

1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

2 Parole Board Interview

3 In the Matter

4 -of-

5 ROBERT HAYES

6 DIN# 74A2280
7 NYSID# 01575481Y

8 TYPE OF INTERVIEW: REAPPEARANCE

9
10 LOCATION: Sullivan Correctional Facility
11 Video-conferenced to
12 Poughkeepsie Area Office
30 Manchester Road
Poughkeepsie, New York 12603

13 DATE: June 14, 2016
14 DECISION DATE: June 14, 2016

15 BEFORE: COMMISSIONER LUDLOW
16 COMMISSIONER ALEXANDER
COMMISSIONER HALLERDIN

17 ALSO PRESENT: P. ESSEX, SORC
18 J. RUBIN, SORC

19 AT FACILITY: P. CHIN, APA
20 A. ESCOBAR, SORC
C. FINN, OA1

21 HEARING REPORTER: Roberta O'Rourke
22
23
24
25

1 INTERVIEW BY COMMISSIONER HALLERDIN:

2 Q Is this Mr. Robert Hayes? Mr. Hayes?

3 A Yes, good morning.

4 Q Good morning, Mr. Hayes. I'm Commissioner
5 Hallerdin. And present with me, sir, on your
6 panel today is Commissioner Ludlow and
7 Commissioner Alexander, sir.

8 COMMISSIONER LUDLOW: Good morning.

9 A Good morning.

10 Q Now, sir, this is what, your tenth appearance
11 in front of the Board of Parole?

12 A Yes, it is.

13 Q You're currently, sir, incarcerated for
14 attempted murder five counts 25 to life and it's
15 running concurrent by verdict in the Bronx.
16 Murder one count, I'm going to read it actually
17 from, I think I'm going to read this from the
18 other report, I want to make sure that we're a
19 tally here. I said attempted murder five counts,
20 one count of murder, you got 25 to life for that.
21 That's running concurrent. The next thing is
22 criminal possession of a weapon third you got one
23 count of that I see and that's seven flat for
24 that you got. You got one count running
25 consecutive for robbery first, you got a 10 flat

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1 on that one, is that correct, sir?

2 A That's correct.

3 Q And then you got a robbery second running
4 concurrent and you got a 10 flat on that one.
5 You also have one count grand larceny not auto
6 third and that's a four flat running concurrent
7 and you have one count criminal possession of a
8 weapon third running concurrent and that's four
9 flat. I have your aggregate term, sir, as being
10 25 to life, is that correct?

11 A That's correct.

12 Q I also have all the charges were by verdict
13 from the Bronx except for the criminal possession
14 of the weapon third which was from Queens County
15 and that was by plea, is that correct?

16 A That's correct too.

17 Q Okay. The description of the crime I have is
18 as follows, let's take the Queens Supreme Court
19 criminal possession of a weapon third, the
20 description of that is on January 28th, 1973 at
21 approximately 12:30 p.m. near Baisley Boulevard
22 and Everett Place in Queens, New York you and
23 co-defendants Joanne Chesimard, Robert Jackson,
24 Avon White, Andrew Jackson, Janette Jefferson
25 (phonetic spellings), armed with 9 millimeter

1 submachine gun, a 12 gauge shotgun and Armalite
2 semiautomatic pistol and opened fire on two
3 police officers as they sat in their radio cars
4 wounding both police officers. That's the
5 description I have of that one. Now, I do have
6 criminal possession of a weapon, that's the one
7 from Queens. Criminal possession of a weapon
8 third and murder from the Bronx, okay? That one
9 says on June 5th, 1973 at the IRT elevated
10 station at 174th and Boston Road in the Bronx,
11 New York you and co-Defendant Victor Cumberback
12 (phonetic spelling) shot and killed a New York
13 City Transit Authority police officer who had
14 stopped the co-Defendant from bypassing the
15 turnstiles. Now, the other one I have for
16 robbery first, robbery second, grand larceny
17 third, the Bronx Supreme Court ones, the
18 description here --

19 A Yes.

20 Q -- is the same date June 5th, 1973 but at a
21 traffic light at 173rd Street and Catona Park
22 East in the Bronx while fleeing the scene you and
23 co-Defendant Victor Cumberback approached a car,
24 put a gun to the driver's face, you forced, you
25 guys forced the driver and his wife out of the

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1 car and then you proceeded to drive off. The
2 report also indicates that you drove your
3 co-Defendant to a local hospital to be treated
4 for gunshot wounds. Okay, now, the last
5 description which is of murder that I have for
6 Bronx Supreme Court, one of those Bronx Supreme
7 Court verdicts that I have is on September 17,
8 1973 at 1801 Bryant Avenue in the Bronx, New
9 York, a police SWAT team executed a warrant for
10 your arrest for murder when they broke the door
11 open, you and co-defendants Melvin, Kearny and
12 Avon White opened fire with pistols, shotguns and
13 semiautomatic rifles at eight officers seriously
14 wounding three. You all were taken into custody
15 after running out of ammunition. Now those are
16 the descriptions that the record has in front of
17 me, okay, for the various counts for which you're
18 currently incarcerated. All right, you've been
19 in jail now how long, sir?

20 A 42 years.

21 Q 42 years?

22 A Yes.

23 Q Okay, when this was all going down I
24 understand you had just come back from Vietnam,
25 is that correct? You had served in Vietnam?

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1 A That's correct, yes.

2 Q Okay. Now you ended up getting a discharge,
3 an honorable discharge was that?

4 A Yes, that's correct.

5 Q But you did have some problems with guns when
6 you were there also, right?

7 A That's correct.

8 Q Okay. You accidentally killed another
9 soldier while mishandling an M16 semiautomatic
10 rifle. You got three months hard labor, they
11 reduced you in rank and loss of pay but they did
12 allow you to have your honorable discharge,
13 that's correct?

14 A It is correct.

15 Q Okay, so that was their finding, thank you.
16 Now, if I take a look at your institutional
17 behavior, sir, your last misbehavior report was a
18 tier III in 1999 and that was for being out of
19 place, correct?

20 A That's correct.

21 Q You had a total of two tier IIIs and 12 tier
22 IIs, okay. Again, the last thing was the tier
23 III for being out of place in 1999. Since then
24 you have not incurred any misbehavior reports,
25 okay. Now if you were at this point paroled,

1 released on parole where would you live, sir, and
2 how would you support yourself?

3 A I have a home, I have a wife and a home that
4 we own in Buffalo County. I have several job
5 applications, approvals for work prospects. I
6 have volunteer work. I have a family. I have
7 quite a bit of a package but all pending and I
8 think it's pretty significant.

9 Q I want to cover the fact that you do have,
10 you do have a letter from Bail On Bail in
11 Buffalo, New York?

12 A Uh-hum.

13 Q That I believe is for paid work. You do have
14 lots of other things. The SPCA. You have a lot
15 of other areas that are offering volunteer but
16 you do have the paid offer of work. Is that the
17 only paid offer of work that you have, sir?

18 A That and Push. There was an organization
19 Push.

20 Q And Push, thank you. I'm reading your
21 packet, the last packet. I also have your
22 previous packet, okay?

23 A Uh-hum.

24 Q I've read both of them. I wanted to bring
25 everything up-to-date, do you understand --

1 A Yes.

2 Q -- of where we are because I know you've been
3 doing this now for 10 times?

4 A Right.

5 Q Okay so I want to know which things remain
6 viable for you. Okay, I do have lots of support
7 letters from your family and community people,
8 okay? I do have lots of things. I have your
9 daughter, your granddaughter. I have several
10 community people in Buffalo. I understand you
11 want to go back to school, right?

12 A Yes.

13 Q You want to finish, you have like 60 credits
14 now all right?

15 A Yes.

16 Q And there have been quite a few universities
17 and some professors from university who have
18 offered their support to you, that's here?

19 A Yes.

20 Q I want you to know that's in here. Now what
21 would you like to go back to school for, sir?

22 A Well, I'm trying to get my Associate's and --

23 Q In what?

24 A I want to work, in sociology. I'm also
25 looking to get a Bachelor's, you know. I want to
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1 contribute. I've been very active in my
2 incarceration period. I've tried to keep a good
3 record but more importantly to me I've tried to
4 act as a deterrent for others coming in or to
5 assist others doing time. To, you know, return
6 back to society and to forgo whatever
7 irresponsible behavior we had prior. To explain
8 that, I have to say as you expressed I came out
9 of Vietnam in 1969 and I was only 22 years old.
10 I had served a year over there. I had gained
11 certain metals, purple heart. I served my time
12 respectfully in Vietnam. And when I came home I
13 just couldn't see any development, any change.
14 Life was very difficult for a young black man and
15 I believe --

16 Q Let me explain to you something because what
17 you're saying to me is also in your personal
18 statement and I read that personal statement that
19 you sent. And let me tell you what my big
20 concern is, there's a lot of things that are
21 going on right now in the United States, you've
22 seen the movement, black lives matter, okay?

23 A Uh-hum.

24 Q I'm not so sure that a whole heck of a lot
25 has changed in America. Do you understand what

1 I'm saying to you?

2 A Yes, I do.

3 Q And my concern is the way you handled that
4 before is being of anger, do you understand?

5 A Uh-hum.

6 Q If you look around the various communities I
7 don't need to tell you this, you see it, you see
8 the people right now, people are very, very
9 unhappy with what's been going on. You hear when
10 they talk about our criminal justice system that
11 there are two criminal justice systems, okay.
12 That's a reality, sir, okay?

13 A Yes.

14 Q You understand what I'm saying to you?

15 A I understand clearly.

16 Q And I think I have the right to say this to
17 you because being black in America, sir, is being
18 black in America.

19 A That's true.

20 Q However, I'm not going home to Africa okay
21 because they didn't want me there either. So I
22 always joke about that. But I'm just telling you
23 your way to handle it before was anger. And I am
24 concerned to be honest with you, you come out,
25 you're not this young man but you're expecting

1 change and what happens when that change that you
2 want to see is not there to the degree that you
3 want it there, do you understand?

4 A I understand, yes.

5 Q Can you handle that?

6 A I think so. I think that at the age of 23
7 the experiences that I had they were limited.
8 There was not a lot of intelligence, there was a
9 lot of mistakes. But I felt at that time that
10 based on the experiences and the information that
11 I had that I was right, you know, that this is
12 what was possible. Now I fast forward to a 68
13 year old man who has looked at life differently,
14 recognized that a lot of this role that I played
15 was irresponsible, immature and lacking
16 intelligence. I was one of the fortunate ones.
17 I've gained a lot of awareness and wisdom in my
18 time as I've gotten older. I have had to look at
19 myself and say it begins with me, what did you do
20 wrong. What would you change. How would you
21 think about things. And the information that I
22 had then I didn't really have a lot. So I made a
23 lot of mistakes. This is 2016. There are a lot
24 of changes going on. I've helped adults, I've
25 helped children. I've helped my children. I've

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1 helped other people's children. And in the
2 course of this process of learning I've learned
3 myself I think now through practice of these long
4 years that I'm more patient. I've learned
5 patience because things just don't happen because
6 you want them to happen or you think that they
7 should happen or you are promoting that they
8 should happen. You have to assist, you have to
9 contribute, you have to listen. You have to grow
10 with your surroundings. And I think that's what
11 I bring to the table.

12 Q Okay.

13 A I am not that young man.

14 Q I have your COMPAS risk assessment, okay?

15 A Uh-hum.

16 Q Your COMPAS risk assessment has you low where
17 I would like to have someone be with, I mean,
18 your scores are like, when I say low, the highest
19 score you have is history of violence which is
20 listed as low but a four, okay? So when I take a
21 look at your COMPAS risk assessment, sir, you
22 don't seem to have any issues with drugs, it
23 doesn't show up here.

24 A No.

25 Q So I see you've also taken all of your,

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1 you've also done all of your programming and you
2 have no programming left to take, is that
3 correct?

4 A That's correct.

5 Q Now you have been working on quite a few
6 inside programs, working with some of the inmates
7 and as a matter of fact there was even a letter
8 from one of the inmates that said you kind of
9 helped him screw his head on correctly because he
10 had it a little off and I wanted to, you know,
11 state that. But your wife has said, you know,
12 that she has a place for you. She's looking
13 forward to you coming home. Now you met her
14 since you've been incarcerated, you guys have
15 been married what 10 years now?

16 A 10 years, yes.

17 Q You're also eligible for the veterans
18 retirement, at least veterans assistance?

19 A Uh-hum.

20 Q Now, you have some medical issues, sir,
21 correct?

22 A Yes, I do.

23 Q Okay. I understand you have the
24 defibrillator that's been implanted in your chest
25 at this point?

1 A Uh-hum.

2 Q Have you been able to reunite with your
3 daughter, your 43 year old daughter?

4 A Yes, I have.

5 Q Excellent, good. You also plan on applying
6 for Social Security, is that correct?

7 A That's correct. I have my Medicaid
8 applications all ready.

9 Q All right, sir, I'm going to ask you, do you
10 feel at this juncture that you're a danger to
11 society?

12 A No. I believe I am a candidate for parole.
13 I have to return and establish that I will be
14 within the law. I forgive my past and I will be
15 under the law and it's a viable challenge but one
16 that must be met. And I think that practicing it
17 prepares me for practicing it out there. I have
18 a wife who is of an age with me and we want to
19 try to contribute whatever we can to young
20 people. We want to spend time together. We want
21 to build what we have. We have children, we have
22 grandchildren, we have adults. But they still
23 have problems. They sometimes need guidances and
24 I think I can contribute that.

25 Q You mentioned in your letter, and I want to
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1 make sure that this gets in there because you did
2 take the time to write that letter, you mentioned
3 the victims.

4 A Yes.

5 Q And what you did to the victims. How do you
6 feel about your victims, sir, and what you did?

7 A Like then you have to understand my
8 perspective and my position there's my error, my
9 mistakes, my immaturity, my whatever beliefs that
10 I had did a lot of damage. When I look at the
11 victims and I saw their pain, I recognize my
12 pain. When I saw my family's pain I again
13 recognized my pain, but the only stipulation or
14 difference in their pain and my pain was I was
15 the initiator of that pain. And I accepted that.
16 I hope one day there will be closure for their
17 pain as I hope that there will be closure for my
18 pain. And especially those that are around me.
19 So whatever good I can do, whatever contributions
20 or directions that I can offer within the
21 perspective of the law that's key. I have to
22 prove that I can go out there and exist without
23 committing crimes or turning aside and saying
24 this temptation is too great I can't resist. I
25 think that I can and I think that they want to

1 help and the fact that they have needs and
2 purposes and problems that I can help with, I
3 feel that helps me too. So if we are in a
4 situation --

5 Q You know, sir, that you'll never be allowed
6 to approach the victims or the victim's families,
7 you understand that?

8 A I understand that.

9 Q You have reeked some devastation on those
10 families, you know?

11 A Absolutely, absolutely. And it's sad and I
12 have apologized and said in my heart and my mind
13 a thousands times in my prayer and revocation
14 that I wish that somehow I am conveying hopefully
15 that my pain and my sorrow, however there is no
16 contact, there will be no contact but as I
17 contribute in life, you know, maybe one day they
18 will look and say okay I'm still angry at you for
19 what the pain you caused but I see you turned
20 your life around and that's something. And
21 perhaps in that manner I offer some type of
22 closure.

23 Q Well, I got to tell you, sir, I got to tell
24 you, sir, I see lots of victims, lots of victims
25 and if victims are able to do that that would be

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1 the biggest victim -- biggest hearted victim that
2 I've ever known. I mean and I'm not, you know, I
3 mean imagine someone killing a member of your
4 family to then turn around and be that gracious
5 and say I'm so happy you've grown from it.
6 That's a lot, do you understand? You can put
7 that out there as a positive thing in the
8 universe to hopefully happen, but I don't know.
9 I really don't know that, you know. I mean that
10 would take a really, really, really big person
11 and perhaps, you know, that's not beyond
12 happening but that takes, that takes a lot, sir,
13 a whole lot. We do have your sentencing minutes,
14 that's in here. I also know that you were
15 doing -- were you working with IGRC for awhile?

16 A Yes.

17 Q Are you still doing that?

18 A No, that was when I was in Wendy's
19 correctional facility I worked with the IGRC and
20 I had a lot of programs there. Since I've been
21 here some of them it's mostly been mobility
22 escorts. I've tried to take programs where I can
23 actually have hands-on and to watch, see if I can
24 accomplish something.

25 Q I got you.

1 A Sometimes talking to the blind who can't see
2 me, they can sense my energies and we have a very
3 comfortable relationship. So I see myself doing
4 something worthwhile, something contributable and
5 I just feel good about it.

6 Q I'm going to ask the other commissioners if
7 they have anything that they would like to ask?

8 COMMISSIONER LUDLOW: Nothing further, thank
9 you.

10 COMMISSIONER ALEXANDER: Mr. Hayes, I've
11 listened carefully and, you know, you have
12 accomplished a lot in prison over these years.
13 What do you think is the most important thing
14 that you've accomplished?

15 A The most important thing that I think I have
16 accomplished is the state of maturity. I think
17 that when you come into these facilities as
18 prisoners we oftentimes come in with subjective
19 attitude, it's their fault, I have too much time
20 or they've done so much to me and we tend to put
21 ourselves in a state where we are the victims and
22 we forget that we have disrupted lives. I think
23 when I look on this is accepting my
24 responsibilities, my role and in a sense trying
25 to talk to somebody else and said have you

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1 thought about what you've done and what you would
2 like to do and what you would like to see
3 accomplished. I mean aside from getting back
4 with your families and trying to make whole that
5 family relationship and sometimes being
6 successful. So I'm not always successful. I
7 don't always do all of the right things or say
8 all of the right things but I am geared towards
9 doing the right thing. And when I look back at
10 the person who committed these crimes I said that
11 was you back then, the you right now you come a
12 long way. You might have some more to go, you
13 don't know, but you've done pretty good and you
14 should continue to do that way because it's a
15 good thing. It feels good to get a smile that's
16 genuine and to actually give a smile that's
17 genuine. And these things I see in myself. So
18 what I have accomplished, I have matured. I've
19 learned things. I am continually learning.
20 There are things that I can do now to help other
21 people. I'm comfortable with myself saying that.

22 COMMISSIONER ALEXANDER: Okay now in 1973 I
23 know we were in a very different place as a
24 society, I know that you had come back from
25 Vietnam and your actions seem like a, you know,

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1 and I'm not going to get into the political
2 aspect of it, but it seems like looking at it
3 clinically you were still a warrior, you were
4 still conducting a war, a war of a different
5 kind. Did you consider yourself a leader or a
6 follower in all of these actions?

7 A I've always considered myself as a follower.
8 I don't think that I was qualified to state that
9 I was a leader. Yet I had leadership qualities.
10 But let's face it it was immature decisions that
11 we were acting on and we really believed that we
12 were doing the right thing. That we were people
13 who stood firmly for the right thing. I never
14 thought of myself as being, I know what I'm
15 doing, you know, depending on leadership to guide
16 me but somebody has to make this contribution,
17 somebody has to say I'm making the sacrifice.
18 And when you look at it and you think about it
19 years later you say well what were you doing,
20 what were you doing. The pain and the
21 consequences of your actions, all of this has
22 lead to these situations. And because of that --

23 COMMISSIONER ALEXANDER: I'm sorry, go ahead.

24 A Because of that, because of that you have to
25 go passed that. You have to set goals in your

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1 life that says I'm changing. I want to do more
2 positive things. And what I did in the past I
3 didn't have a lot of information. I was acting,
4 I was acting on the emotional state without the
5 intellectual to come back to.

6 COMMISSIONER ALEXANDER: Well, what was your
7 ultimate goal?

8 A My ultimate goal was to get justice and
9 equality in America. As black people we just
10 didn't see it for ourselves. We didn't sense
11 that it was going to change. And so we wanted to
12 be very vocal because I don't think anybody in my
13 age at that time was talking violence, though we
14 were prone to be violent, but we thought we were
15 doing something positive. We were standing firm
16 and we were willing to take what I think I guess
17 black lives matter are willing to take, they are
18 willing to take arrests, they are willing to be
19 vilified on the TVs and they're taking steps and
20 we felt the same way.

21 COMMISSIONER ALEXANDER: Okay, so I
22 understand like I said I can't stand in your
23 stead back then and I'm trying to understand what
24 you're saying but I guess I want to understand
25 how you felt when you saw people, when you're

1 shooting people and they're dying in front of
2 you, are being wounded in front of you, what did
3 you think back then? It doesn't sound like it
4 was non-violent trying to achieve change like
5 some of the black lives matter movement of today.
6 To me it sounds violent.

7 A I have to agree based on the facts but we
8 didn't start out violent. We staged our lives
9 and our directions in violence. We felt we were
10 honorable, we wanted change and we just figured
11 that by us being there, by us being vocal that we
12 were going to achieve that. But let's face it
13 these were violent times. A lot of times when
14 you express that or you think it or when you saw
15 violence standing in front of you responding to
16 violence. I can't speak for what officers in the
17 70s were thinking and how they viewed it because
18 we were in our position, we were on the other
19 side but one thing I know that I was thinking
20 about that I think I shared this with a lot of
21 people then is we were trying to get away. We
22 didn't want to be arrested, we didn't want to be
23 shot. We saw people that were getting killed and
24 we attributed it to those people right there that
25 was looking out. And so a lot of times we were

1 running, however this is the most responsible
2 matter that I can choose to direct my thoughts in
3 is at some point in time you have been paying
4 attention to where this was going at but we had
5 no experiences. We had the direct lines that
6 says we will go this way and this is what this
7 leads towards. All people think about is the
8 here, the now. I think that we felt a lot of us
9 were hiding.

10 COMMISSIONER ALEXANDER: But is it fair to
11 say that these people were targeted because of
12 the uniform they wore and that's it?

13 A Is it fair to say they were targeted for the
14 color of our skin, that's all yes and no. Yes
15 and no. To us we couldn't just say that okay we
16 are targeted because we're black, the black
17 females and that was the whole of it, that was
18 the crux of it, there was more to it than that.
19 But in actuality what we were running from was an
20 act of an overt force that decided that this is
21 how we are going to handle it. And so here we
22 are young people not really violent, we didn't
23 work violence, but what we were going to do when
24 violence comes. And so these things escalated.

25 I'm not proud of where it went at. It wasn't my

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1 choice or my decision that I was thinking okay
2 when it comes to this point I'm going to do this.
3 These thoughts weren't in my head, you know. I
4 was running from death. I will give you an
5 example and I don't want to rehash --

6 COMMISSIONER ALEXANDER: And I don't want to
7 rehash the case either and maybe we've gotten too
8 far afield, I was trying to see -- I'm sorry what
9 were you trying to say?

10 A I was thinking about when the apartment was
11 raided. We had children in there. We had women
12 in there. And the last thing on our mind was
13 that they're coming. And it was just another day
14 in existence. That night when they came it was a
15 loud knock on the door. And I approached the
16 door, I didn't know who it was, I just heard a
17 loud noise and so I stood near the door and just
18 watched to see what would happen. And no other
19 hitting on the door, knocking on the door came, I
20 was ready to turn around and walk away, then I
21 heard a loud gunshot. When I looked at the
22 evidence of the apartment when it was concluded
23 at the peephole approximately 4 inches from the
24 peephole was a gunshot. Had I looked through the
25 peephole to try to peep out I would have been

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1 shot right in the face. This is the evidence I'm
2 looking at after the fact. But right after that
3 gunshot they came in, there was no announcement
4 they are the police, we're here, it was just this
5 is the situation now you're in and we're coming
6 here.

7 COMMISSIONER ALEXANDER: Okay.

8 A And you're very, very --

9 COMMISSIONER ALEXANDER: That was in
10 September, correct?

11 A September 17th, yes.

12 COMMISSIONER ALEXANDER: And that was after
13 the January incident and the couple of June
14 incidents, correct?

15 A Yes, that's correct.

16 COMMISSIONER ALEXANDER: What do you think
17 about this so many years later? Do you think
18 justice has been served?

19 A Are you asking me in my case or in their
20 case?

21 COMMISSIONER ALEXANDER: I would say --

22 A Or just overall?

23 COMMISSIONER ALEXANDER: In your case, in the
24 victim's case, what do you think about justice
25 after all these years?

1 A I see that what little bit of insight of a
2 little more intelligence, a little more facts
3 that I would have handled things differently,
4 however this is what happened. These things
5 happened and we responded to what was happening
6 at that state and time. I guess it's a lot like
7 when I see people on the street and then a
8 gunshot, a gun episode occurs. And you have to
9 respond. You have to react. You have to think.
10 So what do you think about? You think about
11 other people. You don't think about yourself.
12 You want to try to help whoever is with you. You
13 want to try to encourage somebody to get them.
14 You're thinking about so many things that you're
15 not really associating this struggle over here
16 and this struggle over here. It's just happening
17 around you. I was a young man and I believed at
18 that time that what we were doing was right.
19 That we were fighting, we were struggling, that
20 we had a legitimate beef and this is the best we
21 could do. That was then. When I look at it I
22 think about how stupid it was, how little
23 information we had and how we were projecting
24 this strength and courage and we were just
25 foolishly engaging in things and the consequences

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1 of those actions were devastating. There were a
2 lot of people that were gang members.

3 Q But Mr. Hayes, I got to tell you something,
4 the commissioner asked you a question and I
5 didn't really hear your answer to it. And that
6 was basically she was asking you did you shoot
7 those gentlemen because they were in uniforms?
8 Specifically did you go after them because they
9 were in uniform? In other words, did you go
10 after cops to kill cops? That's really one of
11 the things she was asking. And I hear what you
12 answered her about, you know, the other thing but
13 I never heard your response to did you
14 specifically basically go after to try to kill
15 police officers?

16 A I would have to respond with yes.

17 Q Yes you did?

18 A Yes.

19 Q And that was part of, that was part of --

20 A Yes.

21 Q -- what your thing was and that's what the
22 Commissioner is asking you about, do you
23 understand? You told her about --

24 A Yes.

25 Q -- one thing and that was part of what you

1 thought you guys were tasked with doing, for
2 whatever your reason. For whatever at the time,
3 okay? So I just wanted you not to beat around
4 the bush and I wanted to call a spade a spade and
5 put it out there what we were talking about.

6 A Yes.

7 Q All right?

8 A All right. I think, I think the evidence
9 that was handed in and represented this is what
10 we were doing and yes we applied those things.
11 No matter how I want to try to try to say okay no
12 I wasn't really thinking like that this were the
13 facts.

14 Q And I appreciate, I appreciate your being
15 open and above board with that, okay? When
16 you're saying one of the things you were doing
17 that was one of the things that you were tasked
18 with and yes a person in uniform was a victim.
19 Do you feel that same way now?

20 A No. I think that what we are looking at now
21 is that we made a lot of mistakes and given a
22 chance to correct it we would have done it
23 differently.

24 Q Okay.

25 A So I guess we just, looking at it now and

1 saying well we made a lot of mistakes and was
2 justice served? I think that I paid a debt for
3 my actions. Not because I was looking at it and
4 saw it really clean I acted, I was responsible.
5 I was guilty of those crimes.

6 Q Did they ever make a plea offer to you, other
7 than the, I know the plea about the gun, were you
8 ever offered a plea on those other charges at
9 all?

10 A Never, I was never offered anything. I was,
11 it was just a foregone conclusion that we had you
12 in our fists and we are going to deal with you.
13 And I guess --

14 Q Like I said you got to understand and I'm
15 sure you do now, okay, that, you know, targeting
16 a group and particularly when you target police
17 who are supposed to be responsible for keeping
18 the law and the peace and order it's a serious
19 issue. But targeting any group, any group and I
20 say this across the board, any group is a serious
21 issue. I'm going to ask Commissioner Alexander,
22 I'm sorry I had interrupted you.

23 COMMISSIONER ALEXANDER: No, I have nothing
24 further, thank you.

25 COMMISSIONER HALLERDIN: Okay, Commissioner
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1 Ludlow, did you have anything you wanted to ask?

2 COMMISSIONER LUDLOW: At the time of the
3 crimes you were what 24 years old, sir?

4 A About 23, 24, yes.

5 COMMISSIONER LUDLOW: And today you are 67,
6 correct?

7 A Uh-hum.

8 COMMISSIONER LUDLOW: And you've been in how
9 long, 43 years, is that right?

10 A 43, yes, yes.

11 COMMISSIONER LUDLOW: It's a long period of
12 time, we certainly are cognizant and sensitive to
13 that point. All right, thank you.

14 Q I just wanted to, before -- I want to mute
15 for a moment, please, if you would?

16 (Off the record.)

17 Q Okay, Mr. Hayes?

18 A Yes.

19 Q I want to thank you very much for appearing
20 in front of this panel. We are going to weigh
21 everything very carefully as Commissioner Ludlow
22 had indicated because you've been incarcerated a
23 long time. You've done a lot of things. It was
24 a serious crime and it was a targeted crime. We
25 have to take a look at all of that also. But we

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Hayes, Robert DIN 74A2280 NYSID 01575481Y

1 will give everything its due and I want to thank
2 you for appearing in front of the panel and I
3 want to thank you for being open and honest with
4 you us, okay?

5 A Thank you for giving me this opportunity and
6 allowing me to express to the best of my ability
7 and I thank you.

8 Q Okay, good luck to you, sir.

9 A Thank you.

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

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1 D E C I S I O N

2 BY COMMISSIONER HALLERDIN:

3 Deny 24 months, next appearance June 2018.

4 After careful review of your record, a personal
5 interview and due deliberation this panel concludes
6 that discretionary release is not presently
7 warranted as your release would be incompatible with
8 the welfare of society. You stand convicted of the
9 serious offenses of attempted murder five counts,
10 murder, criminal possession of a weapon, robbery and
11 grand larceny. Your criminal history indicates
12 that this course of conduct throughout 1973 in which
13 you targeted police was your first contact with the
14 law. The panel takes note of all statutory factors
15 including your rehabilitative efforts and
16 programming, risk and needs assessment, case plan,
17 re-entry plans, letters of support, community
18 opposition, sentencing minutes and your disciplinary
19 record. You have not had a disciplinary since 1999.
20 The panel reviewed your present and past parole
21 packets and even the psychological risk assessment
22 submitted previously by Joel Shore, Ph.D. on your
23 behalf. The panel notes that the community
24 opposition to your release is extremely forceful,
25 strong, recent and consistent. Your course of

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1 action was violent and targeted police officers.
2 Police officers are the last line of defense in the
3 civil society.

4 (All commissioners concur.)

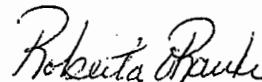
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CERTIFICATION

I, ROBERTA O'ROURKE, 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 34 pages, is a true and correct copy of same and the whole thereof.

Dated: June 23, 2016



Roberta O'Rourke, Court Reporter