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October 2022

### Parole Interview Transcript/Decision - FUSL000149 (2020-09-29)

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

1

1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

2 \*\*\*\*\*

3 PAROLE BOARD INTERVIEW

4 IN THE MATTER

5 -of-

6 [REDACTED] [REDACTED]

7 DIN# [REDACTED]

8 NYSID# [REDACTED]

9 \*\*\*\*\*

10 TYPE OF INTERVIEW: REAPPEARANCE

11 LOCATION: BARE HILL CORRECTION FACILITY  
12 VIDEO-CONFERENCED TO NYS DOCCS

14 DATE: SEPTEMBER 29th, 2020

15 DECISION DATE: SEPTEMBER 29th, 2020

16 AMENDED DECISION:

18 BEFORE: COMMISSIONER DRAKE  
19 COMMISSIONER MITCHELL

21 AT FACILITY: S. DUPREE, SORC

24 HEARING REPORTER: LAURA J. HAYES, Hearing Reporter

25 DURR COURT REPORTING (315) 735-7429

██████████, ██████████ DIN# ██████████ NYSID# ██████████

2

1 BY COMMISSIONER MITCHELL:

2 Q Good afternoon, sir. Please state your name  
3 for the record.

4 A ██████████ ██████████.

5 Q Mr. ██████████, I'm Commissioner Mitchell. I'm  
6 joined this afternoon by Commissioner Drake.

7 COMMISSIONER DRAKE: Hello, sir.

8 INMATE ██████████: Hi.

9 BY COMMISSIONER MITCHELL:

10 Q According to the record you were convicted by  
11 jury trial of murder in the 2nd degree and sentenced to 25  
12 to life. Since it was by verdict, and I am somewhat  
13 familiar with your file, and see that you continue to claim  
14 your innocence, to let you know that we do have a court  
15 reporter here on our side, who will be taking a verbatim  
16 record of this proceeding, okay?

17 A Okay.

18 Q Okay. Good. Do you still have appeals out there?

19 A I have -- well first I have a quick question. Did  
20 you receive the parole packet from the Parole Preparation  
21 Project?

22 Q (Indicating.)

23 A Okay. Thank you.

24 Q All three copies of it?

25 A Okay. In there on -- it shows the attorneys

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 3

1 working on my case now. They're probably still in the  
2 investigative phase. It's Emery Celli Brinckerhoff & Abady.  
3 They appointed me Llann Maaze and David Lebowitz for my  
4 case. They have everything of mine.

5 Q Okay. And we're not going to discuss that. I  
6 mean, that's -- we can only deal with what we have in front  
7 of us, which is what you were convicted of, okay?

8 A Okay.

9 Q Good. And the way I like to conduct these  
10 interviews is to talk a little bit about the instant offense  
11 and then we'll go back and talk about what happened prior to  
12 in your life and what led up to the incident and then talk  
13 a little bit more about what has transpired while you've  
14 been incarcerated and then be a little bit more forward  
15 thinking --

16 Q Okay.

17 A -- and consider what might happen, if and when you  
18 are released. All right?

19 A Okay.

20 Q Good. So according to the record here, on or  
21 about February 6th of 1990 at approximately 9:30 in the  
22 morning you entered the home of your ex-paramour, ██████████  
23 ██████████. She was four months pregnant with your child. It  
24 says that subject tied three belts around her neck, held her  
25 face into the pillow. Consequently there were minimal signs

██████████, ██████████ DIN# ██████████ NYSID# ██████████

4

1 of struggle. The official cause of death was asphyxiation  
2 caused by strangulation and suffocation. So on or about  
3 February 6th of 1990, you were in relationship with Ms.  
4 ██████████?

5 A Yes. I met her a few months before and she was  
6 looking for a place to live. I initially talked to my  
7 family and they had, like, an apartment on the side of their  
8 home. And I said, well, you can stay there if you're  
9 comfortable with that. Now we did it only one time. In  
10 fact, I remember the date, it was February -- I mean, excuse  
11 me, September 20th and I remember that date because we went  
12 to Alexandria Bay to watch the ██████████ play at  
13 the ██████████. And it was about -- that was  
14 September 20th, and I believe maybe about a month -- a  
15 month and a half after that I had her come in.

16 Q All right. The record said that she was four  
17 months pregnant.

18 A Right. But she was pregnant before I had  
19 relations with her. She was already pregnant and there was  
20 never DNA done to speak whose child it was. They didn't do  
21 any DNA on that and she was -- let me just say, she said she  
22 was late for her period, and I have always used protection,  
23 but she believed she was pregnant.

24 Q All right. She died on February the 6th.

25 A Correct. I believe that.

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

5

1 Q So four months means that she conceived in  
2 October?

3 A I'm not sure. Let me see. Around that time, I  
4 would guess. I'm not a doctor. I don't know.

5 Q All right. I'm just going according to the dates.

6 A Yeah.

7 Q You said that your first date was on September the  
8 20th and it was approximately --

9 A Right.

10 Q -- a month later that you had relations with her?

11 A Maybe a month and a half. It was some time in  
12 November. I know it was -- I know it was before --  
13 definitely before Thanksgiving. It's when she moved in. I  
14 don't know the exact date. I don't remember the exact date,  
15 but it was -- it was definitely just before Thanksgiving.

16 Q Okay.

17 A Around that time.

18 Q And you said that when the two of you had  
19 relations, she indicated then that she was late?

20 A Right. Because she saw I was using protection.  
21 She goes, well, you know, I'm late. I'm probably pregnant.  
22 I go, how do you know? She goes, I know. But I still used  
23 protection to protect myself also.

24 Q Right. So she felt that she was pregnant before  
25 you and her had relations?

██████████, ██████████ DIN# ██████████ NYSID# ██████████

6

1 A Right. She -- her very words were -- she goes,  
2 well, I'm late, meaning her period.

3 Q Was there anyone else that you know of that might  
4 have been aware of that?

5 A All I know is the statement on Page 83, the  
6 initial suspect ██████████ stated that to his wife on this  
7 -- the statement was done by his wife, that it was his  
8 child. He believed it was his.

9 Q All right. So how did you meet Ms. ██████████?  
10 Let's go back to that.

11 A Okay. I initially met her -- I was at the  
12 in Watertown. It was in August and I was up there  
13 getting a haircut, and I was sitting down outside because I  
14 was smoking a cigar and she asked me for a light, and I said  
15 okay. I gave her my lighter and she walked away and didn't  
16 come back. So when I went to her and asked her for the  
17 lighter back, she was with some other friends and she  
18 kind of giggled and was flirtatious and I got the lighter  
19 back and she says, what are you doing later? I said, well,  
20 nothing. Why? I -- she goes, you're ██████████ ██████████. Yeah,  
21 I go, yes. How do you know me? She goes, well, I got a  
22 friend ██████████ that he visits a friend across the  
23 street from where I live and he mentioned you that you work  
24 on cars and stuff. And I said, okay. She goes, yeah, --  
25 she goes, maybe you can stop over, but she goes it's got to

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 7

1 be before 2 o'clock in the afternoon. I go, I don't know.  
2 I don't think much of it, but it was the second week of  
3 September that I did bump into ██████████ and we went  
4 to this place, which was across the street, and I saw her  
5 going into her apartment. It was on ██████████. And  
6 ironically the number on ██████████ was the same number  
7 -- address on the apartment she got on ██████████. And  
8 I saw her and I went over there to say hello, but her  
9 boyfriend at the time, ██████████ was there, and I saw  
10 him, and I go, oh. I didn't know they were dating.

11 Q Did you know Mr. ██████████?

12 A I knew who he was, yes. I knew exactly who he  
13 was.

14 Q Did you know that -- but you did not know that  
15 he had a relationship with her?

16 A No. I didn't know those two were dating at the  
17 time. She didn't tell me. I assumed that she lived there  
18 alone the way that she was being flirtatious with me. But  
19 when I went there I had ██████████ with me, and when I went  
20 in I saw him and she stood behind him. And if you can see  
21 me clearly, Commissioner, she went like this (indicating),  
22 like that (indicating). So he goes, ██████████ ██████████, what  
23 are you doing here? Oh, nothing, just stopping by. He  
24 goes, well, come on in. I go, no, no, no. I'm okay. He  
25 goes, well what are you doing? I go, nothing. I just heard



██████████, ██████████ DIN# ██████████ NYSID# ██████████  
1 a racket back here. I was wondering what was going on. He<sup>8</sup>  
2 goes, no, nothing. And he turned around his girlfriend,  
3 ██████████, and he goes, oh, this is my friend ██████████. And I go,  
4 okay. He goes, where you going? I go, I'm going up to  
5 because I used to go up there every weekend  
6 and during the weekdays sometimes I was working up there  
7 part time.

8 Q Now did you say that your friend ██████████ was with  
9 you?

10 A Yeah. ██████████ was with me when I went to  
11 that apartment --

12 Q All right. But Mr. ██████████ --

13 A -- on ██████████ Street.

14 Q -- saw you, but did not see --

15 A Oh, he saw him. He was right behind me. We were  
16 still in the doorway. We never -- I never crossed the  
17 threshold. I just opened the door and saw him, and I was  
18 kind of stunned that I saw him there.

19 Q All right. But he acknowledged you. Did he  
20 acknowledge Mr. ██████████?

21 A Yeah. I don't think he knew him. He must have  
22 saw him. He was right there. He was like right here  
23 (indicating.) He had to have seen him.

24 Q All right. So at this point in time before you  
25 actually start dating Ms. ██████████, you knew that she was

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 9

1 in a relationship with Mr. ██████████?

2 A Exactly. Now after that, if I may, after that  
3 meeting, we left, and I told my Buddy ██████████ I didn't  
4 know she was seeing him. He goes, yeah. He goes over there  
5 all the time. I go, I didn't know he was dating her. He  
6 goes, I don't know. I don't know what's going on. So I put  
7 it out of my mind. And it was a couple weeks later, now my  
8 mom owned a dancing studio, and I would volunteer to do the  
9 receptionist work there. And one day I was driving through  
10 Public Square, on my way to help my mom out with the  
11 receptionist job. Somebody was beeping their horn behind me  
12 and it was ██████████, and I stopped the car at the light. I  
13 turned around, opened the door. I said, what's going on?  
14 She said, well, I broke up with ██████████ and I moved out.

15 Q And when was this? What was the date?

16 A This was about two weeks after. This was in  
17 September, early September.

18 Q Right.

19 A And she goes, follow me. I'm cleaning a house. I  
20 work for ██████████ ██████████, I guess owned some  
21 sort of business, whatever it was, but that's who she was  
22 working for. Her and a friend, I forget her friend's name.  
23 She goes, follow me to the apartment. So I -- she was  
24 cleaning an apartment, I guess that was her job for ██████████  
25 ██████████ So I cleaned -- I mean, I went to the apartment

██████████, ██████████ DIN# ██████████ NYSID# ██████████

10

1 where they were cleaning and she said, look, I -- I broke up  
2 with ██████████ I go, you should have told me you were dating him  
3 to begin with. That was an awkward situation. I go, you  
4 know, I don't like him. She goes, well, I broke up with him  
5 anyways. She goes, we go out sometime? I go, I don't  
6 know. She goes, take me for a ride. I go, I can't. I  
7 got to go to my mom's dance studio, and I got to go pick up  
8 the records -- record book and then go to the dance studio  
9 and work. She goes, well where's -- where do you go to go?  
10 I go, I got to go to ██████████ and then I got to come  
11 back. So she wanted to ride with me, so I brought her  
12 with me.

13 Q Hold on a second. We're going a little bit too  
14 far.

15 A I'm giving you all the details of what happened.

16 Q I know, but there are some details in between that  
17 I need to understand. You said that you told her that you  
18 didn't like Mr. ██████████

19 A Yeah. I wasn't -- he was kind of a shady  
20 character.

21 Q But you said you didn't know him?

22 A I didn't know him like really personally, just  
23 knew about him.

24 Q What did you know about him?

25 A He was a drug dealer, womanizer.

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

11

1 Q And how did you know that?

2 A Well, I knew [REDACTED] and he shot a shotgun off  
3 right next to her head. [REDACTED] still has a bootmark  
4 in her face from where he almost beat her to death and the  
5 guy came in to save her, he hit the guy in the head with a  
6 hammer and almost killed him. That's all on record. Some  
7 woman at Fort Drum, but I'm not sure what happened there.

8 [REDACTED] was --

9 Q So at the time -- at the time that you and [REDACTED]  
10 started dating, you knew this about Mr. [REDACTED]

11 A Yes.

12 Q Did you ever warn her about Mr. [REDACTED]

13 A Well, after that -- the instance where I saw him  
14 first with her and [REDACTED] I was kind of shocked. I wasn't  
15 thinking about that. But later, if I may, when I gave her  
16 a ride out to my home to pick up the records and came back,  
17 I told her, I go, you know, he was a shady character. You  
18 know about him? She goes, oh, I heard all the rumors. I  
19 go, you know about [REDACTED] She said she knew about  
20 her. I go, you knew about her and you're still dating him?  
21 I don't -- well, I don't know. So I said, I don't know.  
22 She goes, well, why don't you take me to  
23 When you going next? I said, you know what, it was just,  
24 like, kind of like an informal date. You know, I'm going  
25 on February 20th to see the [REDACTED] Band. And she

1            [REDACTED], [REDACTED]      DIN#      [REDACTED]      NYSID#      [REDACTED]      12  
2            goes, well, take me. I go, maybe. I go -- I gave her my  
3            number. I go, call me in about a week. So when I went  
4            home, I actually called Lieutenant            , he has a  
5            statement in here, too, about [REDACTED] I called  
6            Lieutenant            because he told me that her family was in  
7            -- worked for the sheriff's department, also in corrections,  
8            whatever. So Lieutenant            , his father, I worked with  
9            him on the railroad, and I called him and asked him about  
10           her. He said, oh, wonderful family. Really good family,  
11           but I never mentioned [REDACTED] to him. I just wanted to  
12           know about her and her family. He said, really good family,  
13           outstanding, and he was right.

13           Q      All right.

14           A      He was right.

15           Q      How old were you at the time, Mr. [REDACTED]?

16           A      Let me see, what was I?      Thirty-one?      Thirty-one  
17           maybe, around that area.

18           Q      And how old was [REDACTED]?

19           A      Twenty-three, 24.

20           Q      What did she do for a living?

21           A      She was a waitress at the            Restaurant, and  
22           then I got her a job, I think my dad did, at            Stand,  
23           that's on Route 81 -- coming off Route 81 going into  
24           Watertown, the            Street exit. And then she was -- on  
25           February 5th the day before I discovered her body she was

██████████, ██████████ DIN# ██████████ NYSID# ██████████

13

1 supposed to start at Rite Aid. My dad actually got her a  
2 job there. She never showed up on the 5th and that was one  
3 of the reasons why I went to her apartment and to deliver  
4 mail that morning on the 6th.

5 Q So the last time you saw her was when?

6 A Was actually between midnight and 2 o'clock,  
7 February 6th. Some eight hours later, I went into town to  
8 make sure she got up to go to work and give her her mail  
9 because her mail was still coming to my -- my box in

10 . She had her mail -- when she stayed there, she had  
11 her mail coming there.

12 Q All right.

13 A In fact, during the trial mail still came.

14 Q Give me the date of the last time you saw her  
15 alive, the date and the time.

16 A I believe it was between midnight and 2 o'clock on  
17 February 6th. This was February 5th at midnight, I saw her  
18 that night.

19 Q All right. Two o'clock in the morning and she  
20 died on the 6th?

21 A Between -- right, eight hours later. Supposedly  
22 eight hours later, whatever -- the time of death was never  
23 ever really determined here. I mean, they -- here they have  
24 an autopsy report, but when a grand juror asked for the time  
25 of death, the DA said he didn't have one. But clearly the

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

14

1 autopsy report here says -- and there is some discrepancy  
2 here because it says the time of death is 19:40, sir, 19:40,  
3 and it's on page -- I got it right here. On Page 92, time  
4 of death 19:40, date of death 2/6 --

5 Q All right.

6 A -- on February 6th. But 19:40 doesn't make sense.

7 Q I don't want to go back -- I don't want to go to  
8 that. I'm asking you --

9 A Okay.

10 Q -- you saw her -- the last time you saw her was on  
11 or about 2 o'clock in the morning?

12 A A little before that.

13 Q All right. A little bit -- right. A little bit  
14 before two in the morning.

15 A Right. Between midnight and two.

16 Q Between midnight and two. And then you left and  
17 come back sometime around --

18 A No. No. She come out to . Now first  
19 of all --

20 Q When -- when did you discover her body?

21 A On February 6th, the morning, at 9:30.

22 Q All right. At 9:30 in the morning.

23 A Right.

24 Q And the last time you had seen her was about  
25 seven or eight hours prior?

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 15

1 A Before that, right.

2 Q All right. So she's --

3 A And --

4 Q She died sometime between -- according to your  
5 statement, sometime between 2 a.m. in the morning and 9 p.m.  
6 in the morning?

7 A Well she drove home probably 2:30 in the morning  
8 and 8 in the morning, because when I got there she wasn't  
9 alive.

10 Q Somewhere between 2:30 in the morning and 8:30 in  
11 the morning?

12 A Somewhere around there, right.

13 Q Okay. All right.

14 A I did see her on the Friday before that. I  
15 believe it was the --

16 Q I don't want to go back that far.

17 A Okay.

18 Q That time frame is good enough for me.

19 A Okay.

20 Q Now where did you see her between 12 and 2 in the  
21 morning? Where did you see her?

22 A All right. At the True Value Hardware Store.

23 Now what happened was, she called me --

24 Q You saw her where?

25 A In the front of the Store.



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

16

1 Q [REDACTED] Store. Was it opened?

2 A No. It's late at night.

3 Q What are you doing in front of the True Value  
4 Hardware Store?

5 A That's what I want to explain to you. She called  
6 me, it was around 11:30. She wanted to come out. I go,  
7 well, you just moved in. I can't. It's too late and your  
8 car has got that bad problem with it, it's too loud. You'll  
9 wake my family up. My dad -- my mom dad would have a fit.  
10 You can't. She goes, well, I'm coming out. I go, you  
11 can't. She goes, well, I'll park the car down at the  
12 hardware store, which is down the street. I go, I don't  
13 know. She goes, well, I'm coming out. So I go, all right.  
14 So I walked down there. I waited about 15 minutes and  
15 walked down there and when I got there she must have  
16 parked in back. She didn't take Route 11 because I would  
17 have saw her car. She had to have taken Route 81, so she  
18 might have called me from [REDACTED] Stand, if she was working  
19 there, but I don't believe she was working there, but she  
20 had to come through 81 and came in that way because I  
21 couldn't see the car, but I saw her when she came around the  
22 corner, I go, what are you doing? I said, you can't stay,  
23 and I talked to her awhile about that. She was crying, a  
24 little bit upset. I go, what's going on? She said, you  
25 don't want to know. I go, something is going on you're not

██████████, ██████████ DIN# ██████████ NYSID# ██████████

17

1 telling me. She goes, well, do you got my mail? I go,  
2 well, I got some, but I got to go to the mailbox and  
3 check it. I'll bring it to you in the morning. Make sure  
4 you're up for work at Rite Aid; my dad went through a lot of  
5 trouble. And that was the last conversation I had with her  
6 and she went back. I sent her back.

7 Q So she left from the True -- she left the parking  
8 lot at True Value somewhere around --

9 A Right. She came around from the parking lot. I  
10 saw her in front.

11 Q Okay. But she --

12 A And then --

13 Q -- left -- she left you --

14 A Right.

15 Q -- at about 1:30, 2 o'clock in the morning?

16 A Around that area. I'm not sure of the time.

17 Q All right. That's fine.

18 A It could have been 12:30. It could have been one.

19 Q Okay. She left and she went back home.

20 A Right. Or back to her apartment.

21 Q Went back to her apartment. All right. You went  
22 back home?

23 A I went back home.

24 Q You were living with your parents at the time?

25 A I lived in the little apartment off to the side,

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

18

1 yes.

2 Q Okay. So you left. What time did you get up and  
3 go visit her in the morning? What time was she supposed to  
4 be at work?

5 A I wasn't sure. I woke up a little late around  
6 eight. Usually I'm always up at six, but I was tired. I  
7 got up at about eight and I was up a little earlier, but I  
8 feel -- dozed back off. My dad said, did she go to work? I  
9 go, I don't know. He just put his hands up and he had to go  
10 to work to the railroad. So he left. So I decided, you  
11 know, I better go into town and find out.

12 Q So you went into town?

13 A Yes.

14 Q You went to the Rite aid?

15 A No, I didn't go to Rite Aid. I went to -- the  
16 first place I stopped was at the post office to check my  
17 box. There was no extra mail and then I had an envelop and  
18 I had two other people with me. I had [REDACTED] because my  
19 car was blocked in -- my car was blocked in so [REDACTED]  
20 gave me a ride into town. She had a little daughter with  
21 her and she goes, if you fix my radiator I'll give you a  
22 ride in. Well, the car kept breaking down, but I'm pretty  
23 good with cars, I've gotten them fixed. And then we went  
24 into town and that's when I discovered the body. It was  
25 about 9:30 when we arrived there.

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 19

1 Q So how do you know she didn't go to work?

2 A Pardon me?

3 Q How do you know that she did not go to work?

4 A I didn't know, but when I got there I saw her car  
5 in the driveway. I go, oh, my God. She didn't even go. So  
6 -- well she -- how do I know she didn't go because my dad  
7 told me. He goes, I set the job up for her. She didn't  
8 show up? I go, I don't know dad. I don't know.

9 Q Okay. All right. I want to go back a little bit  
10 now before you actually met her because this took place --  
11 you met her somewhere in the summer of 1990. So I want  
12 to go back a few years. You were born in '57. So in 1977  
13 you were about 20-years old?

14 A Yes, sir, '57 I was born.

15 Q Okay. But I see there's some stuff -- you were  
16 adjudicated as a youthful offender for petit larceny  
17 unauthorized use of a motor vehicle.

18 A Yes, sir.

19 Q And that was under the age of -- you were under --

20 A I was about 15, 16.

21 Q Fifteen, 16. All right. Ask then 1977 when you  
22 were about 20, you were arrested for criminal possession  
23 of a controlled substance. What was that?

24 A I am not sure. I remember two of them. One, I  
25 was holding stuff for my girlfriend, ██████████ That had

██████████, ██████████ DIN# ██████████ NYSID# ██████████

20

1 to have been -- let me see, '77.

2 Q Yes.

3 A That's '77, sir?

4 Q '77, May.

5 A I remember the blizzard of '77. I was holding  
6 stuff for my girlfriend, ██████████ It was stupid.

7 Q Drugs?

8 A It was stupid. Yeah, marijuana.

9 Q Marijuana. All right. And then moving on, 1979  
10 arrested and charged with sexual abuse in the 1st degree,  
11 rape in the 1st degree, unlawful imprisonment and criminal  
12 mischief?

13 A Yes, sir. That was brought before the grand jury.  
14 All of it was thrown out, but then they came back with 3rd  
15 degree assault and it was basically for slapping ██████████  
16 ██████████ on the bare butt and pushing her in the snowbank. I  
17 apologized to her, I can't tell you how many times, maybe a  
18 hundred times over two years. She just gave me the cold  
19 shoulder. She was mad. It was me and five guys all got  
20 arrested for the same thing. It went to the grand jury, but  
21 it all got thrown out, but they came back with -- I don't  
22 know who else got charged with anything, but I got charged  
23 with a 3rd degree assault, sexual assault. I'm not proud of  
24 it. It was a bonehead move. At the time I laughed about  
25 it. I was stupid, but I realized it really offended her.

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

21

1 You know, she was a friend. She lived right there in  
2 with me, yeah. And to this day, you know, I  
3 apologized to her in the '80s whenever I would see her,  
4 which wasn't very often because of my job with the railroad,  
5 but I apologized every time. She was a good girl. It was a  
6 stupid, stupid thing.

7 Q All right. Moving on, I see that later in -- this  
8 is 1988 now, 1988 you would have been 30?

9 A '88?

10 Q Yeah.

11 A I believe so. I'm not good with the math.

12 Q Okay. You were charged with -- this is June 21st  
13 of 1988, charged with rape in the 3rd degree, two counts  
14 endangering the welfare of a child, six counts sexual abuse  
15 in the 3rd degree, two counts.

16 A Yes. And if you look at all that, it was thrown  
17 out, but what happened was, I pled guilty to -- there was  
18 two charges that go along with that day that are connected.  
19 You probably -- I don't know if you have it there or not.  
20 One, was they put me down for sales. What happened was this  
21 girl's mother I was dating, I broke up with her because I  
22 found out she was an illegal alien. She had a bag, probably  
23 a half-pound bag of seeds, marijuana seeds.

24 Q She was an illegal alien?

25 A The mother was, right, I believe. She was a

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

22

1 Mexican lady.

2 Q Okay.

3 A And she gave me the seeds. She goes, I want you  
4 to plant them because I had a huge garden. I go, I'm not  
5 planting those. And she left them at my home. When she  
6 came back the next day because I called her, you got to take  
7 them back. I go, here take them (indicating). Her daughter  
8 reached out the window and grabbed them. And I believe it  
9 was Officer [REDACTED] who lived in [REDACTED] I don't  
10 know if he took a picture of them or not. My lawyer said  
11 they probably got you on film handing the girl seeds and  
12 they charged me with the sale. It was a stupid move that  
13 I made. I should have just flushed them down the toilet,  
14 but it's something I had to live with. Also connected with  
15 that was right around that time frame, I don't know if it  
16 was before of after that, my memory is not that good. They  
17 arrested me for signing a false statement. What happened  
18 was, that same woman was spotted by my neighbor going into  
19 my house and I had a stereo component missing, so I wrote a  
20 statement out. Later that same day, I found out my mom  
21 says, you dummy, I can't use it because my amplifier at the  
22 dance studio burnt up. So when I went to try to rectify the  
23 situation, they arrested me for signing a false statement.

24 Q All right. Well, let's skip to the sexual abuse  
25 charges.

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

23

1 A Yes, sir.

2 Q And endangering the welfare of a child.

3 A No. I am not guilty of none of that. The seeds,  
4 handing her the seeds, I did that. It was a stupid move.  
5 It was a stupid move. I pled guilty, and I said the exact  
6 same thing I'm telling you to judge in court. That's what  
7 I pled guilty to.

8 Q All right. And you were arrested for having  
9 intercourse on several occasions with a 14-year old?

10 A That's the same person, but all that got thrown  
11 out. The DA said, I'm throwing all that out.

12 Q Okay. So you're telling me you never had sex with  
13 a 14-year old?

14 A Hell no, sir.

15 Q Okay. So all of these sexual abuse charges  
16 against you have been thrown out?

17 A Yes, sir.

18 Q And that's why you weren't required to take any  
19 sex abuse programs?

20 A The only sexual abuse charge was that 3rd degree  
21 assault for slapping the girl on the butt, [REDACTED] and  
22 that was in the earlier '70s and that's the only conviction  
23 I have, was that conviction because I'm guilty of that. I  
24 did that, and I'm sorry for it, and I still regret it today  
25 because it's on my record. I mean, I've done some



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

24

1 bonehead things, but murder of a pregnant woman is not one  
2 of them or having sex with a young kid. That's just not me.  
3 But I did make a lot of bonehead moves, and I regret it. I  
4 mean, that's not who I am today. That was --

5 Q At what point did you get married?

6 A I got married, let me see, around 1979, 1980,  
7 around that time. And it's funny you ask that, right after  
8 I got married with that sexual abuse charge, sir --

9 Q Yes.

10 A -- I pled guilty and it was supposed to be pay a  
11 fine, but when I pled guilty they sentenced me to 45 days in  
12 jail. My dad got upset about it. We had a deal, and I  
13 didn't want to lose my job on the railroad, so Judge [REDACTED],  
14 the county judge, that was city court that sentenced me to  
15 45 days in the county jail, the -- Judge [REDACTED] let me out  
16 pending an appeal. So it was like a year or so later I got  
17 -- I met [REDACTED] and got married. And then what do you  
18 know, my appeal failed and I had to do 21 days out of 45  
19 days in the jail.

20 Q All right. Now why did she take out an order of  
21 protection against you?

22 A She did that -- that was done after we got -- that  
23 was done after we were separated and I got involved with  
24 that Mexican girl and they had me charged. It was a big  
25 mistake even getting involved with that Mexican woman, but

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 25

1 that marijuana charge, the sales charge of giving sales,  
2 based on that she got the order of protection, my wife did.  
3 That -- we were already separated though after that. I  
4 mean, before that.

5 Q You were separated before that?

6 A Yes. We separated --

7 Q How long were you together with your wife?

8 A For about seven years. Until about '87. In fact,  
9 we got married -- in fact, we separated ironically on Good  
10 Friday 1987.

11 Q All right.

12 A That's the day --

13 Q She claimed that you were abusive toward her  
14 children?

15 A Never. Whose children? My children? Excuse me,  
16 sir, my children you're saying?

17 Q Let me get it. She says a family offense petition  
18 was filed 1987 on the grounds that subject was short  
19 tempered and unloving toward the children and physically  
20 abusive towards her.

21 A That's when we initially went in family court.  
22 She stated that I took a 45-pound marble coffee table and  
23 drove it into her head, which was not true. The judge  
24 dismissed that. But there is no record on the court file  
25 when she was on the stand that she never said none of that.

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

26

1 Q All right.

2 A That's just a statement that she put, but that's  
3 not true.

4 Q Why don't you tell me what the relationship was.  
5 How many children resulted from that marriage?

6 A All right. I've had two children, my first born  
7 son, [REDACTED] and you my second born, my daughter, [REDACTED]

8 [REDACTED]

9 Q Okay.

10 A . And it was pretty good, but it was strained  
11 because I'm never home. I'm on the railroad. I'm always  
12 working and it put my wife and I at odds. She was upset  
13 because I'm never home, and I said, I got to work. What do  
14 you want me to do? I have to work. Then on August 26th,  
15 1986, I got hurt on the railroad, and I was really in a bad  
16 way, and I was home then, and I got to spend more time with  
17 the children, but it was from August 26th, 1986, then the  
18 good Friday right after that we got separated.

19 Q All right.

20 A We just -- too many arguments.

21 Q And the children stayed with her?

22 A They were awarded custody to her. I couldn't  
23 take care of them with the railroad. I figured I could  
24 recover, but, sir, if you know anything about railroad  
25 freight train, you're gone for maybe a day or two at a time.

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

27

1 Q Okay.

2 A And then you come back. So I couldn't have that.

3 Q So while you were separated and divorced, you had  
4 to pay child support?

5 A When I was separated I went to family court. I  
6 brought a check in -- I was giving her money anyway. I was  
7 sending her money all the time anyway. In fact, I got a  
8 settlement from the railroad and gave her money, which she  
9 never admitted to. I don't know if she did or not, but in  
10 the court you gave \$5,000 right up front with the judge  
11 there, and then I got sentenced to jail. Now it was 1995.  
12 I finally filed for divorce. I filed for the divorce in '95  
13 and they were doing something peculiar. While I was  
14 incarcerated, I was not making any money. They were to  
15 charge me \$500 a month in support. So when I brought that  
16 to the attention of Judge [REDACTED], Supreme Court Judge in  
17 -- it was in Elmira, that area, he suspended that. He said  
18 the children are not going to be public wards or anything.  
19 They won't have to go on welfare so he suspended that until  
20 I get out of jail. I have no problems paying support  
21 money. It's my children.

22 Q All right. But I see now that it's added up and  
23 amounts to about \$52,000.

24 A Actually, it's 30 -- it was 30 something thousand.  
25 I know the jail has 50,000. It's 30,000 but that, sir, I

██████████, ██████████ DIN# ██████████ NYSID#

1 have a document. The Parole Preparation Project, ██████████  
2 ██████████ actually has the document from the divorce, the  
3 agreement between my wife and I that was to be wiped clean,  
4 but even, sir, if it's not, I have no problem paying money,  
5 that kind of money is nothing. I can make money if I'm out  
6 there. I can make money. I'm a hard worker.

7 Q All right. Since you have been incarcerated I see  
8 that over the years you've only had one ticket, yeah.

9 A Yes, sir, that's true. I had one ticket. It's in  
10 here I know it. I was --

11 Q What was that about? I want to hear about that.

12 A Yep.

13 Q Tell me about that.

14 A I was facilitator. I had been a facilitator for  
15 the Jewish Community many years, and I love that work. I  
16 was trained early on by I think it's Rabbi ██████████ in  
17 Elmira. But here in this jail, Bare Hill, it was Rabbi  
18 ██████████. And he's not here during passover, so I had to act  
19 as the Rabbi. A package came in and it said, must be  
20 refrigerated. So when I took -- went to take that package  
21 from the designated area, the activity building, up to the  
22 mess hall the officer said -- Officer ██████████ said, what are  
23 you doing? I said, I've got to take this up to be  
24 refrigerated. No, no, no. You're stealing. I tried to  
25 explain my case. She goes, no, put everything down, go back

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

29

1 to the dorm. When I went to the hearing, Lieutenant  
2 threw out the stealing he said, you know, the rule was not  
3 to take any food out of that area. Instead of arguing I  
4 just said, you're right because it is the written rule, and  
5 I made a mistake.

6 Q All right. All right. I gotcha. Let's move on  
7 to the attachment. I've reviewed your case plan. I have  
8 reviewed your COMPAS and risk assessment. And as we would  
9 expect, you've been here for a while. You've got a clean  
10 disciplinary. Your COMPAS is across the board low with the  
11 exception of low family support probably, and we'll talk  
12 about that in a second, but I do --

13 A Okay.

14 Q -- want to talk about this.

15 A Okay.

16 Q All right. The Parole Preparation Project does  
17 good work in terms of putting the file together. I see all  
18 the letters of support from family and friends. What I  
19 guess is for me, what strikes me is that although there are  
20 some family members, like, [REDACTED], you don't have  
21 anything from your children.

22 A No. Now my son has had a very hard time with  
23 this. And once I got arrested, the last time I've talked to  
24 him, I was in the county jail. Sir, he was just torn up  
25 about it and my mom used to tell me that he would sleep in

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 30

1 my bed, look at my picture and cry. I didn't know what to  
2 do. Now my daughter came to see me in Elmira. She was  
3 older. In fact, there's a letter rest restore, ██████████  
4 ██████████, I think it's probably the last letter there.  
5 She brought my daughter to see me in Elmira. ██████████  
6 ██████████, she just passed away a few months ago and a very  
7 close friend of the family. She brought my daughter to see  
8 me. It was great. It was really good, but maybe I made a  
9 mistake, but I think that it's not my children's job to take  
10 care of their father. It's my job to take care of my  
11 children. And especially my son she said, ██████████, he's got a  
12 hard time. He's afraid. I go, well, I go, I just got to  
13 try to get out, clear my name, and I will try to mention  
14 this, but it's going to be on their terms. My daughter has  
15 since had two grandchildren ██████████, and I  
16 haven't seen them yet, but that's my decision. I don't want  
17 to burden them with having to come up and see me or  
18 them having to call me. I will get a few letters. I save  
19 every letter, but it's just -- it's not -- I don't think  
20 it's the right atmosphere for them to come to prison to see  
21 their father. She came to see me in Elmira and it was  
22 pretty rough there.

23 Q All right. Is -- was that the only visit that you  
24 had from you daughter?

25 A From my daughter, yes.

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 31

1 Q All right. And none at all from your son?

2 A No, not from my son.

3 Q No contact at all, okay. I see --

4 A They're in Florida. They live in Florida.

5 Q I gotcha. I see that you've received letters for  
6 reasonable assurance from the Center for Community  
7 Alternatives, where they're guaranteeing employment for you?

8 A Yes. I'm very happy for that. I'm excited with  
9 that because of not so much -- they mention my facilitating  
10 job, but I did something I'm a little proud of with the  
11 football in prison.

12 Q Okay.

13 A And that will help.

14 Q I see you have guaranteed housing at the Nielson  
15 House?

16 A Right. I also have one from an elderly woman.  
17 ██████████. It should be the first letter of support.

18 A I see that.

19 Q Where does she live?

20 A She lives in ██████████, too.

21 Q In ██████████. Okay.

22 A Right. And the ██████████ is in ██████████,  
23 too.

24 Q And ██████████ is home for you or ██████████?

25 A I never liked in ██████████, only when I was a real



██████████, ██████████ DIN# ██████████ NYSID# ██████████  
32  
1 young kid on ██████████ Street, but when I grew up we -- my  
2 family we moved out of ██████████ to ██████████. I never  
3 liked ██████████ and my decision to move to ██████████ was  
4 based on a few things. One, if I was granted release, I  
5 have got a lot of friends in ██████████ that would support  
6 me, a few friends, not a lot, but a few friends. Most of  
7 them have died, they're older. We're all old now, but there  
8 is always going to be someone saying, oh, there's a  
9 murderer, but I do have friends that believe in me, but on  
10 the other side, there might be people that feel some sort  
11 of way, so I figured out of sight out of mind, I'll start  
12 fresh somewhere else. Working for the railroad, you can  
13 work and go anywhere.

14 Q The letters of assurance, I see that you've  
15 received them from the Center for Community Alternatives,  
16 the Prison Outreach --

17 A Yes, sir.

18 Q -- at ██████████, ██████████, Turning Point  
19 Resource Center, and I guess that's the Diocese of

20 ?

21 A I believe so.

22 Q Delphi Rays, Lift Up and Live True.

23 A Right.

24 Q The Board?

25 A That one there, I would have to bring this letter

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 33

1 with me --

2 Q All right.

3 A -- to get help from them.

4 Q The ?

5 A Right. In case they made me go there, but I  
6 doubt I will have to go there --

7 Q Okay.

8 A -- if I could somehow get released.

9 Q And I also have your certificate, completion of  
10 progression. Did you get your high school diploma?

11 A I got a G.E.D. They made me take it. Now before I  
12 hired out on the railroad, they checked and said, he has  
13 enough credits. I don't know how they do it now, but then  
14 if you had enough credits you graduate.

15 Q Right.

16 A So they hired me on .

17 Q You haven't gone through the formal graduation?

18 A I didn't go through the formal graduation or the  
19 final exam.

20 Q All right. Thank you for that, Mr. ██████████.

21 I'm going to pause right now and ask my colleague if she has  
22 any additional questions.

23 COMMISSIONER DRAKE: I have no questions. Thank  
24 you.

25 BY COMMISSIONER MITCHELL:

██████████, ██████████ DIN# ██████████ NYSID# ██████████

34

1 Q We have covered quite a bit. Your file is fairly  
2 complete. And thanks to the Parole Preparation Project,  
3 we've got detailed plans for if and when you are released,  
4 and I thank you for that. But before we conclude, and we've  
5 got a lot to digest and to deliberate on, let me ask you, is  
6 there anything that you want to share with us that you think  
7 we need to know that we have not discussed?

8 A Well I'd like to make a final statement. But  
9 also about the drug thing you asked about --

10 Q Yes.

11 A -- on Page 56-58, I went to a hearing here about  
12 the ASAT.

13 Q Yes.

14 A And it says on there that they did a little  
15 detailed investigation and asked me everything. And you can  
16 see it says, no need for ASAT program based upon no clinical  
17 evidence suggestion of substance abuse exists, drinking or  
18 otherwise.

19 Q Right.

20 A I don't have a problem with drugs, sir. I hate  
21 them. I hate them.

22 Q Yes. And that's only reason you would be waived  
23 from having the requirement of having to take the program.  
24 There's no evidence that you have.

25 A No, I would never use them. That doesn't serve no

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

35

1 purpose for me.

2 Q I thank you for that, sir.

3 A My final statement would be, if I was released, I  
4 can't -- you know, I'm not proud of my past. I'm not proud  
5 of it at all. An idiot. I was a bonehead. And if I was --  
6 you know, I'm not the same person today. I'm 63. I mean, I  
7 am definitely not that person, but I would live a perfect  
8 life if I was released. I am not proud of the past. I  
9 can't change it. I have to say thanks -- I got to say  
10 thanks to Rabbi [REDACTED]. Now I met him in Gowanda  
11 and we touched on a lot of things in my past and he's helped  
12 me overcome a lot of it because you can't keep reliving it.  
13 You've got to move forward. And through his teaching so  
14 much, I mean, I can go on an hour on just this teaching,  
15 just a fantastic man. And I was really honored that he  
16 would appoint me as facilitator knowing I'm not Orthodox  
17 Jew. I believe in the New Testament, but he still wanted me  
18 because of the arguments they were having. There are two  
19 sides to arguing. With him, ART helped a little bit,  
20 but Phase 2, I think helped even more. I learned a lot from  
21 that teaching in Gowanda. Also the Rabbi here, Rabbi  
22 [REDACTED], and especially there is an old Russian Rabbi  
23 that had come in, and I talked to him in depth on things. I  
24 don't usually share my private life with people, but with  
25 [REDACTED] and Rabbi [REDACTED], I put it actually out

██████████, ██████████ DIN# ██████████ NYSID# ██████████ 36  
1 there for them. I just want to be a better person. How am  
2 I going to help somebody if I can't fix myself. I have to  
3 make sure I am right first. But, you know, I would like the  
4 opportunity to share what I have learned from that. And I  
5 think above all that what goes through my body and mind all  
6 the time is the ██████████ Family. But it's not the ██████████  
7 Family, it's really ██████████. It's ██████████ ██████████ was  
8 her mother. The ██████████ Family. And her son, ██████████ he  
9 used to climb all over me. They had to grow up without a  
10 mother, like, my son had to grow up without a dad. I think  
11 about that all the time. Yes, it says I am job ready and  
12 all that, but --

13 Q I just want the record to reflect that you got  
14 very emotional.

15 A Thank you. I think about that a lot. I am job  
16 ready. The job is not a problem. I can make money  
17 anywhere. I'm pretty good. I'm pretty good.

18 Q All right.

19 A But I learned a lot. I learned a lot, but that's  
20 -- I think about that all the time.

21 Q Mr. ██████████, I think this is a good place for us  
22 to conclude, and again thank you for your interview. We'll  
23 deliberate and we'll get your decision to you within a  
24 couple of days. Thank you, sir, and good luck to you.

25 A Thank you.

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

37

1 (The inmate was excused.)

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

5  
6 D E C I S I O N:

7  
8 Denied 24 months.

9 Next appearance September of 2022.

10 After a review of the record and interview  
11 leads the panel to conclude that if released at this time there  
12 is a reasonable probability that you would not live and remain  
13 at liberty again without violating the law and that your release  
14 would be incompatible with the welfare of society and would so  
15 deprecate the serious nature of the crime as to undermine  
16 respect for the law.

17 The record indicates that you were convicted of  
18 murder in the 2nd degree in which you intentionally caused the  
19 death of your ex-paramour. According to the record, while she  
20 lay sleeping in her bed and pregnant, you strangled her  
21 causing her death. Required statutory factors have been  
22 considered together with your institutional assessment,  
23 including discipline and program participation, your risk and  
24 needs assessment and your need for successful reentry into the  
25 community.

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

38

1           The panel notes your disciplinary record and the  
2 single disciplinary infraction. Also noted is your program  
3 participation to date and the completion of required programs.  
4 The panel has weighed and considered the results of your COMPAS  
5 risk assessment and the low scores indicated therein, with the  
6 exception of highly probable for low family support. Your  
7 criminal history reflects an escalation of criminal behavior,  
8 which you continually minimize.

9           The panel also reviewed and considered your  
10 well-documented release plan and support letters included  
11 therein. You continued to claim innocence in the instant  
12 offense and, therefore, there could have been no remorse for the  
13 crime for which you were convicted and the family involved.  
14 Therefore, based on all required factors in the file considered,  
15 discretionary release at this time is not appropriate. Parole  
16 is denied.

17                           (Commissioners Drake and Mitchell concurred.)  
18  
19  
20  
21  
22  
23  
24  
25