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1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

2 *****

3 Parole Board Interview

4 In the Matter

5 -of-

6

7

8 NYSID #

9 *****

10 TYPE OF INTERVIEW: INITIAL RELEASE APPEARANCE

11 LOCATION: EASTERN CORRECTIONAL FACILITY
12 Videoconferenced to NYS DOCCS
13 1220 Washington Avenue, Building 4
14 Albany, New York

15 DATE: APRIL 12, 2022

16 AMENDED DECISION: APRIL 21, 2022

17 BEFORE: COMMISSIONER SAMUELS
18 COMMISSIONER SEGARRA

19 AT FACILITY: ORC RUIZ

20 ALSO PRESENT: COMMISSIONER STANFORD
21 ASSEMBLYWOMAN CARRIE WOERNER
22 NICOLE CLARKE, Legislative Director
23 KYLIE HENEGHAN, Intern

24

25 HEARING REPORTER: THERESA L. ARDIA, CSR, CRR, RPR, RMR

1 BY COMMISSIONER SEGARRA:

2 Q. Good morning.

3 A. Good morning, Commissioners.

4 Q. Can you please state your name.

5 A.

6 Q. Mr. , I am Commissioner Segarra. I'm joined this
7 morning with Commissioner Samuels.

8 COMMISSIONER SAMUELS: Good morning, sir.

9 A. Good morning.

10 Q. You need a minute to get all set there?

11 A. Yes, I just walked in. Just going to grab the parole
12 packet.

13 (Pause in proceedings.)

14 A. Okay, Commissioner.

15 Q. I believe you met Commissioner Samuels during your LCTA
16 interview. Is that correct?

17 A. That's correct.

18 Q. Okay. And you've been afforded the opportunity at a
19 new interview, a new opportunity at release; right?

20 A. Yes, ma'am.

21 Q. Okay. So the last interview was in October. Anything
22 you want to talk to us specifically what occurred since then
23 til now that you want us to talk about ahead of time?

24 A. Well, I continue with all the programming that I had
25 been doing ahead of time and I also had a meeting -- I had a

1 meeting with Senator Julia Salazar. She had come to BPI,
2 which is the Bard Prison Initiative, to talk to us about
3 education in prison. And during some of that meeting, we
4 talked about criminal justice reform and ways to maybe
5 improve the parole system.

6 So she had to leave, but we had kept in contact and I
7 have a letter from Senator Salazar. It just came last
8 night, so I couldn't put it in there.

9 Is it all right if I give it to the SORC?

10 Q. Absolutely.

11 A. Thank you. To make it part of the record.

12 Q. Absolutely.

13 A. Thank you. I'm going to turn it in.

14 Q. All right.

15 A. Yes, so that's what I've been doing since the last time
16 I was here.

17 Q. Okay. So we're going to cover a lot of the same things
18 during this interview that were covered; basically, the
19 crime itself. We're going to talk about the institutional
20 adjustment. We definitely want to talk to about your plans
21 for release. Okay?

22 A. Yes.

23 Q. So when I look at the crime itself, it's pretty
24 extensive. But you have two convictions by way of verdict
25 out of Queens County. Is that correct?

1 A. That's correct.

2 Q. And the convictions were Murder Second, class A1
3 felony, 25 to life; and Manslaughter Second, sentenced 5 to
4 15 to run consecutive. Yes?

5 A. That's correct.

6 Q. That was by way of verdict. I do need you to know we
7 have a court reporter here that will transcribe today's
8 interview that will make a transcript that can be made
9 available for another legal matter.

10 It certainly was made available for today's interview.
11 We had gone over the interview you had in October and had an
12 opportunity to review it as well.

13 A. Okay. That's fine, Commissioner.

14 Q. So I'm going to ask you: Do you have any pending
15 appeals?

16 A. No.

17 Q. Okay. I'm going to read the description of the
18 offense, but it has so much detail I want to break it down
19 and then I want to get your input. So we're going to have a
20 dialogue. We want to really understand the dynamics that
21 went on that day, some of the matters that were going on in
22 your life as well that led you to make this decision. This
23 was a pretty, pretty serious crime.

24 A. I agree.

25 Q. All right. So it states here that this occurred on

1 1992?

2 A. That's correct.

3 Q. All right. And I'm going to give some abbreviation.

4 Okay?

5 A. Okay.

6 Q. And then have you give us the detail, then I'm going to
7 read some of what's actually in the file here as well.

8 A. Okay. Commissioner?

9 Q. Yes.

10 A. The depiction, I think, you have comes from the
11 presentence report and my ORC and I have been trying to get
12 that presentence report now for two parole hearings. For
13 some reason, the Queens Court hasn't sent it to us. I don't
14 want to -- I'm not saying that not to say I don't want to
15 have the hearing. I just don't know why I can't have access
16 to the presentence report where that depiction that you have
17 in front of you has come from. And ORC --

18 Q. You know --

19 A. Yes.

20 Q. -- I read the minutes from the last interview and I
21 believe Commissioner Agostini broke it down to you,
22 explained to you to what you needed to do to get copies.

23 A. Yes.

24 Q. So you're telling me you did what she suggested?

25 A. Yes.

1 Q. And you still haven't been able to get copies?

2 A. Yes.

3 Q. Do you feel you need it for this interview?

4 A. So it's not that I don't think I need it for the
5 interview, because what I want to express to you is
6 something that's been coming for 30 years. It doesn't
7 matter.

8 It's just that I wanted you to have another version. I
9 don't know what they're saying in there other than what
10 you're telling me, what you're going to read, because I
11 believe that the parole report description comes from the
12 PSI, but that's not entirely accurate.

13 There's a lot of details that have been brought up that
14 didn't happen. And the criminal jury that heard the case
15 heard it and I think the verdict reflects that. But it
16 doesn't --

17 Q. Mr. .

18 A. Yes, yes.

19 Q. I'm going to offer you the opportunity. We're having a
20 dialogue. I want you to tell me what happened.

21 A. Okay.

22 Q. I mean, even if it's written exactly as it happened,
23 there's more to it than what's here; right?

24 A. Yes. Yes, Commissioner.

25 Q. I want to know the dynamics that were going on, what

1 you were thinking, perhaps, what was going on in your life.
2 There's a lot that goes into someone making a decision or
3 behaving in a certain way. So despite the wording here, we
4 definitely want to hear what happened.

5 A. Thank you, Commissioner.

6 Q. Okay?

7 A. Yes.

8 Q. And if I read it and you don't agree, just tell me
9 what happened.

10 A. Okay.

11 Q. Okay? You were working as a bouncer at a nightclub --

12 A. Yes.

13 Q. -- the approximately 3:15 a.m. And it
14 says a fight occurred outside the adjacent club, the

15 .

16 A. The bar was across the street,

17 Q. , all right. And you along with three other
18 security guards/bouncers from the ran to
19 intervene?

20 A. That's not entirely --

21 Q. Okay, you know what? You tell me what happened.

22 A. So when the problem occurred at , the owners of
23 had asked some of the staff from the club I was
24 working in to come oversee if they could help defuse the
25 situation.

1 A few minutes after they left, a customer came over to
2 me, said there was a big fight going on across the street in

3 . I ran over there. When I ran over there, I
4 grabbed one of the men. In the process, I got hit in the
5 back of the head with a bottle. I was bleeding and I turned
6 around to start fighting and a patrol car came by.

7 Q. Okay. Now, I'm going to ask you a question.

8 A. Yes, yes, sure.

9 Q. So you worked at the

10 A. Yes.

11 Q. Okay. And the was adjacent?

12 A. Yes.

13 Q. And what was your responsibility that night or that
14 morning?

15 A. My responsibilities were simply for the . The
16 reason that the 's owner had called the staff from the
17 is that they knew one of the men involved,

18 . So they were hoping they could talk to him to calm
19 him down and that's when everything happened after that.

20 Q. So everything happened, meaning they wanted you to go
21 to the ; and --

22 A. They didn't want me. They wanted other staff members
23 working with me to go to , which they did.

24 Q. Why did you choose to go?

25 A. Well, when I went, it was after they had left and a

1 customer came to me and said that they're having a big fight
2 across the street and the people that I work with were
3 involved in it, so I ran over there.

4 Q. But that was my question. Why? You're working at the
5 Palm Club. What was the decision -- what helped you make
6 that decision to say, "I'm going across the street"?

7 A. I agree with you, Commissioner. That was the first bad
8 choice that I made. And it was because -- and I made many,
9 as you know. The decisions that night I made were all
10 wrong. I had heard my friends were having a problem, so I
11 went to help them.

12 Q. Who were your friends?

13 A. . There was another man named . and .

14 Q. So you heard that they were having a problem?

15 A. They were having a fight, yeah.

16 Q. Okay. So then what did you do?

17 A. So I ran over there. And when I started crossing the
18 avenue, I saw the fight occurring and I grabbed one of the
19 men. It turned out to be . And I grabbed him
20 and when I grabbed him, someone else hit me with a bottle in
21 the back of the head and I started bleeding.

22 But when I turned around to start fighting, a patrol
23 car came up on the scene and hit its siren and broke up the
24 fight. At that point, I ran over to the officers and I
25 showed him the blood from my head and I asked him to arrest

1 the man that had hit me with the bottle.

2 They saw I was bleeding, they said, "You need to take
3 care of your head. Go back to where you were and we'll take
4 care of this." So I went back --

5 Q. Who hit you over the head?

6 A. It turned out to be the man in red shorts. It turned
7 out to be from what the witnesses at the
8 trial said.

9 Q. But did you see him do that?

10 A. No. I was hit from behind.

11 Q. Okay, keep going.

12 A. Yeah. So when I went back to the and I was
13 trying to stop the bleeding, everyone was telling me that I
14 needed to go to the hospital. So when I went outside, I saw
15 that everybody had left and I was going to get in my car.

16 And when I asked what happened, they said that the
17 officers briefly spoke to the group and they let them go.
18 And I was angry that no arrests were made, very angry. So I
19 got in my car and I went looking for the group.

20 Q. How much time after? Because it states here 3:30. So
21 that's about 15 minutes later?

22 A. Well, it was minutes later. I don't know that the time
23 is accurate. It was approximate. It was several minutes
24 after the original fight happened.

25 Q. So tell me again; what were you angry at?

1 A. Because when I had got hit with the bottle, and they
2 broke up the fight, I wanted the officers to make the arrest
3 of the person that hit me. And when they didn't do that, I
4 got angry because -- I don't know if you were able to read
5 my offender statement.

6 Back in 1992, I had this conceptualization of what it
7 means to be a man. If someone pushes you, you push back
8 harder. And that kind of thinking is very toxic because it
9 caused me to behave in a way that was uncalled for.

10 Q. Mr. .

11 A. Yes.

12 Q. I'm glad you learned that, but we're still on the day
13 of the event. Tell me --

14 A. Yes.

15 Q. Keep going with the event. Tell me what happened the
16 day of the crime.

17 A. So when I heard they weren't arrested, I was angry
18 because the person that -- I wanted to fight the person that
19 had hit me with the bottle. But as soon as I turned around,
20 officers had come to the scene and I never -- nothing
21 happened.

22 So when I went back into the and everyone was
23 telling me to go to the hospital, the next mistake I made
24 was when I came outside, I didn't go directly to the
25 hospital. Because Commissioner --

1 Q. I want to stay right there. Hold on a minute.

2 A. Okay.

3 Q. So you were a bouncer?

4 A. Yes.

5 Q. Do fights break out at clubs?

6 A. Yes.

7 Q. Have you ever been in a scuffle at another situation?

8 A. Yes.

9 Q. Okay. Were you hurt?

10 A. I was punched before, yes.

11 Q. Did you act out like that so violently?

12 A. No.

13 Q. No?

14 A. No, Commissioner.

15 Q. So why did you act out so violently that day?

16 A. So Commissioner, it was probably a combination of
17 anger, of pride, of fear. And it wasn't one particular
18 element that I would say did that, but it was just something
19 that was building up.

20 Because if you follow the street rules, when someone
21 does wrong to you, you have to get them back. So when I
22 didn't get them back by having them arrested, I went and I
23 continued the confrontation and I escalated it by coming
24 back.

25 Q. You said a key word right there, building up. What was

1 building up?

2 A. Well, when I say building up, just living a certain
3 type of conceptualization of what it means to be a man.
4 Eventually, that's going to turn into something very bad
5 and, in my case, it did.

6 Q. But you're not telling me what was building up.

7 A. No. The -- what was building up was the idea that it's
8 okay to live your life like that.

9 Q. So Mr. , you learned that.

10 A. Yes.

11 Q. I want to know what was going on in your life? Because
12 from what I read in your records, things were good. I mean,
13 you were about to become a U.S. Marshal, right?

14 A. That's correct.

15 Q. You graduated from college, from a great college?

16 A. Yes.

17 Q. Yes?

18 A. Right, yes.

19 Q. So what was on the flip side of all that? What was
20 building up? I want to know who you were. What was going
21 on in your life at the time?

22 A. So while all of that is true and I had graduated from
23 college and I was going to become a U.S. Marshal, I was also
24 working at nights as a bouncer and there's a type of
25 conceptualization of what it means to be the tough guy, to

1 be the guy that doesn't back down from a fight, to be the
2 guy that will go after somebody that goes after him and that
3 kind of thing.

4 When I say building up, it just means that over a
5 period of time when you're working as a bouncer and things
6 escalate, you don't retreat, you don't back down, and that's
7 a problem.

8 Q. Well, that was the problem because you stayed in that
9 position?

10 A. Yes, yes, that's right, Commissioner, and I shouldn't
11 have.

12 Q. So it's not like this was inevitable?

13 A. I'm sorry?

14 Q. Was it inevitable for you to act out like this? It was
15 building up.

16 A. It was inevitable where those circumstances happened
17 where I got seriously cut with a bottle, I wasn't able to
18 start fighting. When I wanted somebody arrested, they
19 weren't arrested. Those kinds of things made what happened
20 happen.

21 And I don't say that as an excuse. I say that to
22 provide insight as to why I could have done something so
23 terrible when everything else was going well.

24 Q. And that's why I'm asking you the questions I'm asking
25 you. I want to know your insight.

1 A. Okay.

2 Q. Okay?

3 A. Right.

4 Q. You stated that yes, you take responsibility in your
5 statement and the documents you submitted, you say that. I
6 want to talk about accountability, which is different from
7 responsibility.

8 A. Okay.

9 Q. I want to know your insight. I want to know what led
10 you there. What's the potential of you being there again?
11 The tools you get while incarcerated, are they going to help
12 you?

13 Because at the end of the day, if they don't, we're
14 looking at some potential of victims here in the future,
15 right?

16 A. Right.

17 Q. So that's why I'm asking you the questions the way I'm
18 asking you. I want to know where were you and where you're
19 at today.

20 A. Yes, Commissioner.

21 Q. We can move on. I want to keep going and talking about
22 this offense because, in reality, it was pretty horrific.
23 All right?

24 So we could go back to 3:30 in the morning. Take me
25 back to 3:30 in the morning.

1 (Technical difficulty.)

2 Q. Mr. , I apologize. We had some technical
3 difficulties.

4 A. I understand.

5 Q. I want to summarize this and then I want you to
6 continue. All right?

7 A. Okay.

8 Q. So in giving a brief description, you worked as a
9 security guard, a bouncer --

10 A. Yes.

11 Q. -- at a nightclub. You tried to break up an
12 altercation with three individuals?

13 A. There was more than that. I think there was four.

14 Q. So there were four individuals. You were hit in the
15 head with a beer bottle?

16 A. Yes.

17 Q. Okay. And then later, shortly later, you left the
18 club. You observed the three victims in an area?

19 A. Yes.

20 Q. And you shot the three victims killing two and wounding
21 the third?

22 A. Yes.

23 Q. Okay. I just wanted to put that on the record here.

24 A. Okay.

25 Q. And then you can break down in your version of what

1 happened to me. Continue, please.

2 A. I will.

3 Q. We'll go back to 3:30 in the morning. You saw them and
4 then what happened?

5 A. Yes, Commissioner. I just wanted to add; you had asked
6 me a question before you cut out.

7 Q. Okay.

8 A. The question was that you needed to know about
9 accountability and that if I were to be released, something
10 this horrific would not happen again and then you cut out.

11 And before I continue with what happened at 3:30, I do
12 want to tell you that when I reacted in 1992, my way of
13 dealing with stuff was with violence. But since then,
14 there's a whole different mindset that I use.

15 So if I were to be released, I can assure you and I
16 promise that you will never have to hear anything negative
17 about me.

18 Q. That's excellent, and that's why we have this
19 interview.

20 A. Yes.

21 Q. Okay.

22 A. Yes, okay. So when I saw them in the area, I pulled my
23 car over to stop their car from leaving and I had a gun in
24 my car and I came out and I fired several shots. I hit John
25 and Paul. That's John Camarda and Paul Heidelberger. And

1 then I ran around the front and I shot two more times and I
2 shot them both in the head. Then, I got back in my car and
3 I left the scene.

4 I had heard shortly afterwards on the news that an
5 off-duty police officer had been killed and I knew then that
6 I needed to get a lawyer. So for 40 days, I had been
7 staying in a hotel until I got the lawyer and then I turned
8 myself in to the Queens District Attorney's Office.

9 Q. So when you shot your weapon, where was your gun when
10 you shot it?

11 A. Well, it was in my hand, but when I originally had it
12 in the car, it was in a lockbox.

13 Q. Okay. So it was in a lockbox?

14 A. Yes.

15 Q. So you consciously opened that lockbox, removed the
16 gun --

17 A. Yes.

18 Q. -- and shot at them?

19 A. Yes.

20 Q. You hit three people?

21 A. I shot intentionally at two people and the third man
22 that was hit in the shoulder was . So I did end
23 up shooting him. It's just not the --

24 Q. And they were on the ground? When you got out of your
25 vehicle and you went around the car, they were on the

1 ground?

2 A. When I ran around the vehicle, , there was
3 a gun on the ground, he was going for the gun because he had
4 a gun. And was on the ground. And when I
5 ran around, I shot and I shot him in the head and
6 then I turned and I shot in the head.

7 Q. I read somewhere someone was pleading for you not to
8 shoot them. Who was it?

9 A. So in the depiction that was in the presentencing
10 report, they're saying that had said that,
11 but I never heard that.

12 Q. Okay.

13 A. And many of the witnesses didn't hear that. It doesn't
14 make -- Commissioner, what I'm trying to say is that what I
15 did is no -- there's no good way to do what I did. You
16 don't shoot somebody in the head and say this is a better
17 way to do it.

18 I'm just trying to -- I just want to -- I can just go
19 with the narrative and say that everything happened the way
20 it did, but I just want to give you some perspective about
21 what I was thinking that night.

22 Q. And that's what we're trying to get as well. What
23 happened? I mean, you had three people laying on the
24 ground. You could have left.

25 A. Yes.

1 Q. They were wounded.

2 A. Right.

3 Q. But you walked up to them and shot them in the head.

4 That's like -- what's the term? Execution?

5 A. They have -- that's what was in the presentencing
6 report, yes.

7 Q. But is that the term, execution?

8 A. It could be a term when you shoot somebody like that,
9 yes.

10 Q. Did you also -- was there a time during that shooting
11 that your gun jammed?

12 A. They said it jammed, but it didn't jam. I had
13 pulled -- at the end when I was leaving, I had pulled the
14 slide open before I got into the car. But there was no time
15 when the gun jammed.

16 Q. The third person who did not die --

17 A. .

18 Q. -- did you attempt to shoot him in the head as well?

19 A. No, ma'am. He testified against me at trial and I
20 understand I caused him a lot of trauma, because he had to
21 watch two of his friends die in front of him. So when he
22 testified -- and I can't imagine what he went through.

23 So when he testified against me, I know that he wanted
24 to see me go away for a long time. When the jury heard the
25 testimony, they didn't credit it and they acquitted me of

1 intentional murder.

2 Q. Okay.

3 A. It doesn't mean that -- Commissioner, it doesn't mean
4 that I didn't harm him, because I know I harmed him. When
5 he got shot in the shoulder, that was from me. When he had
6 to experience his friends dying in front of him, that was
7 from me. I can't imagine what he has to live with even to
8 this day. It's just that what was depicted in the narrative
9 that you have is not accurate.

10 Q. Okay. So why did you shoot him in the head?

11 A. Commissioner, I ask that question all the time and in
12 those 10 seconds that I did this horrible thing, it wasn't
13 that it was a methodical decision that I made. It was when
14 I came around, it was a combination of anger, both fear that
15 they had guns that might shoot me, wounded pride, adrenalin
16 and when I shot, I aimed for the head.

17 Q. Well, you were pretty close. What do you mean you
18 aimed for the head?

19 A. I was very close, yes.

20 Q. You picked up his head and shot him in the head, no?

21 A. That's not accurate.

22 Q. That's not accurate?

23 A. No. I did shoot him in the head and it was right
24 point-blank, but I didn't touch him.

25 Q. So tell me about the gun. You had a license?

1 A. It was licensed. It was a Glock, a nine-millimeter
2 gun.

3 Q. You were licensed to carry?

4 A. I was licensed for target shooting because I had been
5 told by the marshal service that I was probably going to
6 start the academy the following month in August. So I had a
7 bunch of guns, I had several guns. And I used to go to the
8 range for target shooting.

9 There was a 24-hour range that I visited sometimes. So
10 that night after work, I was going to go target shooting and
11 I had the gun in the car. And had I not had that gun in the
12 car, none of this would have happened.

13 Q. Is the gun supposed to be loaded and in a glove
14 compartment?

15 A. It was in a lockbox. It's not supposed to be loaded,
16 no.

17 Q. But you had it loaded?

18 A. I was -- yes.

19 Q. Okay. So they told you that you would start the
20 academy. Did you do the physical agility and the mental
21 health examination?

22 A. So we had -- I had been interviewed by a panel of three
23 marshals. That was the last step after they did their
24 investigation. And about a month before this happened, when
25 I killed and , I was called down to the southern

1 district because I had taken a physical and I weighed a lot
2 and they didn't know if I was fat, so they had to take a fat
3 calibration test. And when I passed that, the deputy that
4 escorted me through the southern district offices said that
5 everything was good and you should be starting at some point
6 in August. They have an academy down in Georgia, he said
7 just get ready to go.

8 Q. So did you have the mental health examination?

9 A. I don't know what that is. I was interviewed. I don't
10 know if that's part of the -- but no, I don't think that
11 they --

12 Q. It was a federal position and they weren't going to do
13 a mental health examination on you?

14 A. I'm sure at some point, if that's part of the process,
15 they would have, yes.

16 Q. Okay.

17 A. But I guess that happens now in Georgia when you go to
18 the academy.

19 Q. I'm not too sure. I was under the impression that the
20 mental health evaluations happen before as part of the --

21 A. Commissioner, would that have been part of the panel?
22 I don't remember seeing a psychiatrist.

23 Q. I don't know what it would have been then. I'm just
24 curious. I'm asking you if you had the physical agility and
25 mental health exam prior to and the answer was?

1 A. No. I don't believe I did, no.

2 Q. Okay. Because you said -- did you have an official
3 letter stating you were going into the U.S. Marshals?

4 A. No. The only letter that I got -- the last letter that
5 I got was stating that your application has been put on hold
6 because your weight does not correspond to the chart that
7 they have, which would be acceptable weight. So I had to
8 report to the southern district and take a fat calibration
9 test. That was maybe a few weeks before, that was probably
10 end of July, beginning of July.

11 Q. So you graduated from college right before then?

12 A. Yes, Commissioner.

13 Q. What was your degree in?

14 A. In advertising.

15 Q. Okay.

16 A. So I was looking for a job in advertising and a lot of
17 the starting salaries were a lot lower than I was making as
18 a bouncer. So rather than go with the lower salaries, I
19 decided to keep working as a bouncer, which again is another
20 mistake, and I didn't go into advertising.

21 Q. Okay.

22 A. I had taken -- during the college year, the Justice
23 Department had sent out recruiters to the college and I had
24 taken the exam. I did well. And one of the positions that
25 they said they had openings for is the U.S. Marshal Service.

1 So I expressed interest in it and I started going through
2 the process. I was interviewed, I had the background check.

3 Q. Why were you interested in law enforcement?

4 A. Because I wanted to help people. I had also taken the
5 NYPD exam, but I wear glasses and at the time, if you didn't
6 have good vision, you were disqualified.

7 Q. Okay.

8 A. So they disqualified me from that.

9 Q. So you wanted to become a law enforcement officer?

10 A. I also took the firefighter exam and I did well with
11 that.

12 Q. Good for you.

13 A. And also, while I was on Rikers Island, I know that
14 they didn't check this out, I was invited to start the
15 academy for the firefighters.

16 Q. Okay. Tell me what was going on in your life socially
17 at the time. Because I have to tell you when I read the
18 description of this offense, it sounds like an action-packed
19 movie. It sounds like something that you may have thought
20 about, visualized or seen in your life. So I wonder what
21 was going on with your life socially.

22 A. So I was dating a woman at the time. But when you said
23 that it sounded like an action-packed movie --

24 Q. Yeah, it sounds like a movie.

25 A. When you ask me --

1 Q. Do you remember the movies that were out at that time?

2 A. I don't specifically remember anything right now, but
3 I'm sure if I looked at something, but one of the things you
4 had asked me, Commissioner, is why I shot them in the head.
5 And it was probably when you have that idea of action and
6 you have this condition in your head, that's where you would
7 instinctively shoot.

8 I don't want to blame movies. This has nothing to do
9 with movies. This is me making that decision and that
10 instinct to shoot in the head, but it was something that was
11 probably conditioned through watching these kinds of movies,
12 I agree with you.

13 This is something that you would see in a movie. And
14 one of the things that I have a problem with now, too, is
15 watching these movies, because I realize that taking a life
16 has a lot of effect on people other than the people that you
17 killed.

18 Q. Let's go back, because you didn't shoot from a
19 distance. You shot at close range.

20 A. Right.

21 Q. And when you shoot in a range, you're not shooting at
22 the head, you're shooting at the torso.

23 A. You're shooting at the torso and the head but,
24 essentially, you're shooting at a distance. It's not at
25 close range.

1 Q. Right. At close range, you shot them in the head,
2 right?

3 A. Yes.

4 Q. So I'm going to ask you again. Socially, what was
5 going on at the time for you?

6 A. So socially, I was probably -- I'm sorry, Commissioner.
7 Socially, I was trying to be the tough guy.

8 Q. And subsequently, killing somebody?

9 A. At the time, the conceptualization was that if it comes
10 to it, a tough guy would kill somebody. That's wrong.

11 Q. Why did you need to be tough back then? Let's go back
12 to you socially.

13 A. Just growing up, I lived in a neighborhood that there
14 were a lot of fights that happened. There was a lot of
15 violence that occurred, not so much with guns because when I
16 was younger, guns weren't an issue as they ended up
17 becoming, but you were always fighting.

18 And if you didn't fight, you were considered a coward
19 so you couldn't back down from a fight. If someone pushed
20 you, you had to push harder and you couldn't let anything
21 go.

22 And that's what I was trying to explain or provide
23 insight for in my offender statement, that the mentality
24 that I had, it was just building up in the sense that if you
25 get into a situation that I got into, violence is the answer

1 rather than backing down.

2 Q. I don't understand where the anger comes from. I don't
3 think you've been able to explain that to us today.

4 A. The anger was from getting hit with the bottle and then
5 not having --

6 Q. But the reaction to that, that anger stems deep.

7 A. Yeah.

8 Q. Did you normally just react like that all the time when
9 someone hits you or pushed you or made you upset? I mean,
10 it sounds like I would think the anger is a lot more
11 deep-rooted than that. I'm looking for your insight into
12 what was all that anger about?

13 A. No, Commissioner, I never reacted like that before, but
14 it doesn't mean I've never reacted with violence before. I
15 did react with violence.

16 Q. Okay. Talk to me about your violent behavior prior to
17 that day.

18 A. So the violent behaviors had to do with fighting; that
19 if somebody even verbally started picking a fight with me, I
20 wouldn't walk away. And as we know, there is no
21 justification for violence. We saw recently on the Oscars
22 how --

23 Q. I don't want to talk about the Oscars. I don't want to
24 talk about the Oscars. I want to talk about you.

25 A. Yeah. So for me, so for me, Commissioner, when

1 somebody pushed me, I wouldn't let it go.

2 Q. But you're still not giving me the insight into the
3 anger. What went on in your life that made you so angry?

4 A. In my life? My father died when he was young, when I
5 was young and I learned how to be a man through the streets,
6 through my other friends. And one of the things that in the
7 neighborhood that I was growing up in is that violence is a
8 solution, and it's not.

9 Q. How do you feel about what happened to your victims?

10 A. There's not a day that goes by that I don't think about
11 what I not only did to them but the harm that I've caused
12 the families. And I know that even after 30 years, they
13 have to be feeling pain every time they think of John or
14 Paul. If I could change, Commissioner, what I did, I would
15 change it.

16 If there was some way that I knew I could make this
17 right, I would. And even though I talk about the ripple
18 effect of harm, what I have been trying to do to atone in
19 the last 30 years has been done, because I know how much I
20 have taken from the and family and
21 everything I --

22 Q. Tell me what you took from the victims themselves.
23 Tell me about the loss of their lives.

24 A. I took their life. I took the opportunity for them to
25 go on and get married and have children and see their

1 children have children. I know that there's nothing that I
2 can do to even express how much I took from them.

3 Q. Okay. So you talk about their families. You mentioned
4 you had a girlfriend at the time you committed this offense?

5 A. Right, yes.

6 Q. How long were you in that relationship?

7 A. For several years, a few years.

8 Q. You have a daughter now?

9 A. I do, yes.

10 Q. How long have you been incarcerated?

11 A. It'll be 30 years.

12 Q. How old is your daughter?

13 A. She's 23.

14 Q. How did you get a daughter? You got married?

15 A. Yes.

16 Q. Who did you marry?

17 A. A friend of mine who had come to visit me a few times
18 said that somebody that used to see me around but didn't
19 really know me would like to come visit, so I said okay. So
20 after a series of about a year of visits, we talked about
21 marriage and we got married.

22 And they have an excellent program called family
23 reunion program where, with your family or your spouse and
24 children, you can spend two days with them. When we got
25 married, we used to get these visits and that's how --

1 Q. So you left a really big gap here. I met this woman,
2 her name is, we dated for this long, we fell in love. You
3 left all of that out.

4 A. Yes, you're right. Because what happened, the
5 girlfriend I was with in 1992, she left because she couldn't
6 deal -- she was under a lot of pressure with the police
7 department. So she had wrote and said she couldn't do that,
8 which I understand, especially after I got arrested.

9 So for several years, I was in prison and I had friends
10 come visit me. And they asked me one time, they said, "Do
11 you ever get lonely?" I said, "I get lonely all the time."

12 So they said, "There's a woman named [REDACTED] that always
13 asks about you. We always say we're coming up here. Do you
14 mind if she comes to visit?" So I said no.

15 So when she first came, it was a friendship. We then
16 fell in love after about a year and we talked about family.
17 And I at first was reluctant to have a child while I was in
18 prison, because I know how hard it can be. But we
19 eventually decided to do so. And as a result, I have a
20 beautiful daughter -- I have a beautiful daughter now who I
21 have tried to be there for her and she knows how hard it is
22 to be separated.

23 Even though her mother and I are not together anymore,
24 she still loves me and I've done everything I can to try to
25 be a positive influence in her life and I hope that one day,

1 I can do that on the outside.

2 Q. What happened between you and [REDACTED]?

3 A. After a number of years, the traveling -- because she
4 lives in Nebraska. She was originally from Nebraska even
5 though she was in New York. The traveling and the
6 incarceration became too much. So she had told me that it
7 was just too much and I understood, so I let her go. We do
8 have -- we have a good relationship. If she's at my
9 daughter's house, we'll talk.

10 Q. How long were you together?

11 A. We were together for about 10 years.

12 Q. Okay. You have contact with her and your daughter?

13 A. I have contact with my daughter all the time. With my
14 ex-wife, it depends on if she's at -- I have no problem if
15 she contacts me, if she sends me letters, but I don't want
16 to intrude in her life, because I know she wanted to just
17 have closure and just end it.

18 So the only time that I have contact with her now is if
19 she reaches out to me or if she's at my daughter's house and
20 then we'll talk.

21 Q. So you became emotional when talking about your
22 daughter. What's your daughter's name?

23 A.

24 Q. You said she's 30 -- I mean, you said she's 20-what?

25 A. She's 23.

1 Q. Okay. Why did you become emotional?

2 A. Because I realize that's just one of the other negative
3 ripple effects that I have had on people, not just the
4 families of and . It's also my own family, that I
5 have really caused a lot of pain for them in their lives.

6 Q. Okay. We talked about the victims and you talked about
7 the loss of their lives. The community also lost because
8 one of the victims was an officer, right?

9 A. Yes, that's correct, Commissioner. I didn't know at
10 the time.

11 Q. Right.

12 A. I found that out subsequently. But it was definitely a
13 loss.

14 Q. You know, I would like to move on to your extensive
15 work at your rehabilitation, but I want to stop for a minute
16 and see if Commissioner Samuels has any questions regarding
17 what we discussed so far. Okay?

18 A. Okay.

19 BY COMMISSIONER SAMUELS:

20 Q. Good morning again to you, Mr.

21 A. Good morning.

22 Q. I've been listening to your interview so far with
23 Commissioner Segarra and it's certainly been a thorough
24 interview with respect to the instant offense and certainly
25 what was going on with you at the time.

1 wasn't -- it was a choice between going to the hospital or
2 stopping them from leaving. And I made that choice, which
3 is why I ended up killing them. Had I made a different
4 choice that night, they would still be alive.

5 Q. Yeah, certainly. And do you recall how many times you
6 actually shot ?

7 A. The last two shots, when I shot them in the head was
8 one shot a piece. But the other, the original shots, I
9 would have to look at the trial transcripts. I don't
10 remember specifically. It was several, though. It was
11 several shots.

12 Q. You recall it being multiple shots fired?

13 A. Yes. Yes, ma'am.

14 Q. And then I know from reading through your file and also
15 your interview so far with Commissioner Segarra, you do
16 admit that you evaded arrest for a significant period of
17 time. You said approximately 40 days, right?

18 A. Yes, Commissioner.

19 Q. And you said that that was because you were trying to
20 secure an attorney?

21 A. Yes. But also, when I heard that a police officer had
22 been killed, I was very fearful that if they stopped me or
23 got me before I went in with an attorney that I would be
24 killed myself in retaliation.

25 Q. Who was going to kill you in retaliation?

1 A. The belief back then is that I thought someone in the
2 police department would kill me and say that I went for a
3 weapon or I resisted arrest or something to that effect.

4 Q. Okay. How were you able to just remain in the
5 community like that for a significant period of time knowing
6 that you had just shot three people and murdered two of
7 them?

8 A. Well, when we talk about the community, I was in the
9 community in the sense that I was in Manhattan and moving
10 from hotel to hotel, but I didn't have contact with my
11 family or anybody else. It was more of a fearful thing of
12 just moving to keep moving until I was able to turn myself
13 in.

14 And eventually, when I found the lawyer, we made an
15 arrangement that I would travel to Queens and I would meet
16 outside their office and they would contact the Queens
17 District Attorney's Office and they would have detectives
18 from their bureau come over and arrest me rather than
19 detectives from the task force that were looking for me.

20 Q. I guess I'm referring to the gravity of what you did,
21 right?

22 A. Right.

23 Q. Being able to just not turn yourself in given the fact
24 that, again, this was a brutal crime that you committed?

25 A. Commissioner, during that 40-day period, I was not --

1 it was not as though I was on vacation. I couldn't sleep.
2 I realized the horrific thing that I did. But there was
3 also that fear that if I just walked in without an attorney,
4 without turning myself in to the right people, something was
5 going to happen to me.

6 Because there was a lot of publicity in the paper and
7 it seems like the police department was very angry. And
8 unfortunately, I know that sometimes things happen to people
9 who are arrested and I was worried that would happen to me.

10 Q. Okay. Commissioner Segarra also had asked you about
11 the victims and, certainly, their families of this offense.
12 What would you want the victims' families to know about you?

13 You know, you have been incarcerated for a significant
14 period of time but, of course, you know, as we've been
15 stating, this is a really horrific crime that you committed.

16 What would you want your victims' families to know
17 about you?

18 A. Commissioners, I apologized to them the day of the
19 sentencing, but I would want them to know that not a day
20 goes by that I don't think about what I did. It's not like
21 I forget about this or I can forget about this.

22 And every day that I have been doing things to help
23 people has been done to try to atone for the lives that I
24 took. And if I could tell them and if I could speak to
25 them, I would want them to know that I'm not the same person

1 in 1992 that callously took the lives of their loved ones.
2 And I have been trying to atone and I will continue to try
3 to atone for everything that I took from them. And I know I
4 can't give back the most important thing that I took from
5 them.

6 But if I can have a positive ripple effect the way that
7 I had so much harmful ripple effect, I believe that I can
8 just keep doing this until I take my last breath. And I
9 want them to know that if they could find it at some point
10 for forgiveness, it would mean a lot to me if I knew that
11 they could find closure, too, because I can't imagine what
12 they have to think about every day.

13 I know what I think about every day, so I can't imagine
14 how much harder it is for them without this closure.

15 Q. You mentioned that you're not the same person who
16 committed this offense. What would you say has been the
17 most significant change that you've seen in yourself during
18 your incarceration?

19 A. So the way that I deal -- the way that I deal with
20 things now, and I was talking to Commissioner Segarra about
21 it, is that violence is not on the table anymore; it's just
22 not.

23 There's no way -- and I'm not talking about something
24 as horrific as I did now, but just even in prison, fighting
25 is just routine and you can see I haven't had any fights.

1 And I've done a tremendous amount of sidestepping and
2 walking away and everything to avoid that. And in my
3 statement, the fight that I had in 1994 is when I realized,
4 I said I'm still following this toxic behavior, so that's
5 why I made that choice.

6 But then in 2014, and I had mentioned this in my
7 statement, I started the Bard Prison Initiative and we
8 started learning about the human condition and empathy for
9 others, and I realized that I was on the right track with no
10 violence.

11 I just didn't know why it was that I felt that I had to
12 be violent. Then, when we talk about conceptualization of
13 masculinity, I realized this was in my head for all those
14 years and it was still lingering in my head throughout my
15 prison career. But then I was able to take that
16 conceptualization and pull it out.

17 Q. Okay. And you feel like the tools that you've learned
18 from the Bard Prison Initiative program as well as your time
19 spent in ART, do you feel like those are tools or skills
20 that you'd be able to utilize in the community if you were
21 to be paroled?

22 A. Commissioners, I am utilizing them now and I certainly,
23 if I was given a second chance, would utilize them in the
24 community. The reason why I think there's a good
25 combination with them is because the ART program helps you

1 recognize triggers, physical triggers, you're getting angry,
2 your heart rate is going up. It never really got to the
3 root of what it is.

4 Why are you getting angry if somebody calls you a name
5 or somebody pushes you or hits you? There's something going
6 on there that has to do with how we conceptualize
7 masculinity.

8 Q. All right. Thank you, Mr. Sorry, go ahead.

9 A. I'm just saying yes, the answer is I would use those
10 tools the same way that I'm using them now. I would use
11 them in the community.

12 Q. Thank you. I have nothing further at this time.

13 A. Thank you, Commissioner.

14 COMMISSIONER SEGARRA: Thank you, Commissioner
15 Samuels.

16 BY COMMISSIONER SEGARRA:

17 Q. You know, I want to bounce off of one of the things she
18 spoke about. What did you do with the gun after you shot
19 the victims?

20 A. A friend of mine that was with me, I gave it to him and
21 he subsequently turned it in to the police department, the
22 district attorney's office, I believe.

23 Q. How much time later, can you recall, before he turned
24 it in?

25 A. I don't know how long he turned it in, but I gave it to

1 him pretty much within -- very soon after the incident.

2 Q. Why did you give it to him? It was your licensed
3 weapon.

4 A. I know, but I didn't -- after I did that, I didn't want
5 it.

6 Q. Okay. You talked about closure for the victim. What
7 if their closure is you staying in prison for the rest of
8 your life?

9 A. I couldn't, I couldn't -- I couldn't fault them for
10 that. I would understand that they think that that might be
11 the better solution. But what I would want to convey to
12 them is that the things that I can do outside, the positive
13 things, the hope that I can affect people so that the other
14 families would never have to experience what the
15 and family experienced, because while
16 I'm in prison while I'm able to have positive effect on
17 people that have already been here for committing crime,
18 they've already done harm, I can maybe stop them and
19 influence them from doing it again.

20 But if I was outside, there are organizations that have
21 offered to give me positions where I can influence people
22 before they come to prison, and I would really like that
23 opportunity.

24 Q. So I know your defense attorney, he wrote in, he wrote
25 a letter; right?

1 A. Yes.

2 Q. The district attorney has also written a letter
3 regarding your recommendation as to whether or not you
4 should be afforded discretionary release, all right, and
5 supervised under parole.

6 The sentencing judge did not. But when I look at the
7 sentencing minutes, he was pretty direct about what he felt
8 your time in prison should be; right? Do you remember that?

9 A. I don't remember what he said about my time in prison.

10 Q. No? The sentencing judge, Honorable : ,
11 ?

12 A. Yes.

13 Q. During the end of the sentencing, he said, "In about
14 three weeks, I will receive a letter from the Division of
15 Parole. In that letter, they will request a statement
16 and/or a recommendation from me regarding you. I intend to
17 recommend that you spend the rest of your natural life in
18 jail."

19 He didn't write in, though, but that's what he said at
20 sentencing. How did you feel then?

21 A. It was, it was -- it hurt. It hurt that he thought of
22 me as that monster that should never see the light of day
23 again. I would hope, though, if he were able to see what I
24 have been doing for the last 30 years that he would change
25 his mind.

1 Q. And I read that now to segue into what you have done.

2 A. Yes.

3 Q. Okay. So we do have your parole packets here. We have
4 your 2021 and 2022 packets here. During this period of
5 institutional adjustment, you have received two misbehavior
6 reports and they include a Tier II for fighting and a Tier
7 III as well?

8 A. Yes.

9 Q. And that was refusing to double bunk, the Tier III?

10 A. Yes.

11 Q. And that last ticket was in 2005, right?

12 A. That's correct, Commissioner.

13 Q. Okay. And you have done numerous things to work on
14 your rehabilitation, including college. You participated in
15 the Bard program, the Bard debate team as well; right?

16 A. Yes, Commissioner.

17 Q. And you served as a tutor and you teach Spanish?

18 A. Yes. Surprisingly, I'm able to teach Spanish now.

19 Q. Good for you.

20 A. It took me, it took me -- (speaking Spanish).

21 Q. I know every single word you just said, but I don't
22 think my court reporter can translate that.

23 A. I was just trying to show off that I actually can speak
24 it. It's not like -- I don't speak like a gringo so to
25 speak. And the students, they have been very appreciative

1 of what I've done, because I could have put in for a
2 transfer to a medium correctional facility. But when COVID
3 hit, it was hard on the incarcerated population as well,
4 because we were pretty much locked in our cages for days,
5 sometimes just for a long time for like a year and a lot of
6 the programs were cut.

7 Fortunately, one of the things that was able to come on
8 in a limited capacity was the Bard Prison Initiative, but
9 none of the professors or staff could come in. So they had
10 a Spanish track, the same track that I had taken and learned
11 Spanish. So the students were a semester and a half into it
12 and it just got cut off. They kept asking me to try to help
13 them. I didn't know what to do.

14 So I wrote to the head of the Spanish department in
15 Annandale, which is the main campus for Bard, and I said if
16 it's okay with her, I would be willing to take on the role
17 that she did for me and teach the students until the
18 professor can come back.

19 So one of the things I had to do was just say that I
20 didn't want to transfer out of here, I would stay here. And
21 since then, they're back in and they have a Spanish course
22 and I am now preparing them, a new cohort of students, to
23 take the Spanish 101 in September.

24 And the appreciation I got from them is -- the effect
25 that I had on them, it just moves me. That's why sometimes

1 I get emotional, because they really appreciate, both levels
2 of the Spanish, everything I've done for them.

3 Q. And it was clear in your statement in becoming
4 emotional that it was impactful for you --

5 A. Yes.

6 Q. -- that you helped others with their rehabilitation as
7 well.

8 A. Yes. And Commissioner, it's not just that I teach
9 Spanish but because they're basically students of mine, I
10 told them that they can talk to me about anything that's
11 going on in the prison.

12 And many times, I have had students come to me in anger
13 about something that has happened with them and I've been
14 able to just sit down and talk to them and just calm them
15 down so that they don't do anything.

16 I use myself, Commissioner, as an example of how anger
17 and violence can just ruin so many lives and they get it.

18 Q. Okay.

19 A. So that's why I'm appreciative not only am I speaking
20 Spanish but I can have a positive influence on them.

21 Q. That's good. That's excellent. Before I do get into
22 your packet, which has numerous letters of support and
23 outlines your programs that you participated in, I want to
24 look at your COMPAS and make note that it indicates that
25 you're a low risk for felony violence, low risk of arrest

1 and low risk of abscond. It basically states you're low
2 risk of re-offense.

3 It also states that your need for reentry services upon
4 release is low or unlikely. But if there's a program in the
5 community that you either want to continue or participate
6 in, what would it be?

7 How would you continue to work on staying safe, on
8 practicing better behavior in the community? How do you
9 keep yourself from -- what kind of supports do you need to
10 continue in the community, not to be angry or not to act out
11 angrily or hurt someone?

12 A. Commissioners, I've had a lot of experience dealing
13 with that in here, how to -- just from the tool that I have
14 of walking away, of talking something out rather than
15 reacting violently, of keeping an even tone even when the
16 other person is acting aggressively toward me.

17 And I would just continue that into the community if I
18 were to be released. And there's two programs that have
19 offered that I want to try to work with. There's An
20 Alternative For Community Justice Restoration. That's in
21 the Bronx that a friend offered me a position for.

22 And my childhood friend, , he has a daughter and
23 niece that play basketball and they were part of this
24 community program that went under because of COVID. And I
25 think that if I can talk to some of the Bard donors, we

1 might be able to restore this program and get some of the
2 girls off the street into basketball.

3 Q. Okay. Sounds like great opportunities for you. Would
4 you want to continue with -- you know what? You've done
5 almost 30 years?

6 A. Yes.

7 Q. It's a question: Do you think that someone who has
8 served so much time should participate in mental health
9 treatment? Do you think you can reintegrate into society?
10 Because you talked about walking away. That's not so easy
11 when you're in the street.

12 A. It's not so easy in prison, because there's nowhere to
13 walk away to sometimes.

14 Q. I get it.

15 A. It's more of a -- Commissioner, I'm glad you brought
16 this up, because this is more of a mental conditioning thing
17 that it's not something that happens in an instant. It's
18 something that you have to live your life by.

19 You can't have the idea on the table that violence or
20 even intense anger in the way that you deal with something
21 is ever an option. And when you live that kind of thing and
22 a situation manifests that might have in the past spurred
23 you to something violent, it doesn't happen anymore.

24 Q. But let's go back to what I said.

25 A. Okay.

1 Q. Would you participate in mental health treatment in the
2 community? Because some of the things you need that you
3 didn't have then, you need to self-manage.

4 A. Oh, you mean if I would take part in the program to
5 help me with mental health?

6 Q. Yeah, help you --

7 A. Yes.

8 Q. -- get into mental health upon release.

9 A. Oh, absolutely, Commissioner, if that -- yeah, I don't
10 have an issue with that.

11 Q. But did you hear what you said? "If that". I want to
12 know if you want -- if it's something you think you need to
13 do to help you self-manage yourself, your thinking.

14 A. Well, yeah. One of the things in my family that my
15 family had suggested is that there's therapists that deal
16 with that. And yeah, we're going to set that up.

17 I originally thought you meant something that a program
18 that I wanted to start to help others with mental health.
19 But no, I do want to -- yes.

20 Q. Okay.

21 A. Because it is a big -- it is a big transition --

22 Q. It is.

23 A. -- after 30 years to go into the community, because
24 things have changed. And I'm going to need that help to
25 help myself transition back into it.

1 Q. Okay. So let's talk about the packets here. Lots of
2 letters of support, job offers. Your program certificates
3 are here. Your Bard educational program is there.

4 What is it that stands out the most to you about your
5 rehabilitation while incarcerated? What programs have led
6 to that?

7 A. Well, as I said before, the Bard program, I've been in
8 it for over seven years now.

9 Q. Yes.

10 A. And even though I've graduated, the fact that I can now
11 give back the way that I've been doing, it's been
12 therapeutic for me.

13 Q. Okay. Exodus wrote a letter for you.

14 A. Yes.

15 Q. That's a program you plan to participate with upon
16 release?

17 A. Yes. My friend, (phonetic), who also
18 wrote a letter for me works for them. So she's --

19 Q. What have you benefited most from them?

20 A. One of the things that you had spoke about a few
21 minutes ago, this integration back into society, many
22 programs that can help me, I would welcome the participation
23 to take part in them.

24 I just don't know, other than Exodus and some of the
25 other ones my family had mentioned, what else is available.

1 If I were to be released, I would speak to my parole
2 officer, ask him or her what they would recommend that I do.

3 Q. Which letter of support meant the most to you?

4 A. From family or from --

5 Q. Period. Just period.

6 A. Commissioners, so the reason I don't want to
7 hierarchize (phonetic) is because I don't want anyone to
8 feel bad, because this is a public record and I don't want
9 them to think -- but I can tell you the letters that were in
10 the front from , from , from my brother, from
11 Paris who is a student of mine -- I don't know if you got to
12 read that. He is or, actually, he went on to intermediate
13 Spanish. He had been having a lot of problems because he
14 identifies as queer. And when he first came here, he had a
15 lot of issues with, I guess you can say, bullying.

16 And I was able to stand by his side and help him
17 transition to this facility, and that's why he asked me one
18 day if he could write a letter for me.

19 Q. You didn't answer my question, but okay.

20 A. I know, Commissioner. Please, if the one thing that
21 you don't let me answer, please don't let me answer this,
22 because they're going to ask me this. I just don't want
23 anyone -- I love everybody that has -- even the staff
24 members that have written for me, a lot of staff members
25 have written for me that have moved me.

1 Q. Yes.

2 A. And it has truly touched me. I don't want to say that
3 one is better than the other. I would say that they all
4 moved me and I thank you for not pushing me on it. You can
5 push me on everything else. Just please don't push me on
6 this.

7 Q. No, I won't push you on anything.

8 A. Thank you.

9 Q. Tell me about release plans. Who are you going to live
10 with? I see there's two options here.

11 A. Yeah. My brother has two places he's offered me
12 residence. One of the things my ORC and I talked about is
13 that it's good that you start out when you go out with
14 family and then from there, I can transition depending on
15 again what my parole officer, what he or she might tell me
16 will be better.

17 But they have offered me -- my family has offered me an
18 opportunity to have my own place. But after discussing with
19 my ORC, we think the original transition back into the
20 community should be with family.

21 Q. Okay.

22 A. And then from there, we can take it from there.

23 Q. So that's with your brother, , and his family,
24 his wife and three kids?

25 A. Yes, ma'am.

1 Q. Okay.

2 A. Yes.

3 Q. And employment, what is it you really want to do? I
4 see he's offering you employment to take care of his
5 property. What is it that you really want to do?

6 A. So what I want to do, I'm speaking with Bard about a
7 role in the Bard Prison Initiative. It would not be
8 obviously in here unless the New York State Department of
9 Corrections will let me come back in here.

10 One of the things the students that I'm teaching right
11 now would like to see me come back as a professor to teach
12 them Spanish to give them credits. While I can give them
13 knowledge right now, I can't give them the credits for a
14 degree.

15 One of the things they keep pushing me about is to go
16 back, get my master's degree, so I can come back and
17 actually give them credits for the college. But that would
18 have to be a long-term goal, because I know I'd be on parole
19 and that's not one of the things that's feasible.

20 But the community alternatives, and also there's a
21 letter from Galaxy Gives that offered me a position from
22 Al-o-go-ran (phonetic). These are nonprofit organizations
23 that give back. I was hoping if I can't get a job with Bard
24 Prison Initiative, I would like to go with one of those.

25 And perhaps, also, one of the things I spoke to Senator

1 Salazar about when she was here is that if I were to be
2 released at some point in the future, if she needs help with
3 speaking before the assembly or the senate and trying to get
4 something across that is prison-related, I would be happy to
5 take the time out and go before the senate and speak.

6 Q. You think you can do that? You think you can do that
7 with advocates for the family being on the other side
8 speaking to them?

9 A. So that is why I want to do it, because I know the pain
10 they're going through. I just want to show them there is a
11 chance for swords of justice. And I don't expect I can
12 convince everybody, but I just want them to see a side of
13 the kind of monsters that have done things in the past, that
14 redemption is possible.

15 Q. When you say the monster, do you include yourself?

16 A. I am, yes, because what happened that night in 1992 was
17 monstrous.

18 Q. Okay.

19 A. It's not who I am today, but there's no way to say that
20 it's anything but terrible.

21 Q. Okay. So you use the word goal and I want to make sure
22 we talk about your case plan goal, because it looks like
23 you've attained your goals here. Most of them have to do
24 with the Bard program themselves, right?

25 A. Right.

1 Q. And a lot of things that you wanted to do while
2 incarcerated, these goals have been accomplished for you.

3 A. Right, that's true, Commissioner. I just recently --

4 Q. I see the top one is maintaining your spiritual
5 awareness. I saw the barrier to that success.

6 A. Right.

7 Q. But to develop positive activities, you've done that.

8 A. One of the other things, Commissioner --

9 Q. Maintain positive family relationships is another one.

10 A. Right.

11 Q. And you've done that. And self development teaching.

12 A. Yes, Commissioner.

13 Q. Good work.

14 A. Thank you. I recently within the last couple weeks
15 became the facility deejay.

16 Q. Wait, wait, wait. Music?

17 A. Yeah. Well, it's not like the deejaying that we used
18 to do in the past, because everything is just pushing
19 buttons.

20 Q. Okay.

21 A. But one of the reasons the head of the rec department
22 asked me is because I'm bilingual and she needed somebody --
23 we have to make announcements periodically for the prison
24 population. So I'm able to do it in English and Spanish.
25 The first time the Spanish population heard, they couldn't

1 believe that it was a white boy making that sound like that,
2 because not everyone knows I speak Spanish.

3 But they have been very appreciative, too, of taking
4 the time out to not only -- a lot of times, the past deejays
5 have only made the announcements in English. I do Spanish
6 first. You guys get first dibs. Then, the second
7 announcement is in English. That's something I've just
8 recently taken on.

9 Q. That's excellent. You continue to work on your
10 rehabilitation and work on helping other people.

11 I'm going to pause for a minute and see if Commissioner
12 Samuels has any additional questions.

13 COMMISSIONER SAMUELS: I've listened carefully.
14 It's been a very thorough interview and, therefore, I have
15 nothing further.

16 COMMISSIONER SEGARRA: Thank you, Commissioner
17 Samuels.

18 Q. Mr. , we covered a lot today.

19 A. Yes, Commissioners. Is there anything that you're not
20 clear about that you want me to clear up?

21 Q. No. I want to know if there's anything you feel we
22 need to know to help us make a decision. Because you want a
23 decision that's favorable to you, right?

24 A. Yes.

25 Q. Is there anything you felt we left out that you feel we

1 need to know before we close the record?

2 A. Commissioner, I just want to say that because one of
3 the things you asked me, you have to be sure, I know this is
4 a big decision that you have to make to release me and I
5 want you to be sure that you're making the right decision.
6 And I promise you that if I were to be released, I will not
7 disappoint you. I will not disappoint Commissioner Samuels.

8 I will not disappoint the loved ones that you see in
9 there and I will not disappoint the families of John and
10 Paul. Because I will continue to do everything I've been
11 doing in here, even on a greater scale, if I were to be
12 released.

13 And I hope they will be able to see that I am trying to
14 atone for everything that I've taken from them.

15 Q. Okay, well, thank you. You know, we're going to
16 consider the record. We have your packet here. We're going
17 to consider the official letters, your interview and that
18 statement you just made and all the heartfelt statements you
19 made and all the efforts you made at your rehabilitation.
20 And we're also going to consider that you came in in a shirt
21 and tie. You look really nice.

22 A. Thank you, thank you.

23 Q. Thank you. Are we good? We okay?

24 A. Thank you, all, for listening to me. I appreciate it.
25 Thank you for listening.

1 Q. Thank you. Take care. We'll deliberate and notify you
2 of our decision in writing. Thank you.

3 A. Thank you, Commissioners.

4 (The incarcerated individual was excused.)

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

3 DECISION

4
5 Denied. 18 months. Next appearance, October 2023.

6 After carefully reviewing your record and conducting
7 your personal interview, the Board of Parole deliberated and
8 is denying your discretionary release.

9 You are currently incarcerated because the jury
10 found you guilty of Murder Second and Manslaughter Second in
11 which you shot to death two men as revenge for an earlier
12 street confrontation in which you had been injured. You
13 also inflicted serious physical injury to a third man.

14 More specifically, on _____, 1992, you were
15 working as a bouncer at a night club called " _____ "
16 when, at 3:15 a.m., a fight broke out at the adjacent club,
17 " _____ ". You, along with three security guards/bouncers
18 from the _____ ran to intervene, a scuffle ensued, and
19 you were struck with a bottle on your head sustaining an
20 injury. The police responded to the scene, broke up the
21 fight and you returned to the club. No arrest was made.

22 At approximately 3:30 a.m., you and one Mr. _____
23 left the club, and you were overheard stating "I'm going to
24 get them. Whatever I have to do, whatever it takes, I'm
25 going to get them". You and Mr. _____ got into your vehicle

1 and drove around the block. After spotting your victims
2 getting into a vehicle, you pulled your car into oncoming
3 traffic and stopped the car to block the victims from
4 leaving. You then jumped out of your car and fired four
5 shots into the group striking , and

6

7 After the victims fell to the ground, you ran around
8 the car, placed your gun to the head of Mr. and shot
9 him. You then straddled Mr. and placed your
10 gun to his head and pulled the trigger. The gun jammed, so
11 you racked and reloaded your gun, pulled Mr. 's
12 head up by his hair and placed the gun to his forehead. At
13 that time, Mr. pleaded for you not to kill him
14 and you fired your gun, killing him. You then turned to Mr.
15 , placed the gun on his forehead and fired but Mr.
16 managed to move his head and the bullet grazed him.

17 After shooting your victims, you jumped back into
18 your car and sped away. You said that after you learned
19 that your victim, , was an off-duty New
20 York City Housing police officer, you did not immediately
21 surrender because you wanted to secure appropriate legal
22 representation.

23 During the interview, you told this Panel that
24 during the scuffle, you were injured and angry that the
25 police did not make any arrest. You mentioned that you had

1 a pistol permit for target practice and admitted that on the
2 night of the crime, you fired the loaded gun you had stored
3 in a locked box in your car. Records indicate that Mr.
4 Reiss later turned your nine-millimeter Glock semiautomatic
5 gun, that you used to execute two of your victims and to
6 injure the other, to the police.

7 The instant offense represents your first contact
8 with the Criminal Justice System and your first period of
9 New York State incarceration. During this period of
10 incarceration, you received a misbehavior report in 1994 for
11 fighting and one in 2005 for direct order and refusing to
12 double bunk. You have completed required programs in ART,
13 completed associate and bachelor's degrees with Bard College
14 and have also helped others by providing services as an
15 assistant Spanish teacher. You have attained numerous case
16 plan goal and continue to work on maintaining your spiritual
17 awareness. You appeared to have utilized this period of
18 incarceration to work on your rehabilitation.

19 This Panel also reviewed and considered your parole
20 packet, which included numerous letters of support from
21 family, friends and the opportunity for gainful employment
22 upon release. Your release plan documents you living with
23 your family upon release.

24 While this Panel notes your personal growth and
25 productive use of time in prison, discretionary release

1 shall not be granted merely as a reward for good conduct or
2 efficient performance of duties while confined. This crime
3 involved you almost immediately and intentionally seeking
4 out to cause harm to people you felt were not appropriately
5 held accountable by the police for the harm they caused you.

6 We carefully reviewed the presentencing
7 investigation report and the sentencing minutes which
8 included the judge's review of your criminal behavior, the
9 jury's verdict and the evidence at trial. You said that at
10 the time of the crime, you felt anger, fear and had a
11 conception of what it meant to be a tough guy. During the
12 interview with this Panel, you were asked what were the
13 social dynamics going on in your life at the time of the
14 crime.

15 It's important to note that during sentencing, the
16 judge related that you transformed your bright future three
17 or four years prior to committing the crime and squandered
18 away your education and bright future for a life of a
19 professional bouncer whose friend and confidante became a
20 convicted rapist and other assorted thugs and felons.

21 Also considered was the letter of support from your
22 defense attorney and a letter of opposition from the
23 district attorney's office.

24 In considering your release, we also reviewed the
25 COMPAS risk and needs assessment which presents your risk

1 scores as low. It also scores you unlikely to have need for
2 community-based programs upon release. This Panel departs
3 from your low risk score of felony violence due to your
4 behavior in the instant offense where you executed two
5 people and wounded another as they laid on the street
6 presenting no threat to you. During the interview, you
7 failed to acknowledge that one of your victims was a New
8 York City police officer who laid crippled and paralyzed
9 when you executed him at point-blank range.

10 The recent and strenuous community opposition and
11 official opposition letters indicate that your release at
12 this time would be incompatible with the welfare of society.
13 Furthermore, releasing you when you continue to express what
14 appeared to be disingenuous remorse, and had minimal insight
15 about what may have caused your built-up internalized anger
16 to explode causing you to behave in such a violent manner
17 would trivialize the tragic loss of life and would so
18 deprecate the serious nature of the crime as to undermine
19 respect for the law.

20 (Commissioners concur)

21 (HEARING CONCLUDED)

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

I, THERESA L. ARDIA, Shorthand Reporter and
Notary Public within and for the State of New York, do
hereby CERTIFY that the foregoing record taken by me at the
time and place noted in the heading hereof is a true and
accurate transcript of same, to the best of my ability and
belief.

Theresa L. Ardia (electronic signature)

THERESA L. ARDIA, CSR, CRR, RPR, RMR

Dated: April 18, 2022