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Parole Interview Transcript/Decision - FUSL000152 (2021-08-10)

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1 STATE OF NEW YORK
2 DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
3 BOARD OF PAROLE

4 *****

5 Parole Board Interview

6 In the Matter

7 -of-

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 *****

12 TYPE OF INTERVIEW: REAPPEARANCE
13 LOCATION: Woodbourne Correctional Facility
14 Videoconferenced to NYS DOCCS
20 Manchester Road
15 Poughkeepsie, New York
16 DATE: August 10, 2021
17 DECISION DATE: August 10, 2021
18 BEFORE: COMMISSIONER ELLEN EVANS ALEXANDER
19 COMMISSIONER TYECE DRAKE
20 COMMISSIONER SHEILA SAMUELS
21 AT FACILITY: C. SMITH, SORC
22 A. LaFORGE, ORC
23 ALSO PRESENT: PRISCILLA CAMPOS
24 Spanish Interpreter
25 HEARING REPORTER: RENÉE D. LEGUIRE, CSR, RMR, CRR

FUSL000152

1 BY COMMISSIONER DRAKE:

2 Q. Good afternoon.

3 (The interpreter interpreted.)

4 A. Good afternoon.

5 Q. Good afternoon. State your name, sir.

6 (The interpreter interpreted.)

7 COMMISSIONER DRAKE: Off the record.

8 (Discussion off the record.)

9 BY COMMISSIONER DRAKE:

10 Q. So, Mr. [REDACTED], if you could speak a little
11 louder, we would appreciate that.

12 (The interpreter interpreted.)

13 A. Okay.

14 Q. All right. I am Commissioner Drake. With me
15 today, Commissioner Alexander.

16 COMMISSIONER ALEXANDER: Hello.

17 Q. You've met her in the past.

18 (The interpreter interpreted.)

19 Q. And we also have Commissioner Samuels on the
20 end.

21 COMMISSIONER SAMUELS: Good afternoon,
22 sir.

23 (The interpreter interpreted.)

24 Q. I don't believe you've met her.

25 (The interpreter interpreted.)

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1 Q. Now, we do have an interpreter here, and I
2 must qualify her. If you can please be patient.

3 (The interpreter interpreted.)

4 COMMISSIONER DRAKE: Madame interpreter,
5 your name?

6 MS. CAMPOS: Priscilla Campos.

7 COMMISSIONER DRAKE: And, Ms. Campos, you
8 have interpreted for the Board of Parole in the
9 past; is that correct?

10 MS. CAMPOS: Yes.

11 COMMISSIONER DRAKE: And you are capable
12 of interpreting Spanish to English and English to
13 Spanish verbatim. Is that also correct?

14 MS. CAMPOS: Yes.

15 COMMISSIONER DRAKE: And you are aware
16 that this is a confidential interview, and you are
17 able to maintain that confidentiality?

18 MS. CAMPOS: Yes.

19 COMMISSIONER DRAKE: If you could please
20 ask Mr. [REDACTED] if he desires your interpretive
21 services.

22 (The interpreter interpreted.)

23 THE INTERPRETER: Yes.

24 COMMISSIONER DRAKE: And if you can
25 please repeat to him the questions that I asked so

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1 he knows of the questions I asked.

2 (The interpreter interpreted.)

3 THE INTERPRETER: Very good.

4 Q. Okay. This is a reappearance for you,

5 Mr. [REDACTED]. Is that correct?

6 (The interpreter interpreted.)

7 THE INTERPRETER: This is my second

8 appearance in front of the panel.

9 Q. This is your --

10 THE INTERPRETER: This is his 19th time

11 in front of the panel.

12 Q. All right, Mr. [REDACTED], 19 times.

13 (The interpreter interpreted.)

14 Q. Mr. [REDACTED], many of the questions that were
15 asked in the past will be asked again today.

16 (The interpreter interpreted.)

17 Q. I have never met you.

18 (The interpreter interpreted.)

19 Q. And I don't believe Commissioner Samuels has
20 met you.

21 (The interpreter interpreted.)

22 Q. And, although Commissioner Alexander has met
23 you, this is a new opportunity for you. So my -- I
24 would ask that you be patient with us, please, as we
25 ask the same questions that you've been asked in the

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1 past.

2 (The interpreter interpreted.)

3 Q. And, if you can answer the questions, you
4 know, honestly and openly. Okay?

5 (The interpreter interpreted.)

6 THE INTERPRETER: Very good.

7 Q. Mr. [REDACTED], you have been incarcerated
8 approximately 50 years.

9 (The interpreter interpreted.)

10 Q. You were convicted of murder, two counts,
11 sentenced 20 to life; kidnapping in the first, 15 to
12 life; rape first, 25 flat, all by plea in the Bronx.

13 (The interpreter interpreted.)

14 MS. CAMPOS: Sorry. Interpret speaking.

15 I can't understand him.

16 COMMISSIONER DRAKE: Off record.

17 (Discussion off the record.)

18 COMMISSIONER DRAKE: All right. Back on
19 record.

20 BY COMMISSIONER DRAKE:

21 Q. Mr. [REDACTED] --

22 (The interpreter interpreted.)

23 THE INTERPRETER: Yes.

24 Q. -- please speak louder, sir.

25 (The interpreter interpreted.)

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1 Q. Okay?

2 THE INTERPRETER: Very good.

3 Q. All right. Good. We want to make sure that
4 our interpreter can hear you, sir, because we need to
5 be able to get your words accurately on record.

6 (The interpreter interpreted.)

7 THE INTERPRETER: Yes. I understand.

8 Q. All right. Thank you, sir.

9 (The interpreter interpreted.)

10 Q. Were you going to say something about the
11 conviction or the plea?

12 (The interpreter interpreted.)

13 THE INTERPRETER: What I want to say is
14 that I never declared myself guilty.

15 Q. Okay. So, I was reading your file, and it
16 sounds to me with what I've read that you pled guilty
17 and then you pled not guilty, or was it the other way
18 around? How did it work?

19 (The interpreter interpreted.)

20 THE INTERPRETER: In my case I declared
21 myself guilty, and they gave me 15 years, only 15
22 years. So then, when I was arrested, I went back.
23 So I went to jury, and so they gave me the
24 sentencing that I have now.

25 Q. Okay. Which is 20 to life, yes, for murder?

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1 (The interpreter interpreted.)

2 THE INTERPRETER: Yes, ma'am.

3 Q. All right. And kidnapping, 15 to life. Yes?

4 (The interpreter interpreted.)

5 THE INTERPRETER: Yes, ma'am.

6 Q. Rape first, 25 flat.

7 (The interpreter interpreted.)

8 THE INTERPRETER: Yes, ma'am.

9 Q. Okay. So that means that your aggregate term
10 is 20 to life.

11 (The interpreter interpreted.)

12 THE INTERPRETER: Yes, ma'am.

13 Q. Okay. So we're on the same page.

14 (The interpreter interpreted.)

15 Q. All right. So the present offense is as
16 follows: August 13th, 1971, you approached your
17 nine-year-old victim who was a little girl, and she was
18 playing with another little girl which was her sister,
19 I believe. You lured her into going with you to an
20 area of the park near the Bronx Zoo.

21 (The interpreter interpreted.)

22 Q. The area was a bit deserted. You offered her
23 some candy, grabbed her by her hand, and took her away.

24 (The interpreter interpreted.)

25 Q. Once away, you brutally -- you subjected the

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1 victim to brutal sexual and physical abuse.

2 (The interpreter interpreted.)

3 Q. Your victim's body was found to have multiple
4 lacerations and a fractured skull and other contusions.

5 (The interpreter interpreted.)

6 Q. It says here that, after you raped her and
7 killed her, you left her body in the river in the area
8 of the Bronx Zoo.

9 (The interpreter interpreted.)

10 Q. It goes on to say that you were found with
11 stains of blood on your clothing, and your upper torso
12 had scratches.

13 (The interpreter interpreted.)

14 Q. Now, before this crime you had a vehicle
15 charge; is that right?

16 (The interpreter interpreted.)

17 THE INTERPRETER: Yes, ma'am.

18 Q. And how old were you around that time, sir?

19 (The interpreter interpreted.)

20 THE INTERPRETER: In the time of the case
21 with [REDACTED]

22 Q. Well, it's around the same time because it
23 looks like you were arrested on the vehicle charge in
24 April of '71, right?

25 THE INTERPRETER: Okay, ma'am. So around

1 that time I was 24 years old.

2 Q. 24? Were you born in 1947?

3 (The interpreter interpreted.)

4 THE INTERPRETER: Yes, ma'am.

5 Q. All right. And you were originally born in
6 Puerto Rico; is that right?

7 (The interpreter interpreted.)

8 THE INTERPRETER: Yes, ma'am.

9 Q. Okay. And how old were you when you came to
10 the United States?

11 (The interpreter interpreted.)

12 THE INTERPRETER: The first time that I
13 came to the United States I was 18 or 19 years old,
14 and I came to live with my sister in New Jersey.

15 Q. Okay. And you were in New Jersey at that
16 time. So at the time of the instant offense were you
17 still living in New Jersey?

18 (The interpreter interpreted.)

19 THE INTERPRETER: No, ma'am. I was
20 living in the Bronx.

21 Q. So when did you move to the Bronx?

22 (The interpreter interpreted.)

23 THE INTERPRETER: Around '69.

24 Q. Okay. I've got it. So you were in the Bronx
25 at the age of -- I'm trying to do the math here. So

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1 you started off in New Jersey at 18 and 19, and then
2 you went to the Bronx?

3 (The interpreter interpreted.)

4 THE INTERPRETER: Yes.

5 Q. Were you working at that time, sir?

6 (The interpreter interpreted.)

7 THE INTERPRETER: Yes, I've always been
8 working. During that time I was working in a
9 factory of salads.

10 Q. When you came over, did you come over with
11 your family?

12 (The interpreter interpreted.)

13 THE INTERPRETER: No. My family was
14 already here in the United States.

15 Q. All right. So you were the last person to
16 come over?

17 (The interpreter interpreted.)

18 THE INTERPRETER: No, I wasn't the last
19 one because I still had family in Puerto Rico that
20 stood over there.

21 Q. Okay. All right. But your parents were here;
22 is that right?

23 (The interpreter interpreted.)

24 A. *Perdón?*

25 Q. Were your parents here prior to you coming?

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1 (The interpreter interpreted.)

2 THE INTERPRETER: My mom, my stepdad.

3 Q. Is that it?

4 (The interpreter interpreted.)

5 THE INTERPRETER: My mom was here because
6 she separated from my stepdad and he stood in
7 Puerto Rico.

8 Q. Okay. I've got it. Now, the record indicates
9 that you have siblings. Is that correct?

10 (The interpreter interpreted.)

11 THE INTERPRETER: Yes, ma'am.

12 Q. How many siblings?

13 (The interpreter interpreted.)

14 MS. CAMPOS: Excuse me. I'm going to ask
15 him to speak louder.

16 (The interpreter interpreted.)

17 THE INTERPRETER: Okay. With my stepdad
18 and my mom I have ten brothers.

19 Q. Oh, wow!

20 THE INTERPRETER: And on another part I
21 have five sisters.

22 Q. Okay. And who did you live with when you
23 came -- when you were living in the Bronx? Who were
24 you living with at that time?

25 (The interpreter interpreted.)

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1 THE INTERPRETER: When I was in the
2 Bronx, I was working in the factory salad.

3 Q. Okay.

4 THE INTERPRETER: I was living with my
5 mom when I was in the Bronx.

6 Q. Okay. And no sisters and no brothers?

7 (The interpreter interpreted.)

8 THE INTERPRETER: No.

9 Q. Okay. So it was just you and your mother?

10 (The interpreter interpreted.)

11 Q. All right. So how did you get to this point?

12 Reading through the record, apparently there was a
13 get-together with your in-laws?

14 (The interpreter interpreted.)

15 Q. Maybe a gathering of sorts?

16 (The interpreter interpreted.)

17 THE INTERPRETER: I never met the family
18 of my wife. She wasn't my wife. I wasn't married
19 with her.

20 Q. Well, my question is, how did you come into
21 contact with your victim?

22 (The interpreter interpreted.)

23 THE INTERPRETER: I met the victim
24 because I was visiting my mom --

25 Q. Okay.

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1 THE INTERPRETER: -- and she lived in the
2 same building.

3 Q. Okay. So then you had seen this little girl
4 before. Is that right?

5 (The interpreter interpreted.)

6 THE INTERPRETER: Many times I saw her
7 before.

8 Q. Okay. So then you knew her and she knew you.

9 (The interpreter interpreted.)

10 THE INTERPRETER: Yes, ma'am.

11 Q. And how long had you known her before the
12 crime?

13 (The interpreter interpreted.)

14 THE INTERPRETER: Maybe two years.

15 Q. Okay. And what happened this particular day
16 that you decided to lure her away from her family and
17 commit the crime you committed?

18 (The interpreter interpreted.)

19 THE INTERPRETER: To commit the crime
20 that I have committed, there is no real
21 explanation. I've been trying to look for the
22 motive for what I've done, but there is no
23 explanation. That day I can tell you what
24 happened.

25 Q. Please.

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1 (The interpreter interpreted.)

2 THE INTERPRETER: That day I got up at
3 5:00 a.m. and went to work. It was a Friday. When
4 I came out of work around 6:30 p.m., I went to a
5 bar. There I met up with a friend. We started to
6 drink and use marijuana.

7 Q. Okay.

8 THE INTERPRETER: And around 8:30 of the
9 night I went to the building where my mom lived.

10 Q. Okay.

11 THE INTERPRETER: When I was going to --
12 entering the building, [REDACTED] called me. She told
13 me, "[REDACTED] --" because they used to call me that.

14 Q. M-m h-m-m.

15 THE INTERPRETER: "-- give me some
16 candy."

17 Q. Why was she asking you to give -- why would
18 she ask you to get her some candy?

19 (The interpreter interpreted.)

20 THE INTERPRETER: I would always buy her
21 candy, and she knew me. She was comfortable with
22 me.

23 Q. Oh, so she trusted you, then.

24 (The interpreter interpreted.)

25 THE INTERPRETER: Yes.

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1 Q. Okay.

2 THE INTERPRETER: I would like to say
3 before that I was drunk, but I don't want to use
4 that as an excuse --

5 Q. Well, you told me --

6 THE INTERPRETER: -- in the case to
7 commit this crime.

8 Q. I heard that, but you said just a couple of
9 minutes earlier that you were drinking. The records
10 that I've read indicated that you stated in past
11 interviews that you were drinking, but today you're
12 telling us that you were drinking and smoking marijuana
13 that day?

14 (The interpreter interpreted.)

15 THE INTERPRETER: If you check the
16 sentencing minutes, you'll see that I've always
17 said the same thing, that I was smoking.

18 Q. Well, sir, we don't have sentencing minutes.

19 (The interpreter interpreted.)

20 Q. We don't have that for your record.

21 (The interpreter interpreted.)

22 Q. I'm reading past interviews.

23 (The interpreter interpreted.)

24 Q. Okay. But, all right, if that's what you say,
25 I'll take your word for it. Maybe it just didn't come

1 up.

2 (The interpreter interpreted.)

3 Q. So you were taking marijuana and alcohol.
4 Your victim then asked you to buy you -- buy her some
5 candy, and then what did you do?

6 (The interpreter interpreted.)

7 THE INTERPRETER: So, I told her yes, and
8 I took her to the place where I abused her
9 sexually.

10 Q. So why -- why -- why did you do that to her?
11 She was a little girl.

12 (The interpreter interpreted.)

13 Q. Vulnerable. How did she become your victim?

14 (The interpreter interpreted.)

15 THE INTERPRETER: I don't have words to
16 explain that. There is no woman, adult, or
17 anybody, a girl that deserves to be abused the way
18 I abused her.

19 Q. Right. But I'm looking for what you may have
20 learned in SOP programming. You took SOP programming
21 extensively, did you not?

22 (The interpreter interpreted.)

23 THE INTERPRETER: Yes, I took that
24 program.

25 Q. All right. And during that entire time in all

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1 of the 50 years you still have no explanation as to why
2 you committed the act that you committed on this little
3 girl?

4 (The interpreter interpreted.)

5 Q. There was a motivation. Had to be a
6 motivation.

7 (The interpreter interpreted.)

8 THE INTERPRETER: That motivation should
9 have been there, there is, but I still haven't
10 found it. In the time that I was in the program
11 for 18 months, always the psychologist that was in
12 the program, Ms. [REDACTED], she thinks that my problem
13 was drinking alcohol, but I've always had drank a
14 lot of alcohol and smoked marijuana, but never in
15 my life have I committed a crime like that. So
16 that's what she told me, that I shouldn't be
17 drinking alcohol or marijuana, but also -- so,
18 also, during the time that I was growing up, my
19 stepfather, who I thought was my real father, I was
20 many times abused physically by him and by my half
21 brother. I was many times abused by them, but I
22 also don't want to use that as an excuse for
23 committing the crime that I committed.

24 MS. CAMPOS: Interpreter speaking.

25 Q. Sir, one second, please.

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1 (The interpreter interpreted.)

2 THE INTERPRETER: When I grew up in
3 Puerto Rico with my stepdad that I thought my whole
4 life was my father until about ten years ago, I was
5 abused by him physically and by my half brother and
6 his friends. I was abused sexually --

7 Q. And --

8 THE INTERPRETER: -- but that is not an
9 excuse. I don't want to use that as a reason for
10 raping this girl.

11 Q. Right. You had a girlfriend at the time,
12 didn't you?

13 (The interpreter interpreted.)

14 THE INTERPRETER: Yes, but after her I
15 had other girlfriends.

16 Q. Okay. So you've had sexually appropriate
17 relationships with women?

18 (The interpreter interpreted.)

19 Q. Right?

20 (The interpreter interpreted.)

21 THE INTERPRETER: Yes.

22 Q. Okay. And were they satisfying sexual
23 relationships with these women?

24 (The interpreter interpreted.)

25 THE INTERPRETER: Yes.

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1 Q. So, then, why not go to your girlfriend, and I
2 don't advocate this, but a lady of the evening?

3 (The interpreter interpreted.)

4 THE INTERPRETER: During that time my
5 girlfriend was in Puerto Rico with her mom for a
6 week.

7 Q. Okay. She was supposed to return in a week?

8 THE INTERPRETER: But she didn't return,
9 and I had that on my mind that maybe she was
10 playing me dirty with somebody else.

11 Q. So, what, you took your anger out on this
12 little girl?

13 (The interpreter interpreted.)

14 THE INTERPRETER: I'm not sure if it was
15 that or not. Only some professional was able --
16 some professional has been trying to help me find
17 that answer but, myself, I have not.

18 Q. There were other times when you had purchased
19 candy for her; is that correct?

20 (The interpreter interpreted.)

21 THE INTERPRETER: No, but I would buy
22 candy for my daughter, and she would divide it with
23 her because she knew her.

24 Q. Okay. So your daughter and this -- and [REDACTED],
25 is that right?

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1 (The interpreter interpreted.)

2 THE INTERPRETER: I'm sorry?

3 Q. What is your victim's name?

4 THE INTERPRETER: [REDACTED].

5 Q. [REDACTED] So [REDACTED] played with your daughter.

6 (The interpreter interpreted.)

7 THE INTERPRETER: Yeah, sometimes they
8 would play.

9 Q. So, then, when you bought candy, you bought
10 candy for the kids?

11 (The interpreter interpreted.)

12 THE INTERPRETER: I would buy for my
13 daughter, and then she would divide it with her
14 friends.

15 Q. Okay. Did [REDACTED] ever ask you for candy
16 before this incident?

17 (The interpreter interpreted.)

18 THE INTERPRETER: She never -- she never
19 asked me to buy candy, but if she would have asked
20 me to buy candy, I would have bought it for her.

21 Q. Okay. When she asked you to buy candy, why
22 didn't you just go get it and give it to her like
23 before?

24 (The interpreter interpreted.)

25 THE INTERPRETER: I don't know. I don't

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1 have words to say why I did what I did. I only
2 took her by the hand and I took her.

3 Q. Okay. So you took her into this secluded
4 area. Then what did you do?

5 (The interpreter interpreted.)

6 THE INTERPRETER: I abused her sexually.

7 Q. Okay. Vaginal sex?

8 (The interpreter interpreted.)

9 THE INTERPRETER: I'm sorry?

10 Q. Vaginal sex?

11 (The interpreter interpreted.)

12 THE INTERPRETER: Yes.

13 Q. Anal sex?

14 (The interpreter interpreted.)

15 THE INTERPRETER: No.

16 Q. Oral sex?

17 (The interpreter interpreted.)

18 THE INTERPRETER: No.

19 Q. Did she fight you?

20 (The interpreter interpreted.)

21 THE INTERPRETER: Yes, she was defending
22 herself.

23 Q. Okay. Did you tear her clothes off, or what
24 did you do? How did you initiate this with her?

25 (The interpreter interpreted.)

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1 THE INTERPRETER: I took her clothes off.

2 I took her to the place, and I abused her.

3 Q. Okay. She had -- I believe it was a fractured
4 skull. How did she get that?

5 (The interpreter interpreted.)

6 THE INTERPRETER: When she was trying to
7 defend herself with the little bit of power that
8 she had, I held her head against the pavement --

9 Q. Okay.

10 THE INTERPRETER: -- and abused her, but
11 I never, never like punched her in the face or
12 anything.

13 Q. Well, it would -- a fractured skull. Well, it
14 would imply that force had to -- there had to be some
15 sort of impact with her skull.

16 (The interpreter interpreted.)

17 MS. CAMPOS: I'm going to ask him to
18 repeat himself.

19 (The interpreter interpreted.)

20 THE INTERPRETER: I don't know if her
21 fracture -- I don't know if it happened when I
22 forced her against the rock --

23 Q. Okay.

24 THE INTERPRETER: -- but, either way, how
25 it happened to [REDACTED], it's my fault. I did it.

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1 Q. We know that. We know that.
2 (The interpreter interpreted.)
3 Q. One second. We know that.
4 (The interpreter interpreted.)
5 Q. Give me one second, sir.
6 (The interpreter interpreted.)
7 (Pause.)
8 Q. Okay. According to the records, death was
9 caused by a fractured skull and contusions of the
10 brain.
11 (The interpreter interpreted.)
12 Q. So when you forced her to the ground --
13 (The interpreter interpreted.)
14 Q. -- was she still fighting you at that time?
15 (The interpreter interpreted.)
16 THE INTERPRETER: Yes, she was trying to
17 defend herself with the little bit of power that
18 she had.
19 Q. Okay. Did she ever go unconscious, do you
20 know?
21 (The interpreter interpreted.)
22 THE INTERPRETER: I'm sorry?
23 Q. Was she unconscious at any point when you were
24 raping her?
25 (The interpreter interpreted.)

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1 THE INTERPRETER: No.

2 Q. So, then, after you raped her, she was still
3 fighting?

4 (The interpreter interpreted.)

5 THE INTERPRETER: No.

6 Q. Do you know if she was dead after you finished
7 raping her?

8 (The interpreter interpreted.)

9 THE INTERPRETER: No, she wasn't dead.

10 When I walked and I left her in the bench near the
11 river, I left. She was still alive. I don't know
12 if she was -- with the little bit of power that she
13 had, she was trying to find a way out, she fell in
14 the river. I didn't throw her. If I would have
15 thrown her, I would have confessed it here. I
16 don't have anything to hide because I am the cause
17 of this crime.

18 Q. Okay. What did you do after -- after you left
19 her there?

20 (The interpreter interpreted.)

21 (The interpreter interpreted.)

22 THE INTERPRETER: I looked for the way
23 out, and I was walking towards my home -- or I
24 should say I was walking towards the building where
25 my mom lived --

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1 Q. Okay.

2 THE INTERPRETER: -- and then I bumped
3 into one of the neighbors, and he said, "That's
4 him."

5 MS. CAMPOS: I'm going to ask him to
6 speak louder.

7 THE INTERPRETER: I was walking to arrive
8 to the apartment of my mom. So there was a car of
9 a detective with one of the neighbors, and they
10 signed to me and arrested me.

11 Q. How long had you been with your victim?

12 (The interpreter interpreted.)

13 THE INTERPRETER: Honestly, I don't know
14 the amount of time I was with her, but I think,
15 since I took her around 8:00 or 8:30 and they
16 arrested me around 12:00 in the night, we can
17 assume the time that I was with the victim. One of
18 the proof that I have is that at the time that the
19 victim died, I was already arrested, but this is my
20 fault.

21 Q. Yes. So it safe to say that you were with
22 this girl about three hours?

23 (The interpreter interpreted.)

24 Q. By your own estimation, you took her about
25 8:00, 8:30. You came back about 12:00, 12:30?

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1 (The interpreter interpreted.)

2 THE INTERPRETER: I think supposedly,

3 yes --

4 Q. Okay.

5 THE INTERPRETER: -- but I'm not sure,
6 but I don't deny it either.

7 Q. And how far -- how long of a walk is it from
8 your mom's house to the place you took her?

9 (The interpreter interpreted.)

10 THE INTERPRETER: Like about 20 minutes.

11 Q. Why did you take her so far away?

12 (The interpreter interpreted.)

13 THE INTERPRETER: Because I was trying to
14 find a secure place to commit what I did.

15 Q. Okay. So you had about 20 minutes to think
16 about what you were going to do to her?

17 (The interpreter interpreted.)

18 THE INTERPRETER: Maybe.

19 Q. Okay. All right. Did she ever ask you where
20 you were going?

21 (The interpreter interpreted.)

22 THE INTERPRETER: Yes, she asked me.

23 Q. And what did you tell her?

24 (The interpreter interpreted.)

25 THE INTERPRETER: She asked me, and the

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1 whole night that question was in my head. The only
2 thing I told her was, "Come. Let's go," and I took
3 her.

4 Q. So you held her -- the entire way you held her
5 hand or --

6 (The interpreter interpreted.)

7 Q. -- somewhere on her body? You held her the
8 entire 20 minutes to that spot?

9 (The interpreter interpreted.)

10 THE INTERPRETER: Explain that to me
11 again, please.

12 Q. So, in other words, you said you took her.
13 Did you hold her hand?

14 (The interpreter interpreted.)

15 THE INTERPRETER: Yes, I held her hand.

16 Q. The entire time --

17 (The interpreter interpreted.)

18 Q. -- to the park?

19 (The interpreter interpreted.)

20 THE INTERPRETER: Yes.

21 Q. Did she ever try to break away from you, sir?

22 (The interpreter interpreted.)

23 THE INTERPRETER: Never.

24 Q. Okay. So I guess -- strike that.

25 She was found nude. You had taken off

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1 all of her clothing?

2 (The interpreter interpreted.)

3 THE INTERPRETER: Yes, ma'am.

4 Q. And so you were with her, by your own
5 admission, about three hours?

6 (The interpreter interpreted.)

7 THE INTERPRETER: Yes, that's my
8 calculation of how long I was with her.

9 Q. And when you sexually assaulted her, you
10 sexually assaulted her once or more than once?

11 (The interpreter interpreted.)

12 THE INTERPRETER: Once.

13 Q. So why did you have her for so long?

14 (The interpreter interpreted.)

15 THE INTERPRETER: I can't explain. I
16 don't know.

17 Q. Okay. So, when you returned, you stated that
18 someone said, "There he is"?

19 (The interpreter interpreted.)

20 THE INTERPRETER: Yes.

21 Q. Who was that person that said that?

22 (The interpreter interpreted.)

23 THE INTERPRETER: The person that said
24 that was a neighbor, [REDACTED]. Yes. I met him
25 before because I took him many times to get drugs.

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1 He was a drug addict.

2 Q. All right. But he must have seen you take

3 [REDACTED].

4 (The interpreter interpreted.)

5 THE INTERPRETER: No, he never saw.

6 Q. Did anybody see you take her?

7 (The interpreter interpreted.)

8 THE INTERPRETER: The brother of her, her
9 brother.

10 Q. Her brother?

11 (The interpreter interpreted.)

12 THE INTERPRETER: Of 12 years old.

13 Q. Okay.

14 (The interpreter interpreted.)

15 THE INTERPRETER: She was the one that
16 said that I offered her money and I took her.

17 Q. I'm sorry. Can you repeat that? I got a
18 little bit confused.

19 (The interpreter interpreted.)

20 THE INTERPRETER: Her sister, [REDACTED], said
21 that I offered her money and that I took her.

22 Q. So you offered [REDACTED] money or you offered
23 [REDACTED] money?

24 (The interpreter interpreted.)

25 THE INTERPRETER: I didn't offer anyone

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1 money.

2 Q. Oh!

3 THE INTERPRETER: The sister said --

4 Q. Okay.

5 (The interpreter interpreted.)

6 THE INTERPRETER: -- that I offered

7 [REDACTED] money --

8 Q. Okay. I've got it.

9 (The interpreter interpreted.)

10 THE INTERPRETER: -- and that I took

11 her --

12 Q. So --

13 (The interpreter interpreted.)

14 THE INTERPRETER: -- but that never

15 happened.

16 Q. All right. But it sounds to me that two
17 children saw you walk away with [REDACTED], right?

18 (The interpreter interpreted.)

19 THE INTERPRETER: No, just one, the

20 sister.

21 Q. All right. So, then, the issue about [REDACTED] is
22 not relevant, right?

23 (The interpreter interpreted.)

24 Q. All right. And at that point you were
25 arrested?

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1 (The interpreter interpreted.)

2 THE INTERPRETER: Yes.

3 Q. Now, at some point in time you initially
4 denied that you committed this crime; is that right?

5 (The interpreter interpreted.)

6 THE INTERPRETER: Yes, that's correct.

7 Q. Why did you deny it? According to the record,
8 there were bloodstains on your clothing and you had
9 scratches.

10 (The interpreter interpreted.)

11 THE INTERPRETER: Because I was scared.

12 At that time I was scared.

13 Q. Can you explain how you would sexually assault
14 a child when you yourself was also sexually assaulted?
15 How could you do that to a child knowing personally how
16 it was -- how it felt?

17 (The interpreter interpreted.)

18 THE INTERPRETER: I can't explain that.

19 That has no explanation. Because of what happened
20 to me with my brothers, she has no fault for that.

21 Q. No, she doesn't --

22 (The interpreter interpreted.)

23 Q. -- but what I'm asking you and you can't
24 answer is your motivation at that time and your empathy
25 at that time. You can't answer those.

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1 (The interpreter interpreted.)

2 Q. So let's move on to other aspects of your
3 record.

4 (The interpreter interpreted.)

5 Q. So, sir, you have completed your programming.
6 You earned your high school equivalency. That was in
7 Spanish, wasn't it?

8 (The interpreter interpreted.)

9 THE INTERPRETER: Yes, ma'am.

10 Q. You have also acquired a vocational trade.
11 Which one was it, because I know -- I believe you
12 earned about 15 titles of such.

13 (The interpreter interpreted.)

14 THE INTERPRETER: Yes I earned that.

15 Q. What's the name of the vocation, please?

16 (The interpreter interpreted.)

17 THE INTERPRETER: Carpentry.

18 Q. Oh, okay. Carpentry. All right. I see
19 something for horticulture here. Did you complete that
20 as well?

21 (The interpreter interpreted.)

22 THE INTERPRETER: Yes, in the prison of
23 Franklin. I was an assistant of the teacher.

24 Q. Yeah, so you were the IPA in both vocations;
25 is that correct?

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1 (The interpreter interpreted.)

2 THE INTERPRETER: Yes, ma'am.

3 Q. All right. You've completed ASAT. You've
4 completed ART, sex offender programming --

5 (The interpreter interpreted.)

6 Q. -- and Transitional Services 1 and 3?

7 THE INTERPRETER: Yes, ma'am.

8 (The interpreter interpreted.)

9 THE INTERPRETER: Yes.

10 Q. There was no need for you to complete
11 Transitional Services 2?

12 (The interpreter interpreted.)

13 THE INTERPRETER: Repeat that again,
14 please?

15 Q. So, Transitional Services 2, you did not have
16 to take it?

17 (The interpreter interpreted.)

18 THE INTERPRETER: No.

19 Q. You've only had approximately four tickets
20 with your last ticket in 2015.

21 (The interpreter interpreted.)

22 THE INTERPRETER: Yes, ma'am.

23 Q. Your risk assessment is low and unlikely in
24 all areas except reentry, substance abuse, which hold
25 probable scores. Your case plan discusses developing

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1 positive activities, maintaining positive behavior,
2 continue to work as a porter.

3 (The interpreter interpreted.)

4 Q. Is that what you're doing now?

5 (The interpreter interpreted.)

6 THE INTERPRETER: Yes, ma'am.

7 Q. Maintain positive family relationships and
8 strengthen ties.

9 (The interpreter interpreted.)

10 THE INTERPRETER: Yes, ma'am.

11 Q. Maintain abstinence, remain healthy.

12 (The interpreter interpreted.)

13 THE INTERPRETER: Yes.

14 Q. Maintain healthy relationships.

15 (The interpreter interpreted.)

16 THE INTERPRETER: Yes, ma'am.

17 Q. Learn and implement adaptive coping skills.

18 (The interpreter interpreted.)

19 THE INTERPRETER: Yes, ma'am.

20 Q. Of course, prepare for the Board.

21 (The interpreter interpreted.)

22 THE INTERPRETER: Yes, ma'am.

23 Q. All right. And develop your parole packet,
24 which we do have here.

25 (The interpreter interpreted.)

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1 Q. We will be going over it in just a minute. As
2 I stated before, we do not have your sentencing
3 minutes. We also do not have official statements from
4 the judge, DA, or defense attorney.

5 (The interpreter interpreted.)

6 Q. Now, if you were to be released, where will
7 you reside?

8 (The interpreter interpreted.)

9 THE INTERPRETER: The only family that I
10 have in the State of New York. She's an old lady
11 that's 90 years old.

12 Q. Is that a friend or a family member? Who is
13 it?

14 (The interpreter interpreted.)

15 THE INTERPRETER: It's my sister.

16 Q. We do have several letters of support here.

17 (The interpreter interpreted.)

18 THE INTERPRETER: In case that I get my
19 freedom, I would like to go to a program with the
20 laws of SARA.

21 Q. Well, yes, if you were to be released, you
22 would have to comply with those laws. The nature of
23 the offense dictates that, sir.

24 (The interpreter interpreted.)

25 THE INTERPRETER: It won't be easy for me

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1 to find work because I am 75 years old.

2 Q. I understand that you also have some health
3 conditions that you are battling; is that right?

4 (The interpreter interpreted.)

5 THE INTERPRETER: Yes, ma'am.

6 Q. Okay. And what are those health conditions,
7 sir?

8 (The interpreter interpreted.)

9 THE INTERPRETER: I have 55 percent of my
10 kidneys working.

11 Q. Okay.

12 THE INTERPRETER: I have beginning of
13 cancer in the colon --

14 Q. Okay.

15 THE INTERPRETER: -- and prostate.

16 Q. All right. Did I read somewhere maybe you
17 have hypertension? I thought I read high blood
18 pressure maybe?

19 (The interpreter interpreted.)

20 THE INTERPRETER: Yes, I have high blood
21 pressure. I take medication every day for that.

22 Q. Okay. I'm looking at your medical documents
23 that's in your packet, so thank you for that.

24 (The interpreter interpreted.)

25 Q. So you're on several medications.

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1 (The interpreter interpreted.)

2 THE INTERPRETER: Yes, ma'am.

3 Q. Now, we do have letters from family and
4 friends.

5 (The interpreter interpreted.)

6 Q. Now, we do have a letter from you. So thank
7 you for writing to us.

8 (The interpreter interpreted.)

9 THE INTERPRETER: M-m h-m-m.

10 Q. We have a letter here from [REDACTED].

11 (The interpreter interpreted.)

12 THE INTERPRETER: Yes.

13 Q. Okay. That's your niece?

14 (The interpreter interpreted.)

15 THE INTERPRETER: Yes, ma'am.

16 Q. Okay. Your sister, she's also written in.

17 (The interpreter interpreted.)

18 THE INTERPRETER: Yes, ma'am.

19 Q. All right. And she lives in Pennsylvania.

20 (The interpreter interpreted.)

21 THE INTERPRETER: Yes, [REDACTED].

22 Q. And, [REDACTED], she's also written in.

23 (The interpreter interpreted.)

24 THE INTERPRETER: Yes, ma'am.

25 Q. She says she first met you seven years ago; is

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1 that correct?

2 (The interpreter interpreted.)

3 THE INTERPRETER: Yes, around seven years

4 or so.

5 Q. [REDACTED]?

6 (The interpreter interpreted.)

7 THE INTERPRETER: [REDACTED].

8 Q. [REDACTED] Okay.

9 THE INTERPRETER: That's my sister that's

10 90 years old and lives in Manhattan.

11 Q. Okay. All right. You have several other

12 letters here. You do have letters from the community

13 as well.

14 (The interpreter interpreted.)

15 THE INTERPRETER: Yes, ma'am.

16 Q. You have a letter from Exodus --

17 (The interpreter interpreted.)

18 THE INTERPRETER: Yes, ma'am.

19 Q. -- the Osborne society, as well as Fortune.

20 (The interpreter interpreted.)

21 THE INTERPRETER: Yes, ma'am.

22 Q. So you've done your due diligence here.

23 (The interpreter interpreted.)

24 Q. And you also have the support of the Parole

25 Preparation Project; is that correct?

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1 (The interpreter interpreted.)

2 THE INTERPRETER: Yes, ma'am.

3 Q. And how long have you been working with this
4 organization, sir?

5 (The interpreter interpreted.)

6 THE INTERPRETER: Around two years.

7 Q. Okay. They have included documents that we've
8 already reviewed such as your risk assessment and your
9 case plans. We've already reviewed those.

10 (The interpreter interpreted.)

11 THE INTERPRETER: Yes.

12 Q. Okay? But what it also includes, Inmate
13 Progress Reports where you have positive progress
14 reports in your work as a porter --

15 (The interpreter interpreted.)

16 THE INTERPRETER: Yes, ma'am.

17 Q. -- for several years now. Laundry --

18 (The interpreter interpreted.)

19 THE INTERPRETER: Yes, ma'am.

20 Q. -- horticulture --

21 (The interpreter interpreted.)

22 THE INTERPRETER: Yes.

23 Q. -- positive reports there. So you have
24 several of those commendable Inmate Progress Reports.

25 (The interpreter interpreted.)

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1 Q. You also have a certificate where you attended
2 AA.

3 (The interpreter interpreted.)

4 THE INTERPRETER: Yes, ma'am.

5 Q. All right. And you've also participated in --
6 I see a couple of certificates for AA.

7 (The interpreter interpreted.)

8 Q. Okay. Carpentry, language arts.

9 (The interpreter interpreted.)

10 Q. So you have several certificates. Now, let me
11 ask you, if you were to return to the community, do you
12 consider yourself a danger?

13 (The interpreter interpreted.)

14 THE INTERPRETER: No, I do not consider
15 myself as a danger to the community. If I would
16 have considered myself as a danger to the
17 community, I would tell them to let me stay in the
18 prison and not to let me out.

19 Q. Okay. Well, are you a pedophile?

20 (The interpreter interpreted.)

21 THE INTERPRETER: No, ma'am.

22 Q. How do you know that?

23 (The interpreter interpreted.)

24 THE INTERPRETER: Because I don't have
25 that in my heart. What happened with [REDACTED], I

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1 don't want that to happen with nobody, not even
2 with an adult. If I see somebody in the street
3 trying to sexually abuse a child, I will try to
4 find the police.

5 Q. Now, in your last interview you told the
6 commissioners that, if it wasn't [REDACTED], it would have
7 been another girl. Is that true?

8 (The interpreter interpreted.)

9 (The interpreter interpreted.)

10 THE INTERPRETER: Possibly I said that
11 that night. In the confusion that I was feeling,
12 it could have happened, it could have happened to
13 another person, but I know, if I'm released, I will
14 not be under the influence of drugs or alcohol. I
15 want to spend the rest of me years left with my
16 family.

17 Q. All right. I just -- you also said that you
18 were angry at your girlfriend in the last interview --

19 (The interpreter interpreted.)

20 THE INTERPRETER: Yes.

21 Q. -- and that that could have been a reason. Do
22 you still maintain that?

23 (The interpreter interpreted.)

24 THE INTERPRETER: It could have been that
25 reason but, like, to be sure, I'm not sure.

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1 Q. One last thing: You told the commissioners
2 that you were thinking of having sex with her --

3 (The interpreter interpreted.)

4 Q. -- not necessarily having sex with her
5 forcefully. So you knew you were going to have sex
6 with her but not forcefully. That's what you told the
7 commissioners.

8 (The interpreter interpreted.)

9 THE INTERPRETER: I never said that.

10 I've never said that. If I would have said that to
11 the commissioners, I just -- I never said that.

12 Q. Okay. I'm going to read you what we have on
13 record, sir.

14 (The interpreter interpreted.)

15 Q. The commissioner asked: *Why didn't you stop*
16 *when you were being scratched? Your answer was:*
17 *Because at that time my mind was gone. I wasn't*
18 *focused. I wasn't focused on positive thoughts, only*
19 *on negative thoughts.*

20 (The interpreter interpreted.)

21 Q. Then she asks: *When was the first time you*
22 *realized you were attracted to her?*

23 (The interpreter interpreted.)

24 Q. Your answer was: *Well, she was a girl I knew.*
25 *She was very pretty, but I couldn't tell you exactly*

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1 when I found her attractive.

2 (The interpreter interpreted.)

3 Q. Perhaps that night, if it wasn't her, it would
4 have been another girl, maybe older, maybe younger,
5 that I would have done the same to.

6 (The interpreter interpreted.)

7 Q. The next question was: Were you attracted to
8 any other minor prior to that day?

9 (The interpreter interpreted.)

10 Q. You answered: No.

11 The question was: You said it could have
12 been anybody. It could have been another girl. It
13 could have been a younger girl, an older girl. Yes?

14 (The interpreter interpreted.)

15 Q. And you answered: Yes.

16 (The interpreter interpreted.)

17 Q. So the commissioner asked: So your intentions
18 were to have sex with someone by force that day?

19 (The interpreter interpreted.)

20 Q. And your answer was: Yes, I was thinking of
21 having sex with her --

22 (The interpreter interpreted.)

23 Q. -- not necessarily having sex with her
24 forcibly but, being a child, yes, she was going to want
25 to defend herself. So it was forced.

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1 (The interpreter interpreted.)

2 Q. These are the words you stated in your last
3 interview, sir.

4 (The interpreter interpreted.)

5 Q. You were questioned by Commissioner Agostini
6 and Segarra that day. Maybe you've forgotten, but
7 that's what you stated.

8 (The interpreter interpreted.)

9 THE INTERPRETER: I don't remember -- I
10 haven't forgotten what Commissioner Segarra said.

11 Q. Okay. Well, you just said that you did not
12 say what is clearly on record.

13 (The interpreter interpreted.)

14 THE INTERPRETER: I'm not denying that,
15 but there's a confusion in the way that she asked
16 me the question and the responses I was giving her
17 maybe with the interpreter.

18 Q. Okay. I'm going to stop now and ask my
19 colleagues if they have any questions for you, sir.

20 (The interpreter interpreted.)

21 COMMISSIONER DRAKE: Commissioner
22 Alexander?

23 COMMISSIONER ALEXANDER: I have nothing
24 further. Thank you for coming in.

25 (The interpreter interpreted.)

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1 COMMISSIONER DRAKE: Commissioner
2 Samuels?

3 COMMISSIONER SAMUELS: I have nothing
4 further. Thank you.

5 (The interpreter interpreted.)

6 THE INTERPRETER: Thank you.

7 Q. Mr. [REDACTED], why should we give you an
8 opportunity to be released today, sir?

9 (The interpreter interpreted.)

10 THE INTERPRETER: Because I'm a very
11 different person from the one that committed the
12 crime in 1972. I'm not that same beast that
13 sexually abused [REDACTED] that night. The world has
14 everything to lose if you give me an opportunity,
15 and I don't take that opportunity easily. Not only
16 that, no woman, not anybody deserves what I did.
17 I'm at fault for what I did. I have
18 responsibility. I not only hurt [REDACTED] that night
19 but her whole family, my family, the community, and
20 myself until the last moment of my life.

21 Q. All right, Mr. [REDACTED], give us an opportunity
22 to deliberate. We will get back to you, and our
23 decision will be in writing. Thank you, sir.

24 (The interpreter interpreted.)

25 THE INTERPRETER: Thank you.

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(The incarcerated individual was
excused.)

(After due deliberation by the Parole
Board panel, the following Decision was rendered:)

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D E C I S I O N

1
2 COMMISSIONER DRAKE: He's denied. 18
3 months. Next appearance, 2/2023.

4 Careful review of the record and
5 interview lead the panel to determine that, if
6 released at this time, there is a reasonable
7 probability that you would not live and remain at
8 liberty without again violating the law and that
9 release at this time would be incompatible with the
10 welfare of society. Parole is denied.

11 The Board's decision is based on the
12 following factors: The instant offense of murder,
13 kidnapping first, and rape first, where, by your
14 own admission, you lured your nine-year-old female
15 victim to a secluded area in a park near the Bronx
16 Zoo. You led her to believe you were going to buy
17 her candy but, instead, took her approximately 20
18 minutes away from her home, forcibly removed her
19 clothing, forcibly raped her, and fractured her
20 skull, resulting in her death. Records indicate
21 you left her body in a river where she was found
22 and which you deny. It also indicates she died
23 from a fractured skull which you also minimize.

24 Your disciplinary record is minimal. You
25 have also participated in programs, and your COMPAS

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1 is low with the exception of probable reentry,
2 substance abuse. The panel departs from the low
3 scores on the COMPAS, specifically risk of felony
4 violence, as during the interview and despite
5 approximately 50 years of incarceration, emersion
6 in rehabilitative programs such as ART, ASAT, and
7 SOP, you failed to provide motivation for the
8 brutal rape and disregard of your vulnerable
9 nine-year-old victim whom you knew, who played with
10 your daughter and trusted you.

11 During the interview you often couldn't
12 answer the commissioner's questions critical to
13 your acts, deviant behaviors, distorted thinking,
14 or how you would prevent this behavior in the
15 future.

16 Another aggravating factor is that you
17 continue to blame alcohol and drugs for the
18 depravity you exhibited, changed your account of
19 the crime and rationale for your crime compared to
20 past interviews, and relayed that you were with
21 your young victim approximately two hours, yet,
22 could not account for what you were doing during
23 that time. As such, the panel finds you unbelievable
24 and without understanding of your behaviors, coping
25 mechanisms, and motivation behind your sex offender

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1 and homicidal behavior. The likelihood of you
2 committing a similar act is increased. Therefore,
3 release is not warranted and to do so would
4 deprecate the serious nature of the crime and
5 undermine respect for the law.

6 All members concur with this decision.

7 (The commissioners concurred.)

8 (The proceedings were concluded.)

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

I, RENÉE D. LEGUIRE, a Certified Shorthand Reporter, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me at the time and place as noted in the heading hereof is a true and accurate transcript of same to the best of my ability and belief.

Renée D. Leguire

RENÉE D. LEGUIRE, RMR, CRR,
Certified Shorthand Reporter

Date: August 20, 2021