

1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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3 PAROLE BOARD INTERVIEW

4 In the Matter of

5 **BENEDICT DIPIAZZA**

6 DIN NO. 65B0023

7 NYSID NO. [REDACTED]

8 *****

9 TYPE OF INTERVIEW: Reappearance

10 LOCATION: Groveland Correctional Facility

11 Video-conferenced to
12 Rochester Area Office
13 350 South Avenue
Rochester, New York 14620

14 DATE: Tuesday, February 28th, 2023

15 DECISION DATE: Tuesday, February 28th, 2023

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17 BEFORE: COMMISSIONER MARC COPPOLA
18 COMMISSIONER ERIK BERLINER

19 AT FACILITY: A. Hornberger, SORC

20

21 HEARING REPORTER: Brooklyn Morton

22

23

24

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1 EXAMINATION BY COMMISSIONER BERLINER:

2 Q Good afternoon. Are you Benedict Dipiazza?

3 A Yes.

4 Q Mr. Dipiazza, I am Commissioner Berliner. This is
5 Commissioner Coppola.

6 COMMISSIONER COPPOLA: Hello, sir.

7 Q We are here for your reappearance interview, right?

8 A Yes.

9 Q We will get into the details of it in a second. Let me
10 cover the preliminaries. You are convicted of degreeless
11 murder because it happened prior to 1974 and you are serving
12 20 years to life by verdict out of Herkimer County, right?

13 A Yes.

14 Q Okay. So quick reminder, I know you have been through this
15 many times, but there's a court reporter on our side of the
16 camera. Everything we say is being transcribed. It's all
17 on the record, okay?

18 A Yes.

19 Q Thank you. So your circumstances are unique. I want to
20 cover them. You committed this crime August of 1964, right?

21 A Yes.

22 Q You were received into state custody 1965 following your
23 conviction, right?

24 A Yes.

25 Q 1996 you were granted an open date to parole, January of '96

1 at a reappearance interview. It took several years for you
2 to actually leave custody, right? What was the delay?

3 A Residency out of state. We were trying to get paroled to
4 California at the time and the person who was supposed to
5 assist us, didn't quite follow through. He didn't do
6 anything wrong or fallback on his promise or anything, but
7 he didn't put forth an effort. Let's put it that way.

8 Q So you didn't have a place to go so they held onto you for
9 three years?

10 A Yes. And finally the head of the parole department selected
11 a residence in Albany.

12 Q Okay.

13 A Which --

14 Q Right. And so you were released somewhere it looks like in
15 2000. Am I right about this?

16 A Yes.

17 Q Okay. And then there was an incident. You were out several
18 months and there was an incident, right? You were charged
19 with petty larceny for which I believe you have received a
20 conviction, right? February of 2000 you are convicted of a
21 misdemeanor petty larceny, right?

22 A Yes.

23 Q And what did you steal?

24 A Clothing. I didn't pay for it.

25 Q Okay.

1 A At a mall.

2 Q In Albany?

3 A In Albany, yeah.

4 Q And then you purchased a bow and arrow while on parole for
5 use in an archery club that you had joined?

6 A Yes.

7 Q Okay. And so you came back to prison on a parole violation,
8 right, for those two behaviors?

9 A Yes, I did.

10 Q And that was in 2000. You were seen as a reappearing parole
11 violator October of '01 and you have been here ever since?

12 A Yes, I have.

13 Q Okay. So let's go back to the very beginning, but
14 obviously, you know, I want to focus on the more recent
15 events, but let's cover the important early stuff as well.
16 August 27th of '64 in Frankfort at 20 years of age yourself
17 you shot and killed [REDACTED] while she
18 was seeking the protection of police at the Frankfort
19 Village Hall Police Station. You shot her six times with a
20 38 Beretta. She attempted to hide under the village clerk's
21 desk. Is that true?

22 A Yes.

23 Q How did that come to be?

24 A Well, the motions, you know, the attempts to reconcile and
25 they fell through [REDACTED]

1 [REDACTED] if I can remember correctly
2 and things kind of built up, you know, emotionally.

3 Q Mh-hmm. Okay. It seems as though -- like I stopped reading
4 after, you know, the specific action in the instant offense,
5 but it seems as though the context here is that you were a
6 bit more stalker than ex-boyfriend, right? [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] Am I right about this or am I misreading it?

10 A Well, about waiting for her --

11 Q How did you know she was in town?

12 A I just happened to bump into her. The town consists of five
13 blocks.

14 Q Yeah. I know.

15 A She lived only a quarter mile from me anyway. When someone
16 comes through the small village, they are easily spotted.

17 Q Okay. Going into the police station/town hall seems like a
18 -- I don't know. It feels like the kind of thing you would
19 only do if you were lost in a particularly blind rage. Am I
20 right about this?

21 A It was an emotional type of rage. I don't know if blind.
22 Heavy emotions there.

23 Q Okay. You took the case all the way to verdict. You could
24 not have been saying it was not you. You had to be relying
25 on an emotional stress type of defense. Am I right?

1 A Yes.

2 Q Okay. And is that still to this day the way you sort of
3 think about it, you kind of lost it a little bit?

4 A I mean, I don't know what else it could be. It was an
5 innocent girl and I was young myself.

6 Q Mh-hmm.

7 A Any other hypothesis, I can't.

8 Q Okay. All right. Prior to this no criminal record, right?

9 A No.

10 Q You were 20. What were you doing?

11 A I was attending college part-time.

12 Q Where at?

13 A Utica. They had a community college there and a couple
14 times a week I was attending classes.

15 Q Okay.

16 A And I was working part-time at a gas station my uncle
17 operated at night. He had nobody to work at night.

18 Q Okay. All right. So you commit the crime, you came in, you
19 served what looks to be about 31 years or so before you were
20 granted parole the first time, right?

21 A 30 something.

22 Q And then you got held on for the housing situation for
23 several years beyond that. And then you had this unique
24 experience of getting out for a few months. How long were
25 you out?

1 A About four months or so.

2 Q Okay.

3 A Close to five.

4 Q And it seems like it didn't go great. What happened?

5 A Well, I mean, I was shopping at the mall, you know, was a
6 new experience and I wasn't hard up for money. A case of
7 awkwardness you could say more than anything else here.
8 Theft of services, I walked through the wrong stall or
9 something and --

10 Q Which mall are we talking about?

11 A Let's see. That was the Crossgates.

12 Q Okay. Yeah. I know it.

13 A Okay.

14 Q Okay. I mean, it's a gigantic mall. Back in, what, 2000 it
15 was still at the time one of the bigger malls in the state,
16 right?

17 A I believe so.

18 Q Okay. Okay. And what's with the bow and arrow?

19 A Well, it was just a sport that I was active in. Actually,
20 in high school. In our area everything is rural, you know,
21 sports was the environment.

22 Q Okay. When you got out, your parole officer didn't make a
23 list of things that you can't have, that wasn't on the list
24 or did you know you were violating your weapons --

25 A It wasn't on the list or I should have asked him. He came

1 to visit me in the county jail and he said you know
2 something, you didn't even discuss this with me and he put
3 me on the spot so to speak. I said, well, not
4 intentionally. There was no intent to do anything evil or
5 illegal.

6 Q Right. Okay.

7 A And if someone is going to buy something for that purpose, I
8 am quite sure they don't buy it on lay away.

9 Q Okay.

10 A I mean, he still felt I should have discussed it with him.

11 Q Yeah. I would probably feel the same way in his shoes. I
12 understand what you are saying, though. In terms of your
13 disciplinary history, so I mean, I guess technically you
14 have been in for a little more than 58 years. There was
15 that brief break in the middle. Your last disciplinary
16 issue was a Tier II back in March of '20, right?

17 A Yes.

18 Q Your last Tier III was back in '09 for damaging property,
19 right?

20 A I can't recall that to be honest with you.

21 Q Okay. It says here January 11th of '09 at Wyoming, lost
22 damaged property, a Tier III, 90 days loss of rec, package,
23 commissary.

24 A Oh, yeah.

25 Q And a suspended 90-day SHU sentence.

1 A A razor was stolen from my locker. That's an automatic Tier
2 III at Wyoming at that time if you lost your razor.

3 Q Right. Prior to that your last Tier III had been in '94.
4 So I would say over the years it's not a perfect
5 disciplinary record. You pick up a Tier II every so often,
6 but none in the last three years or so, right?

7 A Nothing I know of. Tier II could be refusing medical trip
8 here.

9 Q Yeah. I get it. One of the reasons that we think of a Tier
10 II as an issue is not so much the behavior itself is the
11 problem, right? You refuse a medical trip, you are on the
12 phone at the wrong time. It's more a question of if
13 released to the community is this a guy who is going to have
14 a hard time with the small rules on parole, curfew
15 violations or making office reports, things like that. Do
16 you think that is a good analogy for your relatively
17 frequent --

18 A From your standpoint it is, but I don't foresee problems of
19 that sort at my age. They are kind of childlike, you know,
20 for an 80-year-old person not to be home at a certain time,
21 a little kid would try to stay out late or whatever.

22 Q Right. Okay.

23 A They are doing something illegal and trying to stretch their
24 curfew time or whatever.

25 Q Yeah. You are working as a porter right now; is that right?

1 A Yes.

2 Q You have satisfied all your programs, right?

3 A Yes.

4 Q With the exception of Phase 3 which you will get as you get
5 released, but you did Phase 1 and Phase 2 already. Those
6 are the only ones you still had to do, right?

7 A Yes.

8 Q [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A Yes.

13 Q The risk assessment for you is quite good. [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A Somewhat. I am going to be honest with you.

22 Q And I am going to tell you and I am not trying to be silly
23 about this, but the change in the world in the 30 years when
24 you went in the first time and when you came out is nothing
25 compared to the change in the world now. Everything is much

1 faster. Computers, tablets, touch screen everything. You
2 can't pay with cash at most businesses at this point, right?

3 A I hear.

4 Q So for a man who is older who spent most of his life
5 incarcerated, you know, and who had this opportunity once
6 before and got a little overwhelmed by it, are you worried
7 about that?

8 A Not really because I believe the best policy for a person my
9 age is to live simply, not trying to get involved in too
10 much that he is totally unfamiliar with. It is like a
11 swimmer swimming in uncharted waters, totally unfamiliar to
12 him.

13 Q Right.

14 A Lead a simple life, get a part-time job and mind your
15 business. A lot of people don't like what I did and I
16 understand that. That's the main -- I mean, a man was going
17 to give me a job as a car salesman, but then he searched my
18 background and they were nice about it, but said I have
19 people here that you would make uncomfortable. All right.
20 That's the nicest way you can be about it. We parted on
21 friendly terms, but there are jobs as I mentioned that where
22 your background doesn't mean all that much and --

23 Q There are plenty of places that hire people who committed
24 crimes similar to the one you have. You also have the issue
25 of advanced age. How old are you?

1 A I will be 80 in August. I am 79.

2 Q Okay. So physically you are all right?

3 A [REDACTED]

4 [REDACTED]

5 Q Okay.

6 A [REDACTED]

7 [REDACTED].

8 Q Mh-hmm.

9 A So --

10 Q Okay.

11 A [REDACTED]

12 [REDACTED]

13 Q Okay. Where are you going to live?

14 A I made inquiries in the [REDACTED] at various places and my
15 old apartment is one and a half times the original rent. So
16 things have changed and that's by not any means an upscale
17 neighborhood. It's sort of down at the bottom and I was
18 thinking about an out of state program in Florida, but a
19 cousin of mine who I totally forgot about contacted me here
20 recently and I don't know the prerequisites for applying for
21 Florida parole. I mean, some places you have to have an
22 immediate relative there. California is one of them as I
23 found out. Other places they aren't as restrictive.

24 Q Yeah. So there's an interstate compact. You can talk to
25 your counselor and get the specifics on it. My

1 understanding and I don't want you to take this as
2 definitive because it's not my area of expertise, is that
3 you need at minimum is somebody willing to accept you and an
4 address you can verify.

5 A I am assuming. I don't know the Florida requirements. I am
6 having her make inquiries now. She lives there and have
7 them contact New York State interstate compact people to see
8 if they can do something. Sometimes a well-connected
9 attorney, which I don't have enough money to pay for, can
10 sort of help the process here.

11 Q Sure. But if released to New York, like if we granted you
12 an open date and you were going to go out to New York, you
13 would be in some sort of shelter to get started. Am I
14 right?

15 A I was thinking of the northern part of the county I was born
16 in.

17 Q Herkimer?

18 A Herkimer County is 11 something miles in length like
19 compared to your finger. I was thinking a bit way up
20 there's a village called [REDACTED]. It is
21 scarcely populated [REDACTED]
22 [REDACTED] which would give me
23 enough space for privacy and not let my business be known,
24 my background, that is. And keep to myself. I believe the
25 way the world has changed as you mentioned and the way I

1 know it has myself the best policy is just live simply. I
2 don't need to play with a smart phone anymore than I have to
3 text someone or voicemail them and call my relatives
4 periodically. There's a few in the area there who might
5 help me find an apartment. I don't think it would be wise
6 to live right in the immediate area of the crime. I mean, I
7 heard there's a little misgivings about me returning there.
8 I wouldn't want to be that close anyway. You are inviting
9 controversy doing that.

10 Q Small towns have memories.

11 A Of course. And people can't be blamed. If someone is a
12 taxpayer with no criminal record and sees my crime or even
13 hears it being discussed, he has a right to be angry about
14 it. You can't fault him for it. He is entitled to it. I
15 believe like I said the best policy is a respectful
16 distance, 50 miles, whatever.

17 Q Okay.

18 A Until I can get paroled to Florida somewhere where the rules
19 aren't as restrictive.

20 Q Florida is where the cousin you recently came back into
21 contact with?

22 A Yes. She came into contact with me. I totally forgot about
23 her after half a century.

24 Q Wow.

25 A Yeah. That's what I said.

1 Q I do have the minutes when you were sentenced by Judge Davis
2 back in May of '65 and also, [REDACTED]

3 [REDACTED]
4 [REDACTED] [REDACTED]
5 How do you support yourself? Are you eligible for Social
6 Security?

7 A Yes. I have Medicaid, which I don't really totally approve
8 of, but sometimes due to circumstances not to be funny, but
9 you are forced to go that route for at least a temporary
10 phase.

11 Q Right. Okay. And you mentioned part-time work. I mean, if
12 you are going to live out in the sticks, is there going to
13 be part-time work you can do?

14 A I would say close by. There's access to smaller cities even
15 in that area that have maybe trucking jobs or taxi services.

16 Q Okay.

17 A I mean, like I said, it's nothing to really look forward to,
18 but I am in a position where I don't have much of a choice.
19 There are companies in a small city who will help someone
20 get their CDL, your truck driving license, Class A and there
21 are trucking jobs open, but again Wal-Mart has closed shop
22 so to speak with that, but they are looking for drivers,
23 too. They are constantly busy and I would have no
24 misgivings whatsoever about even a part-time trucking job.
25 I can probably -- it's a physically nonexerting job. I

1 won't work more than 20 hours.

2 Q Okay. I want to see if Commissioner Coppola has any
3 questions.

4 COMMISSIONER COPPOLA: I do.

5

6 BY COMMISSIONER COPPOLA:

7 Q Good afternoon, sir.

8 A Good afternoon.

9 Q We met in the past.

10 A Yes, we have.

11 Q Do you remember what you said to me at the end of the
12 interview? I know it's been a little while. Probably --
13 let's see.

14 A As long as it wasn't BS. I don't want to be accused of
15 that.

16 Q No. No. I believe at the end -- I am starting with
17 something I wasn't going to ask you, but at the end I asked
18 you -- let's see. It was '18 so we are probably talking
19 close to three years. I asked if you had anything else to
20 say or any questions for me and you did ask me a question.
21 Do you recall what it was about your incarceration?

22 A If you felt if there was anything I should do or haven't
23 done that meets with your approval and you feel that someone
24 should do.

25 Q That was part of it, but why are you in prison now? Let me

1 give you a hint. Why are you in prison now?

2 A Well, I believe -- I mean, without pointing the finger of
3 accusation against any individual or group, I believe there
4 are some people who are well-connected in police capital
5 circles who have been approached and I guess overtures have
6 been made to them to see that I spend a damn good long time
7 in jail.

8 Q Okay. I don't -- that could have been a long time ago. I
9 have no knowledge of that and I have been around a long
10 time. I have been doing this for a long time and I am being
11 honest with you. There's none of that in our records or
12 file. Is there anyone opposed to your release? Maybe,
13 maybe not, but the political part of it, that plays no role
14 at all.

15 A I am glad to hear that.

16 Q You asked me if I thought it was fair and I think I know
17 where your mindset is on that thought process. You asked me
18 if I thought it was fair that you spent all this time in for
19 a parole violation. Do you remember that now?

20 A Oh, yes. I felt that to be continually denied parole even
21 though you can go back to the original crime on the
22 violations. I understand that.

23 Q Once you are parole for life, once you come back it's still
24 on the serious nature of the instant offense.

25 A Oh, yes.

1 Q And, you know, in your case, let's be honest. This is a
2 small town. Very, very highly noted offense. You know, it
3 was all in the newspapers. This is like a small town
4 tragedy. A gigantic, you know, story, right? And then you
5 get released. There was a lot of concern there that you got
6 released and you were reckless with it. Even though you
7 knew there was not only a microscope, but a microscope on
8 top of that and I know you were younger then, but you were
9 reckless with it by not only the petty larceny, but the bow
10 and arrow. So when you say all this time on a parole
11 violation, in a sense, yes. But, you know, legally we can
12 go back to the crime which a lot of times we do and I just
13 want you to understand that there's a correlation of
14 reckless behavior. You committed that offense.

15 First of all, you were carrying a gun. Shouldn't have
16 been carrying that gun. You were in a bad state of mind for
17 whatever reason, but that recklessness and then you got out
18 with all this attention on your release and on you
19 specifically and you were reckless with it. You should have
20 hid in a corner until the dust died down and you knew. You
21 knew that there was a lot of attention and yet, you were
22 reckless with it. And almost it is what it is kind of
23 attitude and what about how that effects people that you
24 committed this heinous act against, this beautiful, innocent
25 girl?

1 A I know.

2 Q Out of pure selfishness for your feelings and you are
3 granted this gift of parole, despite anybody who opposed at
4 the time, the judge, DA, I don't know. And then you were
5 reckless with it. You were very nonchalant about it. I
6 know you are older now and probably less reckless, but
7 that's a concern. I am not going to lie to you. That's a
8 concern. So when you asked that question, you know what, I
9 remember that.

10 A I do now.

11 Q And I remember you and I remember that question and I
12 thought you were very sincere when you asked that question
13 that all this time on a parole violation. But do you
14 understand now why the violation alone is -- it's not all
15 about the violation?

16 A And the greater scope of things, the way you explain it now
17 I see it more clearly.

18 Q But because when you take a life, some people feel that you
19 should never be released.

20 A Yeah. They have that right.

21 Q That's not our law and the other thing is sometimes people
22 -- and this is in general. This is not specifics on yours.
23 I am trying to understand your thoughts on this. There are
24 criminal acts and then there is mitigation of what you have
25 done and it kind of just adds fuel to the fire or we will

1 say like poking a sharp stick in the victim's eye or the
2 family where there's a belief that you are still not telling
3 the truth. I am not telling you a secret. You have been
4 doing this for a long time, way longer than I have been
5 around. And you say that, you know, you were upset, you
6 know, she was leaving, you had a relationship. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] What do you say to that now that you are an
11 older man?

12 A I find that to be kind of odd because although the
13 relationship never got very close as I would like to be, we
14 dated periodically. [REDACTED] [REDACTED]

15 [REDACTED]

16 Q Did she consider you a boyfriend? We are going back to the
17 old days before I was born going steady we will say, you
18 know, did she consider you in that way?

19 A No. No.

20 Q She never did?

21 A No.

22 Q Okay.

23 A She considered me just another date.

24 Q Okay. But you wanted more?

25 A I will be honest with you, I did.

1 Q Okay.

2 A She was very attractive and popular and nice to be around
3 and, you know --

4 Q What would you say now? Why did you snap and do what you
5 did then? She wasn't your girl. She wasn't yours.

6 A Look it, maybe the DA presented the same argument you just
7 mentioned to the jury. Here's a man with an oversized ego
8 and everything was self-centered all around it and there's
9 your killer right here and that swayed the jury. So what
10 you are saying makes total sense. It correlates with what
11 he said.

12 Q But now being an older man and spending all this time in for
13 the second time, how do you -- what do you think about that
14 now? Do you think now that that is what it is? You know,
15 she wasn't your girlfriend. She wasn't yours. People were
16 not happy, I believe, that you are claiming you were dating
17 --

18 A That's kind of puzzling, but people are -- relatives
19 especially are entitled to think that way. You can't stop
20 it. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q What I am trying to get at, though, is that do you now admit
24 there was no relationship and I mean in an interpersonal way
25 where she was your girl that this was really one-sided. You

1 wanted her to be your girl, you wanted her to be your
2 girlfriend.

3 A Well, I can't deny that.

4 Q Okay. So you were pursuing her. She just -- you were just
5 on a date, but she never considered you her steady
6 boyfriend?

7 A No, she didn't. I am not going to lie about that. That's
8 the case.

9 Q Did it take a long time for you to admit? Not today. Many,
10 many years ago you originally started out she was your girl,
11 right? She was your girlfriend and that you had --

12 A Well, a girlfriend. That was just a date and I dated other
13 women, girls, at the time and I didn't express vehemently,
14 well, she was my steady and now she's doing this and that
15 now and going out with so-and-so.

16 Q What did she say to you on the street that sparked the
17 violence and then her needing to run away from you?

18 A Something like -- what the hell was it? [REDACTED]

19 [REDACTED]

20 [REDACTED] I don't know if she
21 heard exactly what was said. I rolled down the window of
22 the car and I cannot recollect my words. When you are
23 angry, you stutter. It was just something I should have
24 accepted and didn't.

25 Q Though all your programming and everything else, have the

1 whole -- you know, you couldn't take the rejection because
2 you took it to a new level unfortunately, but you couldn't
3 take the rejection and acted out that way. Have you ever
4 delved into that in your programming as far as, you know, it
5 appears you couldn't take the rejection and ultimately
6 acting out the way you did? Because that's something that
7 happens to us. What about now? Just because you are older
8 does not mean you are not capable of having those feelings
9 whether you act on them or not.

10 A An older man I believe as he ages should look at himself
11 every decade, the things you said as a young man or teenager
12 that you thought were cute and witty don't sound too good
13 when you are older when you approach younger women
14 especially. They look at you like some kind of oddball with
15 gray hair or even with older women your age --

16 Q But what if you do meet a woman that you like and she likes
17 you and changes your mind and you are not willing to let it
18 go and she says, I don't want this. The last time that that
19 happened, you killed your victim in a brutal way. What
20 happens now if you meet a nice lady and she no longer wants
21 to be involved with you or at least even in that manner and
22 that's a rejection, too? Are you -- have you figured out
23 whether you can handle that or not?

24 A Well, I have disciplined myself to accept things. Even
25 nonromantic, I mean, there's certain jobs I wanted if

1 someone beat me to them or they were selected over me and I
2 felt that they were very, very much incompetent to what I
3 could fulfill the job as myself and I just accepted it. And
4 sometimes you get a headache and you have to take an
5 Aspirin, but it is something you deal with.

6 Q Okay.

7 A Rejection of women my age, I don't know if the fires can
8 still simmer if you know what I mean. I am not trying to be
9 witty, but --

10 Q Yeah. I understand.

11 A Because of these biological factors, which work in your
12 favor when you are up in age, it helps to cool the flame if
13 there is a flame to begin with. You learned to accept -- I
14 mean, mating has been an age old problem since the caveman
15 was on the earth and there's nasty divorces, celebrities
16 taking property from each other, this and that. I mean,
17 people whose financial levels I will never see and celebrity
18 status that I will never obtain. I don't know. I am not
19 speculating. If you start working on speculation with this
20 type of questioning here, you never know what you get
21 yourself into here. You just have to take -- think back in
22 the past and what caused your downfall and I had 60 years of
23 downfall here and I have to do this. I have I to.

24 Q Okay.

25 A Not just from fear of going to jail, from a moral

1 standpoint.

2 Q Okay.

3 A You know, not trying to bully a weaker species and try to
4 act like a gentleman.

5 Q Well, back then obviously --

6 A I was not one, no.

7 Q Not who you were, what you are saying today. All right.
8 Sir, I appreciate -- go ahead.

9 A I hope I don't come across as that. You want somebody in
10 jail after many years repeating violence.

11 Q Yeah. Unfortunately, despite all the tools we have, human
12 behavior is unpredictable including the COMPAS Risk and
13 Needs Assessment because it happens and unfortunately, I am
14 not even sure why, but I think there's been an uptick in men
15 serving life sentences getting out and continuing behaviors
16 even at their older age. And there's one case in my mind I
17 am thinking of right now which was similar to yours, but
18 different to yours and it was a rejection situation and it
19 turned very, very bad and guess what? 32 years later he got
20 out and he did it again.

21 And so yes, there is a concern. I wouldn't lie to you
22 about that. It's a concern, but in my questioning talking
23 about you now as almost three years ago, I wanted to have
24 this conversation because we do need to think about this
25 more than some of the other things that we think about in

1 the file that -- you know, the legalities and everything
2 else. It is a lot deeper especially in your situation. I
3 mean, I guess added up Commissioner Berliner had a good
4 tabulation there. I think not the time out, but all total,
5 what, 60 years, you said?

6 A Close to it.

7 Q Close to it. It's a heavy consideration for us. Thanks for
8 the conversation and answering the questions to the best of
9 your ability.

10 COMMISSIONER BERLINER: Thank you, Commissioner
11 Coppola.

12

13 BY COMMISSIONER BERLINER:

14 Q So with that, Mr. Dipiazza, you answered all our questions.
15 Is there anything else that you want to share with us before
16 we close?

17 A Well, how do you feel as to my being released? Do you feel
18 safe or comfortable is what I mean?

19 Q Yeah. I think that's -- you know, it's not a decision --

20 A I am not trying --

21 Q It's not a decision I make during the interview. I want to,
22 you know, finish up and we go back through all the material,
23 we talk about it. You know, I am not sure I see you as a
24 current threat to the community at your age and all that. I
25 am still not sure I heard you explain where all the rage

1 came from if I am being honest. And, you know, since you
2 asked, you have a very flat kind of -- you are very
3 unhurried, unrushed, unruffled and it leads me to a question
4 about whether or not you are in touch with any of these
5 emotions. Do you know what I am saying?

6 A Okay. Yes, I do.

7 Q And I know you know because I know it was discussed with you
8 in the past, you know, that you -- and so I guess my
9 question to you is: Are you?

10 A No. I feel that I have matured properly as an adult. You
11 know, Mr. Coppola mentioned about being nonchalant in
12 Albany. Maybe that was true to a point, but it was -- --
13 Albany was a small city, well-organized and no one knew me
14 there and I thought I was going to have problems. No visits
15 from the newspaper people, no requests for a TV interview.
16 I was kind of taken back and perhaps I did become like he
17 said a little laid back and not concentrating on what I
18 should have been doing here, but I didn't feel any hostility
19 whatsoever from anybody.

20 Q Right. All right. Well, thank you for coming and speaking
21 with us. There's a lot to consider here. Give us a few
22 days to do that, okay?

23 A I will.

24 Q All right. Appreciate it. Good luck to you, sir.

25 A Thank you.

INTERVIEW CONCLUDED

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

3 **D E C I S I O N**

4
5 Open date: 4/11/2023 OE.

6 This open date to parole supervision in connection
7 with your actions causing the death of a 17-year-old victim
8 should not be construed in any way as excusing your behavior
9 or mitigating the terrible loss of life you caused, nor does
10 this release excuse the pain and suffering you caused the
11 victim and her family and friends or the community at large.

12 This open date is granted based on the statutory
13 factors including your completion of programming, adequate
14 disciplinary record and low COMPAS Risk and Needs scores.
15 These lead the panel to conclude that you can remain
16 law-abiding in the community.

17 The panel also notes your advanced age and the fact
18 that you have served a total of more than 58 years for this
19 crime. More than 30 years before being released in 2000 and
20 the past 23 years as a parole violator having committed petty
21 larceny and purchased a bow and arrow to practice archery
22 while on parole in the community.

23 When all factors are considered, the panel finds
24 that your release at this time is appropriate.

25 Accordingly, an open date is afforded with the

1 following conditions:

2 I will seek, obtain, and maintain employment and/or an
3 academic/vocational program.

4 I will submit to Substance Abuse Testing, as directed by
5 the PAROLE OFFICER.

6 I will NOT consume alcoholic beverages.

7 I will NOT frequent any establishment where alcohol is
8 sold or served as its main business without the permission of
9 the PAROLE OFFICER.

10 I will abide by a curfew established by the PAROLE
11 OFFICER.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 I will NOT associate in any way or communicate by any
17 means with victim(s) [REDACTED] without the permission of
18 the PAROLE OFFICER.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 I will comply with any Geographic Restrictions imposed
24 by the PAROLE OFFICER.

25 I will NOT reside with any partner without prior written

1 permission of the PAROLE OFFICER.

2 I will immediately provide the PAROLE OFFICER of the
3 contact information for any and all relationships I become
4 involved in.

5 I will provide a copy of any active Order of Protection
6 issued against me or for my protection to the PAROLE OFFICER
7 within 48 hours of being served with the order. I will comply
8 with any and all "active" Orders of Protection.

9 (All Commissioners concur.)

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CERTIFICATION

I, Brooklyn Morton, Court Reporter and Notary Public, in and for the State of New York, do hereby certify that I attended the foregoing proceedings, took stenographic notes of the same, that the foregoing, consisting of 31 pages, is a true and correct copy of same and the whole thereof.

Dated: March 12th, 2023

Brooklyn Morton

Brooklyn Morton, Court Reporter