration?

3 A. When I started I spent the first, approximately a year
4 in Clinton APPU, and then I asked if I could leave to become part
5 of the population, and I went from there to one prison, so I
6 don't think I have any mental health issues.

7 Q. Well, stress does a lot to people. What about the
8 release plans, who are you gonna live with?

9 A. I would like to live with my parents.

10 Q. Is that the same place where the crime occurred?

11 A. Yes, ma'am.

12 Q. I think there's -- I'm not sure but I wonder if people
13 can return to the place where they committed the offense?

14 A. I have thought about that myself, ma'am, and I sort of
15 explained it to my parents that this might not be a possibility,
16 so I did give an alternate location to my cousin who lives in
17 Brooklyn.

18 Q. I see that. How old are your parents now?

19 A. My father is 84 and my mom will turn 82 next week.

20 Q. Pretty old to have parole knocking on their door.

21 A. Yes, I sort of told them that. They insist but I try
22 to explain to them that wherever it's gonna be I'll be able to
23 see them. If I'm not at home I will be able to help them.

24 Q. The district attorney and the sentencing judge and the
25 defense attorney did not provide us with any statements regarding

1 your release or no recommendations, no input, we still have
2 nothing from them. Your Case Plan goal is to what? It should be
3 goals, you should have more than one.

4 A. Yes.

5 Q. What are your Case Plan goals? Prepare for the Parole
6 Board, I don't want to hear that, I want to hear your goals in
7 the community.

8 A. You want me to tell them?

9 Q. Yeah.

10 A. With the hopes of being released I plan on working --
11 I'd like to develop a good relationship with my parole officer,
12 any guidance. I've written to the Osborne Society, I do have
13 friends and family that are willing to help me but it was brought
14 to my attention once and I find it to be true, that your friends
15 and family know life outside so maybe you should write to
16 Osborne, so I wrote to them for some guidance so when I get back
17 in the community they can help me with some re-entry things that
18 people aren't familiar with. That's one of my goals, to get
19 familiar with them, and I plan on -- I've worked AVP, I would
20 like to continue AVP.

21 Q. You wanted to become a gold certificate in AVP, I don't
22 know what that is.

23 A. I received it. After you take AVP 1 and 2, there's a
24 third part of it, it's to help if you want to become a
25 facilitator, so I took that, and then after --

1 Q. Have you facilitated?

2 A. Yes, ma'am.

3 Q. For AVP?

4 A. Yes, ma'am.

5 Q. Good for you. How long?

6 A. I've done it on my own half a dozen times.

7 Q. You threw in the words "on my own," what does that
8 mean?

9 A. Without any guidance.

10 Q. You're not official if you're not officially an AVP
11 co-facilitator?

12 A. Well, prior to that -- you're right, prior to that
13 you're a facilitator where you're helping, then once you've done
14 enough helping and you've become familiar with the exercises,
15 then you will be awarded the gold certificate and can run the
16 class or you can be what they call the facilitator of the day.
17 The head facilitator.

18 Q. Have you earned that?

19 A. I do have the gold certificate but I'm not that good at
20 it. I still consider myself a work in progress with that but I
21 enjoy it.

22 COMM. SEGARRA: Let's see if Commissioner
23 Corley has any questions for you?

24 COMM. CORLEY: Hey, Mr. Garcia.

25 THE INMATE: Hi, sir.

1 COMM. CORLEY: How are you, sir?

2 THE INMATE: Okay, sir, how are you?

3 COMM. CORLEY: Good, good. Why did you want to
4 become a police officer in the first place?

5 THE INMATE: When I was a kid I wanted to be
6 either a fireman or a policeman. I liked the community, I
7 liked my neighborhood, I liked the families, I like being
8 around people and prior to becoming a police officer I worked
9 with the public a lot and I enjoyed it. I enjoy people.

10 COMM. CORLEY: When did you realize you really
11 started to spiral out of control?

12 THE INMATE: As I look at it now when did I
13 realize it? My spiraling out of control, I'll say at the low
14 level, was 19. The high level, two years later, three years
15 later becoming a human tragedy. Self-destructing behavior.
16 At that time I didn't quite understand it because I was able
17 to manipulate my way out of it, but as I look back at it now I
18 was a very self-destructive person and the worst thing about
19 self-deconstruction is bringing other people into it.

20 COMM. CORLEY: You were how old when you became
21 an officer?

22 THE INMATE: When I got appointed I think I was
23 at that point just about to be 24 years old. It was 1991.
24 Obviously you apply for it ahead of time but I think I was
25 appointed in 19 -- March 31st or April 1st of 1991.

1 COMM. CORLEY: What was the training at that
2 time like?

3 THE INMATE: It was six months of training at
4 the police academy in Manhattan and I graduated somewhere
5 around October and I was assigned to a precinct in downtown
6 Brooklyn.

7 COMM. CORLEY: I'm gonna ask you a big question
8 now, had you been under the influence at times when you were
9 actually on duty?

10 THE INMATE: I would say I drank on duty, yes.
11 Never recall drugging on duty but going from a night out, a
12 night out of drinking and drugging and then two hours later
13 going to work, yes. So, yes, I would consider myself being
14 intoxicated.

15 COMM. CORLEY: What do you think about that?

16 THE INMATE: What I think about that now?

17 COMM. CORLEY: Yeah.

18 THE INMATE: That's horrible. I think about
19 how I put a lot of people, a lot of good people in danger.
20 It's a nightmare when I think about it. It's even worse when
21 I have to explain to people, explain to friends that have that
22 job as well. I used to be able to manipulate and tell the
23 other guy he tried, but being in that car, if he needed help,
24 what was I gonna do?

25 COMM. CORLEY: Was that a normal occurrence for

1 officers to drink? Go out drinking that late and then really
2 go back on duty a couple hours later, was that normal?

3 THE INMATE: I wouldn't say -- to be honest
4 with you, I wouldn't say that was normal behavior because I
5 knew a lot of -- most people that were older and had families
6 went home. Did it happen, yes, I wouldn't say it's the
7 abundance of people, no.

8 COMM. CORLEY: You had resources available to
9 you at that time to get assistance, to get help?

10 THE INMATE: Yes, sir, I had more than enough.

11 COMM. CORLEY: Why didn't you?

12 THE INMATE: I just didn't want to believe that
13 my life was out of control. I refused to believe that. I
14 didn't want to give up -- if I had taken responsibility for my
15 actions back then obviously [REDACTED] would be here, her family
16 would be happy, but I refused to do it. I was a coward. If I
17 had to find the proper word, coward.

18 COMM. CORLEY: It's kind of contradictory for
19 you to talk about you being involved in the community,
20 policing, and you knew you had a responsibility, but yet you
21 really put the community at risk by way of your behavior and
22 by way of your actions and what you were doing. I wanted to
23 really get your perspective on that.

24 THE INMATE: You're right I did. The way I
25 look at it now is I'd say I lived a double life. I was able

1 to walk into your store and talk to you, if you need anything,
2 let me know, but meanwhile I'd come in the next day and be
3 hung over or the remnants of a drug user or whatever, and you
4 would not know. You would say, "that's Mike, maybe he had a
5 bad day." I was a conman. I was conning people. Maybe not
6 literally conning them out of their money and valuables but it
7 was still a conniving, despicable behavior.

8 COMM. CORLEY: Thank you, sir. Thank you,
9 Commissioner.

10 CONTINUED BY COMMISSIONER SEGARRA:

11 Q. What was the area you were policing?

12 A. At that time I was working in the 71st Precinct.

13 Q. I think the Commissioner asked you a tough question, I
14 have another tough question for you, do you think when a police
15 officer commits a crime he should be held to higher standard?

16 A. I think so. To be honest, yes. He's a person but he
17 made that deal with society. Made that deal with the City of New
18 York.

19 Q. Do you think you got a harsher sentence because you
20 were a police officer?

21 A. No, I got a harsh sentence because -- well, I didn't
22 think I deserved it then but there's no doubt I deserved what I
23 got.

24 Q. Do you think as a police officer if a crime was
25 perpetrated against you that that person should serve more time?

1 A. In other words, if I was the police officer and the
2 offense was against me?

3 Q. Yes?

4 A. I've thought about that over the years and I think that
5 there's a reason for that, if you'd like me to say it? I think
6 the person in uniform represents the Court, represents the safety
7 of the public, so I think you're asking me that question because
8 you're taking offense against everybody. If you offended a
9 police officer you're taking offense against the whole
10 neighborhood or the whole community.

11 Q. So as a police officer who committed a crime, did you
12 offend the police agency and the entire community as well?

13 A. That is absolutely correct.

14 Q. Do you think that a person who offends against a police
15 officer should do more time?

16 A. Should they do more time? I never thought of that. I
17 thought about the crime itself but I never -- maybe I'm being
18 biased because I've been in prison and I've seen people have that
19 problem or --

20 Q. [REDACTED] answer my question, do you think if a
21 person commits a crime against an officer they should do more
22 time?

23 A. I think so.

24 Q. Yes or no.

25 A. Instantaneously I would say yes.

1 Q. Do you think a police officer who commits a crime
2 should do more time?

3 A. Myself or -- wait a second, I'm getting confused here.
4 Ma'am, I am so sorry. I believe I should have been held to a
5 higher standard, if that's what you're asking. Doing more time,
6 I've never thought of that but I do believe I should be held to a
7 higher standard. If I were to receive more time then it would
8 have been appropriate.

9 Q. We covered a lot today, the dynamics that went on at
10 that time, the Commissioners wanted you to maintain a clean
11 disciplinary, right?

12 A. Yes, ma'am.

13 Q. "The Panel encourages you to continue your
14 rehabilitation to develop further insight," do you feel you have
15 more insight than you did two years ago?

16 A. Yes, ma'am, that I do. I feel I didn't get to speak
17 enough about it but I do.

18 COMM. SEGARRA: Well, we've covered everything,
19 we will deliberate, we'll make a decision and we'll notify you
20 of our decision in writing.

21 THE INMATE: Okay.

22 COMM. SEGARRA: Thank you.

23 THE INMATE: Thank you. Thank you, Mr. Corley,
24 as well.

25 (Interview concluded.)

[REDACTED]

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

4
5 DECISION

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

9 After a review of the record, your interview and weighing
10 the statutory factors, this panel determined that if released at
11 this time, there is reasonable probability that you would not
12 live and remain at liberty without again violating the law and
13 that your release would be incompatible with the welfare of
14 society. The Board of Parole deliberated, and your discretionary
15 release is denied.

16 You continue to serve a period of incarceration because
17 you were convicted of Murder 2nd in which you, then an off-duty
18 NYPD Police Officer caused the death of your victim by shooting
19 her 6 times with your .38 caliber service revolver. Records note
20 that you shot your victim once in her face, once in her hand, and
21 four times in her back. Also found at the scene was a tin foil
22 packet and straw both containing cocaine. Your victim was an
23 adult female acquaintance and you killed her in the home of your
24 parents.

25 During the interview with this panel you stated that you

[REDACTED]

1 were a Police Officer for over 2 years and were not working your
2 current assignment because you were awaiting medical clearance
3 from your employer to return to work. You acknowledged that you
4 were not supposed to be out of your home and in a bar but went
5 out and met with friends and consumed alcohol. You reported that
6 you consumed alcohol regularly and were dependent on cocaine as a
7 Police Officer. You mentioned that you lived with your parents
8 at the time of the crime and that your relationship with your
9 girlfriend had recently ended. You said that you had known your
10 victim for some times and denied that she was at your residence
11 for or sexual interest. When asked by this panel if you brutally
12 murdering your victim was misguided anger you answered with
13 uncertainty. You stated that you have gained insight into your
14 criminal behaviors and explained that your deceptive and
15 manipulative ways were developed from an early age. You
16 minimally discussed how drugs or alcohol or if anger could have
17 impacted you in killing your friend.

18 The instant offense represents your first contact with the
19 criminal justice system and 1st period of NYS incarceration.

20 In considering your release we also reviewed the COMPAS
21 risk and needs assessment which presents you as a low risk to
22 offend. Of concern to this panel is your continued criminal
23 thinking which is reflected by the misbehavior tickets you have
24 received. During this period of incarceration, you have received
25 numerous misbehavior reports to include for weapon, contraband,

1 fighting and gambling.

2 During the interview you related that you possessed excess
3 tobacco as a means of maintaining power. Your disregard for the
4 rules and disregard for the safety of others while incarcerated
5 is of concern to this panel. It is because of this behavior that
6 this panel agreed to depart from the COMPAS risk and needs
7 assessment presenting you as a low risk of arrest and find that
8 your risk of arrest should be scored as high due to your
9 unwillingness to be law abiding. COMPAS also indicates that your
10 need for re-entry substance abuse treatment upon release is
11 highly probable.

12 During the interview you discussed that during your period
13 of incarceration you exchanged your addiction for alcohol for
14 your addiction to gambling. To your credit, you have not
15 received a misbehavior report since 2011 noted that you have been
16 active in participating in AA.

17 You have participated in all mandated programs and
18 prepared a Parole Packet that included letters of support and
19 assurance from re-entry programs that offer you assistance with
20 your re-integration into society when released. This panel
21 suggests that you start to develop a relapse prevention plan that
22 will include documented support from individual in the community
23 that could guild you with your addictions and addictive
24 tendencies. Services for treatment for gambling addiction in the
25 community should also be sort.

[REDACTED]

1 This panel notes that during the interview you minimized
2 your reckless behavior and expressed limited remorse for your
3 victim. This panel found that your insight is still limited and
4 that your rehabilitation is not complete.

5 We have considered the gravity of your vicious actions and
6 the serious and senseless loss of life that you caused. Your
7 actions demonstrated a cold and callous disregard for human life.
8 To grant you release would so deprecate the serious nature of
9 your crime as to undermine respect for the law.

10 (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 35 pages, is a true and correct copy of the same and whole thereof.

Erin Chickery

Erin Chickery, Court Reporter

Dated: April 7, 2021