

Eric M. Smith

DIN #01A0430

NYSID # [REDACTED]

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NYS DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION
BOARD OF PAROLE

Parole Board Interview

In the Matter

-of-

ERIC M. SMITH

DIN #01A0430

NYSID # [REDACTED]

TYPE OF INTERVIEW: Reappearance

LOCATION: Woodbourne Correctional Facility
(Video-conferenced to 20 Manchester Road,
Poughkeepsie, New York 12603)

DATE: October 5, 2021
DECISION DATE: October 7, 2021

BEFORE: COMMISSIONER CORLEY
COMMISSIONER SEGARRA

AT FACILITY: A. LAFORGE, ORC
E. ROGERSON, ORC

VERBATIM REPORTER: Erin Chickery, Hearing Reporter

Eric M. Smith

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NYSID # [REDACTED]

- 1 COMM. CORLEY: How are you, sir?
- 2 THE INMATE: Hi. Well. How are you?
- 3 COMM. CORLEY: Good, good. Would you state
- 4 your name for the record?
- 5 THE INMATE: Eric Smith.
- 6 COMM. CORLEY: All right, Mr. Smith, I'm
- 7 Commissioner Corley, today on the panel with me is
- 8 Commissioner Segarra.
- 9 COMM. SEGARRA: Good afternoon.
- 10 THE INMATE: Good afternoon.
- 11 INTERVIEW BY COMMISSIONER CORLEY:
- 12 Q. Mr. Smith, you're here for a reappearance, right?
- 13 A. Yes, sir.
- 14 Q. I think you can slide your mask down if staff will
- 15 allow you to do that, that's fine. How old are you today,
- 16 Mr. Smith?
- 17 A. Forty-one.
- 18 Q. And you have been confined over 28 years?
- 19 A. Just a little over 28, yes.
- 20 Q. All right, sir, let's talk about why you're confined,
- 21 your history and progress you've made, all right?
- 22 A. Okay.
- 23 Q. You are serving due to JO Murder in the Second, a
- 24 verdict in Steuben County, correct?
- 25 A. Yes.

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1 Q. [REDACTED] reported that her four year old son,
2 [REDACTED] was missing. State police personnel and neighbors
3 organized a search for [REDACTED]. Later on that day the search
4 party found the body of four year old [REDACTED] in a lightly wooded
5 area. His body was found in a supine position on a small rock
6 pile and his shorts and underwear were pulled down to his knees.
7 His skull had severe fractures to both temporal areas, a paper
8 towel was stuffed in his mouth and a stick was inserted in his
9 rectum. Several members of the state police interviewed several
10 hundred people including you and you admitted to family members
11 that you were in fact involved in the murder of [REDACTED]
12 [REDACTED] this four year old child. Why did you do this, Mr. Smith?

13 A. A lot of contributing factors led up to it and he
14 didn't do anything to deserve it. No one deserves that type of
15 violence. At the time I was holding a lot of anger and
16 unresolved issues with a lot of individuals that I lashed out on
17 [REDACTED] and I displaced my anger that was unresolved with other
18 individuals on him. It should have never happened. As to why,
19 after years of reflection, looking at who I was then and what was
20 going on, I essentially became the bully that I disliked in
21 everything else in my life. I was constantly being targeted for
22 being weaker, smaller, and I became the bully towards him and he
23 didn't deserve it.

24 Q. I guess that's a good place to start because you were
25 actually 13 years old at the time; is that correct?

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1 A. Yes.

2 Q. Who were you living with at the time, Mr. Smith?

3 A. My mother and father.

4 Q. So you were living with your parents, right?

5 A. Yes.

6 Q. Did you have any other siblings?

7 A. An older sister, she had already moved out, but I had
8 my younger sister still living in the house.

9 Q. How much younger was she?

10 A. A year younger.

11 Q. So at 13 were you maybe in seventh or eighth grade?

12 A. No, when I first started out I had a learning
13 disability and I went from kindergarten to Pre 1st and then first
14 grade, and then in fourth grade I failed because I didn't do
15 homework for seven months so they held me back. So at the time
16 of my incarceration I was going into sixth grade.

17 Q. You were going into sixth grade?

18 A. Right.

19 Q. And how were you doing in school?

20 A. Very bad. I barely skimmed by.

21 Q. Were you getting into any trouble in school?

22 A. No, it was just that I had a difficult time retaining
23 the information, understanding, comprehension, and just generally
24 learning the material.

25 Q. What was going on at home, were you okay at home with

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1 your parents?

2 A. My mom, yes, my dad he was emotionally and
3 psychologically abusive so I was walking on egg shells any time I
4 was around him.

5 Q. What did that abuse look like, what would he do?

6 A. Verbally put everyone down, whether it was me, my
7 sister, my mom, and he would just make us feel really low.

8 Q. Do you know why?

9 A. He had that when he was growing up. I learned that
10 later on though, I didn't understand that then, but it was less
11 than what he actually experienced growing up. He had it worse
12 with his father, and knowing how my grandfather was, I can see
13 that he was not as bad as him but the lessons he learned in terms
14 of how to be a father was still an example of his own father,
15 just to a lesser degree.

16 Q. Besides the psychological abuse did he ever physically
17 abuse you in any way?

18 A. Nothing that I didn't deserve. Like if I got in
19 trouble I got spanked, if I did other things I had privileges
20 taken away, but he wouldn't just out of the blue start beating
21 any of us, that wasn't him. If I got spanked I deserved it.

22 Q. When you talk about bullying, where did that bullying
23 come from?

24 A. My older sister and mainly at school.

25 Q. You were bullied?

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1 A. Yeah.

2 Q. And why were you bullied?

3 A. My ears, my glasses, being short, my red hair, pretty
4 much all of those, if not one an accumulative of all of them.

5 Q. Was that going on every day? How often was that
6 happening?

7 A. Almost every day but there was some days I had grace
8 periods where I didn't, which is what I was saying before, but
9 for the most part if certain individuals were around I was messed
10 with in some way, shape, or form.

11 Q. And what would you do when you were bullied?

12 A. Mainly cry, go home and tell my family, they spoke to
13 the teachers, it would stop for like a week and then start back
14 up again, then they would go to the principal and then the same
15 process. Stop for a week and start back up. On a few occasions
16 my dad spoke with the parents of the individuals and then it
17 would stop for a week and a half, two weeks, then start back up
18 again.

19 Q. [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 Q. [REDACTED]

23 A. [REDACTED]

24 Q. How about fights, were you ever physically attacked by
25 any of your peers?

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1 A. Not in terms of a fight but I'd have anything from
2 flicking of the ears, hitting me with books, tripping me, spit
3 wads.

4 Q. What was going on that day, August 2nd, 1993? What was
5 happening with you that day? Do you remember that day?

6 A. Yeah.

7 Q. What was happening?

8 A. I wanted to go with my mom, she was going to a doctor's
9 appointment, I didn't really want to be at the recreation center,
10 the pavilion, and when I got over there I --

11 Q. That was the summertime, were you in a recreation
12 program?

13 A. It was an outside recreation thing that was held by
14 volunteers that would supervise. It wasn't like a program,
15 anyone could show up.

16 Q. Were you going there every day, were you enrolled in
17 that program?

18 A. I would go there on occasion on the Tuesdays it was
19 open and then on Thursdays I tried to make it all the time.

20 Q. So that day you were at the program?

21 A. Yes.

22 Q. And what happened?

23 A. I got there early and they hadn't opened yet, I kept
24 ramming my bike into the table that these individuals were
25 sitting at being annoying, and they would like to correct me, I

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1 wasn't in the mindset of really hearing their correction, and
2 that kind of got me even more irritated, and from there it just
3 festered in my head and it got worse.

4 Q. How did you come in contact with four year old [REDACTED]

5 A. I left the pavilion and rode my bike and he was walking
6 to the pavilion. When I had seen him the first thought I had was
7 I want to hurt him.

8 Q. Why?

9 A. To take my anger out on him.

10 Q. Did you know [REDACTED]

11 A. No.

12 Q. You didn't know his family at all?

13 A. Not at all.

14 Q. He was just four years old, did you think that maybe he
15 was just a child that should have possibly been with a parent or
16 someone older?

17 A. I think that now but at the time I wasn't thinking
18 that.

19 Q. So you came in contact with him and what happened,
20 nobody was around?

21 A. No.

22 Q. What happened when you came in contact with [REDACTED]

23 A. I asked him if he wanted to be shown a shortcut and I
24 told him that I would take him there, I veered off and started
25 taking a shortcut and he kept walking. When I looked back I

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1 asked him if he was coming or not and then he started following
2 me and he followed me to the shortcut.

3 Q. And the shortcut was what, in a wooded area?

4 A. Yeah, where he was essentially found.

5 Q. Do you remember what you did?

6 A. Yes, I do.

7 Q. What'd you do?

8 A. I strangled him until he passed out and I started
9 punching him and after a bunch of times that I punched him I took
10 a rock and I beat him with it and I did that a lot. After I did
11 that I took his pants down and I put a stick in his butt and the
12 reason I did that was prior to doing that I was scared that he
13 was gonna get up and tell somebody that I had hurt him. And when
14 I checked I could still feel that his heart was beating and it
15 scared me because I thought he was gonna tell. The only thing I
16 could think of was trying to get his heart to stop and the only
17 thing I could think of was that. I tried to put it in his eye,
18 it wouldn't go, I tried to pierce his chest, it wouldn't go, the
19 only thing I could think of was sodomizing him.

20 Q. Where did the paper towel come from that was placed in
21 his mouth?

22 A. It came from his lunch.

23 Q. He was carrying his lunch?

24 A. Yeah.

25 Q. What did you do after that?

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1 A. I moved him onto the rock pile and left.

2 Q. Then you left?

3 A. Yeah.

4 Q. Did you know he had died at that time?

5 A. At that time I didn't, no.

6 Q. But you definitely wanted to kill him?

7 A. Not at first, no, I started out just wanting to hurt
8 him 'cause I was mad and then --

9 Q. You never said anything to him, you just immediately
10 attacked him once he came through the shortcut, you never said
11 anything to the little boy, you just immediately attacked him?

12 A. Yeah.

13 Q. You never said "I'm gonna hurt you," you never said
14 anything?

15 A. I didn't say anything, no.

16 Q. And he never got an opportunity to defend himself or
17 run or anything, right?

18 A. No.

19 Q. So when you left, where did you go?

20 A. I went back to the rec center.

21 Q. You went back to the rec center?

22 A. And sat on the table.

23 Q. Was he a member of that program?

24 A. I think so.

25 Q. But you had never seen him before?

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1 A. Not to my recollection, no.

2 Q. So you went back to the rec center and then what?

3 A. Then I rode my bike around town.

4 Q. As if nothing happened?

5 A. I wouldn't say that, I was riding around and in my head
6 I was freaking out.

7 Q. What was going on in your head?

8 A. What the hell did I just do. I couldn't get out of my
9 head. From the time it happened until the time I confessed a
10 week later, it's the only thing I could think about.

11 Q. So how in fact did you become the leading suspect?

12 A. After I confessed a week later they pretty much knew
13 that I had done it 'cause I confessed.

14 Q. You confessed?

15 A. A week later.

16 Q. What do you think now of your behavior, sir?

17 A. [REDACTED] [REDACTED] I know that
18 wouldn't have helped anybody because I still would have inflicted
19 pain, but knowing now what I do, I should have spoke up more
20 instead of holding it in, and communicated more to my mom, my
21 dad, teachers, anybody.

22 Q. What would you have communicated?

23 A. Everything that was going on and how I felt, what I was
24 thinking, how it was making me feel, just something so I'm not
25 holding it in. Learning how to process it. I didn't know that

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1 at the time.

2 Q. What would you say to this family, sir? They lost a
3 child that never got an opportunity to grow up.

4 A. I was watching a show one time where a mother and
5 father lost their daughter and when I saw the affect it had on
6 them it made me realize the impact that I caused the [REDACTED] family
7 and honestly, sir, it messed me up. If they were sitting in
8 front of me right now I would say that I'm sorry, and even though
9 that would almost cause them more emotional pain because sorry is
10 not bringing him back, but other than saying I'm sorry,
11 expressing that to them is the only thing I can think of to say
12 to them in terms of the fact that I did take [REDACTED] away from
13 them. So many different things, because of what I did to
14 [REDACTED] he's not gonna have. I've thought about the fact that
15 [REDACTED] is never gonna graduate high school and go to college and
16 be a man, get married, have kids, be successful, and I took that
17 away from him. It's not easy to deal with but every day it's
18 hard. I would try to convey to them that I understand the
19 reasons why I ended up hurting their son and essentially killing
20 him in hopes that they individually or as a family could
21 understand. I'm not the same person and while that in itself
22 doesn't take away their anguish and pain, I would hope to convey
23 to them that while I am remorseful I realize the depths to some
24 extent because I can't really fully understand the depth of how
25 [REDACTED] mom feels. I can never fully understand the depth of

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1 how [REDACTED] father feels, but I can do the best I can to
2 express to them the insight that I've gained in hopes that at
3 some point they can get to a point where they feel comfortable to
4 say, for themselves, "I forgive you." Even though I don't
5 deserve that.

6 Q. What's the insight you gained?

7 A. I understand that -- when I was growing up I was never
8 taught what value meant and when I realized later on that value,
9 not just for things but for people, should be able to invest in
10 someone so they can be stronger [REDACTED] emotionally,
11 educationally, it's you investing into their lives to make them a
12 better person and by doing so you're enhancing the future of that
13 person and you're instilling in them something that you've
14 learned. Value can be identified as something you spend your
15 time and your money in and your energy on, and the insight that
16 I've gained while incarcerated for taking [REDACTED] is that [REDACTED]
17 himself could have been a doctor who may have invented a new
18 technique to make heart surgery more effective in individuals
19 lives. He could have been a lawyer, he could have been a teacher
20 causing more students to be better men and women as they get
21 older. All the different things that he could have done
22 professionally in those areas I took from him because of my own
23 selfishness and wanting to lash out instead of speaking with
24 someone who could have given me insight.

25 Q. What programming have you taken, Mr. Smith?

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1 A. I've taken everything that has been required and a few
2 that hasn't. I've taken [REDACTED] ART, SOP, I've been in the Merle
3 Cooper program while that was up and running. I started taking
4 Rising Hope which is a ministerial educational program. And even
5 though I was taking it I stopped due to the fact, even though it
6 would have given me a certificate, it would not have, from my
7 perspective, helped me in a goal that I'm hoping to achieve which
8 is my degree in college. So I ended up starting a correspondence
9 college out of Florida where when I finish I will have my
10 Associate's degree in crusade evangelism, and in terms of
11 education that's where I'm headed now. But I've taken therapy
12 throughout the years on and off in terms of programs.

13 Q. Did you say you got your college degree?

14 A. I'm working towards it.

15 Q. Working towards an Associate's or what?

16 A. Yeah, I'm starting off with an Associate's, I'm
17 planning to reach my Master's degree but I got to get the
18 Associate's, then the Bachelor's, then the Master's.

19 Q. When'd you get your GED?

20 A. 1999.

21 Q. Your discipline you only have three tickets over the
22 course of your confinement, sir. Last ticket you received was in
23 2005.

24 A. Yes.

25 Q. Obviously you were so young when you came in, you were

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1 not in an adult facility until some years after, right?

2 A. Right, I went to the [REDACTED] and juvenile
3 from '94 until 2001.

4 Q. Did you learn there was some differences?

5 A. In the environments you mean?

6 Q. Yes.

7 A. Major differences, yes.

8 Q. What were the differences, sir?

9 A. Socially it was, in juvi, the mindset was completely
10 childish and not caring, get over on staff, get over on the
11 rules, a lot of gangs, a lot of petty, stupid stuff, and it was
12 more geared towards making a name for yourself. And then coming
13 into the adult system that was definitely a different transition
14 for me. Even though, and this might sound really weird, being
15 around kids for that entire time the only time I seen someone
16 older than me was a staff member. And the only time I seen a
17 really old person, and I'm talking like 70, 80 years old, was
18 when my grandparents came up to see me. So when I walked into
19 the adult DOCCS system and I seen someone that old, I honestly
20 didn't know they had inmates that old in prison and that was
21 shocking. The mindset was similar but not as bad and the
22 fighting was over more serious stuff, but overall the mindset of
23 the criminal code, which I've never understood and can't stand,
24 that's prevalent in both [REDACTED] and here in DOCCS. I've definitely
25 had to deal with individuals that live by it.

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1 Q. We have your COMPAS Risk and Needs Assessment
2 indicating that you are low and unlikely in every category,
3 Mr. Smith. We also have your Case Plan, you wanted to apologize
4 to the victim's family, I believe you did that through the
5 Apology Bank, didn't you?

6 A. Yes.

7 Q. Increase educational achievement, we just talked about
8 that. You're trying to work toward obtaining your college
9 degree. If released where would you go, sir?

10 A. At first I would be with my mom, I would stay with her
11 until I can find my own place, either an apartment, or stay with
12 her until I can afford to put a down payment on my own actual
13 house.

14 Q. How old is your mom now?

15 A. I think she's 62 or 63. I would probably stay with her
16 until my fiancée gets up here.

17 Q. You're engaged?

18 A. Yes.

19 Q. When did you get engaged, sir?

20 A. December 2019.

21 Q. How'd you meet your fiancée?

22 A. She wrote me. At the time she was studying to be a
23 lawyer and she wrote me asking about the juvenile justice system
24 because she was doing a comparative study in her legal research
25 curriculum, and she was comparing South American juvenile justice

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1 as opposed to North American juvenile justice, and I answered all
2 of her questions and I started getting to know her, we became
3 friends, and then we developed a liking for one another. She was
4 currently, at the time she started writing me, in a relationship
5 so I stopped writing her because I didn't feel that my falling in
6 love with her when I felt she was falling in love with me was
7 really healthy being that she was already in a relationship. I
8 didn't like the idea of me ruining the relationship that she was
9 in so I stopped writing her. Then in 2017 my sister asked me if
10 I knew who she was and I said "Yeah, how do you know her?" And
11 she told me that she was friends with her on Facebook so I
12 re-connected with her and we pretty much picked up where we left
13 off and we ended up falling in love with each other. I asked her
14 if she wanted to marry me and she said yes and I was possibly, in
15 that moment, the happiest man alive.

16 Q. We do also have your Sentencing Minutes, you sat before
17 the Honorable Donald G. Purple Jr, Mr. Smith. Is there anything
18 you remember that is noteworthy at the time of sentencing?

19 A. Honestly, I can tell you that I know they were saying
20 stuff but I have no recollection in terms of specifics. I know
21 my lawyer at the time had said something to the effect of, if I
22 am ready to be released or changed, rehabilitated, then that
23 should be taken into consideration. But in terms of specifics I
24 don't know what the judge had said, the DA had said, or my lawyer
25 had said, I can't recall.

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1 Q. I guess there was a lot of discussion centered around
2 your age at the time.

3 A. I vaguely remember that, yes.

4 Q. You do have letters of support as well as letters of
5 opposition, I'm sure you know that, sir. You provided a packet
6 for us, I just want to mention -- I think your mom wrote a letter
7 of support?

8 A. I do believe she did, yes.

9 Q. What do you think you'll do for work, Mr. Smith?

10 A. I'll probably -- from my understanding, the job market
11 right now with COVID are prevalent, so I'll probably either get a
12 job in electrical installation or carpentry fabrication as I have
13 both certificates. And in order to actually work in either one
14 of those fields I would need a refresher course so I would
15 immediately get into a refresher course to bring me up to speed
16 on all of the present carpentry codes and/or electrical codes and
17 get into a union or a company that does that and work there until
18 I can adequately deal with what God is calling me to do, which is
19 ministry.

20 Q. There's a letter from [REDACTED]

21 A. Yup.

22 Q. Who is that?

23 A. A childhood friend that I grew up with.

24 Q. [REDACTED] write in support of you. In
25 your parole packet you have letters of support as well as

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1 re-entry programs. You never had a problem with drugs or alcohol
2 at that age, right, sir?

3 A. No.

4 Q. And you have how many siblings?

5 A. I have one older sister and one younger sister.

6 Q. What's gonna happen at the [REDACTED]? I see
7 that's a food pantry. Were you hoping to do some work with the
8 [REDACTED]?

9 A. Was that one of the ones that was circled?

10 Q. Yes.

11 A. That's near where I would essentially go home to and
12 volunteer work is something I would think would be helpful to not
13 just the community but individuals as well. I mean just in my
14 own personal experience helping individuals in any form is what
15 has brought me enjoyment.

16 Q. You've gotten several certificates over the course of
17 your confinement as well. [REDACTED]

18 [REDACTED]

19 A. [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED]

22 [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

25 COMM. CORLEY: I'm gonna ask my colleague if

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1 she has any questions for you at this time?

2 COMM. SEGARRA: I do. Good afternoon,

3 Mr. Smith.

4 THE INMATE: Good afternoon.

5 COMM. SEGARRA: There was just one particular

6 area that I wanted to discuss and that was some of your

7 behavior towards your victim. You tried to pierce his body

8 with a branch or a stick?

9 THE INMATE: Yes.

10 COMM. SEGARRA: And then when it didn't work

11 you pulled his pants and underwear down and inserted it in his

12 rectum or anus?

13 THE INMATE: Yes.

14 COMM. SEGARRA: You said butt but we're talking

15 about the same area, right?

16 THE INMATE: Right.

17 COMM. SEGARRA: And what was the point to that?

18 I'm not too clear with that. You said you tried to pierce him

19 to kill him but how would putting a stick in someone's rectum,

20 I mean I don't know what was the stick, I don't know what

21 constituted this stick, how big it was or the shape or

22 whatnot, but how would that have ended his life?

23 THE INMATE: At the time I was -- in my head I

24 was frantic and scared, terrified at what I had just finished

25 doing, and the only thing I could think of was if he gets up

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1 he's gonna tell on me and I'm gonna be in trouble for hurting
2 him, and the only thing I could think of was try to stop his
3 heart. I know it doesn't make sense, Miss, and I've tried to
4 wrap my head around what brought me to that point, and when I
5 tried to stick it in his eye the only thing I could think of
6 was if I could push it far enough I might pierce his brain and
7 I wouldn't get in trouble because he wouldn't be able to say
8 anything. Then that didn't work and I got more scared. And
9 when I tried to push it in his heart and it didn't pierce it
10 added to the fear and the only thing I could think of was if I
11 could reach his heart, that's all I had to do was reach his
12 heart, and where the idea came from it just popped in my head,
13 if I sodomize him and stick it in his rectum I might pierce
14 his heart.

15 COMM. SEGARRA: You have, and I've read the
16 prior transcripts, you have come a long way in talking about
17 this offense and your growth and the work you've done, and I
18 thought maybe this would be a good opportunity to take it to
19 the next level. [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED]

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1 [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] of
7 [REDACTED]
8 [REDACTED] [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 THE INMATE: [REDACTED]

13 COMM. SEGARRA: [REDACTED] [REDACTED]

14 [REDACTED]

15 THE INMATE: [REDACTED]

16 COMM. SEGARRA: [REDACTED] [REDACTED].

17 [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 THE INMATE: No, I talk to them and process it
22 little by little. It's difficult to talk about and in talking
23 about it with my fiancée she actually -- she got upset with me
24 that I wasn't being, I guess, forthright with her and open.
25 She kept saying "I love you, talk to me," and I was always

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1 fearful that if I told her she's gone. I literally went to
2 God in prayer and said, Lord, you brought her into my life so
3 if you brought her there you've already seen this conversation
4 happening, so just give me the grace to tell her. And when I
5 told her she actually opened up and told me about some of her
6 own and it was able to help me understand the shame, the
7 guilt, and the level of personal angst. There's different
8 levels in a sense of toxic shame as opposed to healthy shame
9 and processing it with her and in speaking with others who
10 have actually been there, fellow inmates who have been there
11 and have gone through it, their testimony to me and the
12 different things that I've expressed, they were able to help
13 me see that it wasn't my fault even though for the longest
14 time I thought it was. It's been a difficult road.

15 COMM. SEGARRA: Yes, and I want to thank you
16 for opening up to that. I'd like to add that maybe your
17 girlfriend is not the person to process this with, we don't
18 get into it much or I don't want to get into it much because I
19 don't know what resources you have available there and how
20 you're gonna feel when you leave. I'm glad you were able to
21 talk about the shames. You're the only person in the couple
22 of years I've been doing this that actually can acknowledge
23 the different shames and I want to tell you I'm proud of you
24 for knowing that. There's a great book by a John Bradshaw
25 called "Healing The Shame That Binds You." It's not an easy

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1 book to read but it's a really good book.

2 THE INMATE: Can you repeat that?

3 COMM. SEGARRA: It's called "Healing The Shame

4 that Binds You" by John Bradshaw. It's a really good book.

5 It's not too easy to read but it's a really good book. I know

6 [REDACTED] it's really hard for them

7 because they lose their manhood or what they consider their

8 manhood.

9 THE INMATE: What they've been taught manhood

10 is about.

11 COMM. SEGARRA: Exactly. So I want to thank

12 you again for opening up a little bit about it and continue to

13 do so with the right forum. You hung your head low, you know

14 it wasn't anything you did, so hang your head high that you

15 can move forward from here on a little bit better, okay?

16 THE INMATE: Yes, ma'am.

17 COMM. SEGARRA: I want to thank you for this

18 interview, you've done a really great job. Thank you for

19 coming in.

20 THE INMATE: I --

21 COMM. CORLEY: Thank you, Commissioner. Yes,

22 Mr. Smith?

23 THE INMATE: I recognize that I've taken

24 [REDACTED] life and that's not anything that -- I hope both you

25 and the lady Commissioner there understands that I'm not one

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1 to sugar coat or dodge responsibility. After I confessed,
2 from that point on, I faced the responsibility aspect of
3 saying I did it and it took years to come to understand that
4 saying I did X, Y and Z is completely different than saying
5 I'm accountable for X, Y and Z because responsibility and
6 accountability, while they are linked, are two different
7 things. One is saying I did the action and the other is
8 saying why you did it. I know earlier you asked me what had
9 led up to it or what had caused me to do it and at the time I
10 was internally not in a good place. I didn't trust anyone, I
11 didn't trust myself, I didn't value anything in terms of
12 healthy. My complete outlook was unhealthy. [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] all of the angst that I was holding onto was
16 because I didn't have the communication skills in order to
17 express adequately what I thought, how I felt, what I
18 perceived, and I've gained that over the years.

19 And from now until the time I die I'm still gonna continue
20 learning different techniques in order to communicate more
21 effectively. I'm bringing this up because after 10 denials of
22 parole release I understand your job and her job, as your first
23 priorities, is the safety of society. I get that. I know a part
24 of the decision has to be what makes me different than any other
25 individual that's either come in today or come in tomorrow, I

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1 can't speak for them, sir, I can only speak for me. I know that
2 my communication ability, to be able to express how I feel, even
3 though I don't like confrontation and telling someone that I
4 don't like you did X, Y and Z because it made me feel like this,
5 that's never a comfortable feeling to sit someone down and do
6 that, but I have the skills in order to do so. I have
7 implemented them on numerous occasions.

8 What I lacked at 13 in terms of expressing myself and
9 being consistent in expressing myself, I've gained, and I'm not a
10 threat. I hope and pray that as both you and her make the
11 decision, I ask that you take into consideration that the 13 year
12 old kid that took [REDACTED] life, and had so many things going on
13 internally with him at that time, is not the man sitting in front
14 of you talking. I still have some skills to learn through
15 communication but I have come a long way and I'm still gonna grow
16 and still gonna learn, but I assure you that if you were to give
17 me the chance I would not only prove that I'm not a threat I
18 would definitely be an asset to society.

19 COMM. CORLEY: Okay, Mr. Smith, I thank you for
20 that. We also want to mention that we always reach out to the
21 officials in your case, we've done that and we've heard back
22 from the Steuben County District Attorney's Office, we've also
23 heard back from the judge, as well as the attorney that
24 represented you at one time. We heard back from him as well.
25 Mr. Kevin Bradley. That will do it on our end, Mr. Smith, we

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1 thank you and we're gonna consider everything that we have
2 discussed, your packet, letters of support, as well as letters
3 of opposition and we'll make a decision, you'll get it in
4 writing in a couple days, okay, sir?

5 THE INMATE: Okay.

6 COMM. CORLEY: Thank you again. You be well,
7 Mr. Smith.

8 THE INMATE: You too. God bless.

9 COMM. CORLEY: God bless.

10 (Interview concluded.)

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

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DECISION

6

7 Eric M. Smith, open date 11/17/2021.

8 This Open Date to Parole supervision, in connection with
9 your actions causing the death of your innocent 4 year old victim
10 [REDACTED] should in no way be construed as excusing your
11 heinous behavior or mitigating the terrible loss of life you
12 caused. Nor does this release excuse the pain and suffering you
13 caused your young victim, his family, friends, and an entire
14 community.

15 The Panel has made this decision after a thorough review
16 of your file, due consideration of all relevant factors and
17 serious deliberation. Factors considered included, but were not
18 limited to, you committing this crime when you were only 13 years
19 of age and came into DOCCS custody in 2001 after serving at [REDACTED]

20 During the interview you conveyed the trauma and abuse you
21 experienced at a young age and how it impacted you. You are
22 presently 41 years old and have been confined for more than 28
23 years, which is significantly in excess of your minimum sentence
24 (9 years to life). Your growth and development is compelling.

25 Further consideration was given to your clean disciplinary

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1 record during your confinement, low scores indicated on your
2 COMPAS risk and needs assessment, completion of numerous
3 programs, personal achievements, and strong release plan. Also,
4 and just as significant, was your sincere expressions of remorse
5 for your actions including a letter to the Apology Bank.

6 Therefore, the Panel concludes that there is a reasonable
7 probability that you would live and remain at liberty without
8 again violating the law and your release is appropriate.

9 CONDITIONS:

10 1. I will seek, obtain and maintain employment and/or an
11 academic/vocational program.

12 2. I will submit to Substance Abuse Testing, as directed by the
13 Parole Officer.

14 3. [REDACTED]

15 [REDACTED]

16 8. I will abide by a curfew established by the Parole Officer.

17 10. I will participate in anti-aggression/anti-violent
18 counseling, as directed by the Parole Officer.

19 11. [REDACTED]

20 [REDACTED]

21 15. I will not associate in any way or communicate by any means
22 with (family of [REDACTED]), without the permission of the
23 Parole Officer.

24 27. Other: Geographic restrictions, as per Parole Officer.

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(All Commissioners concur.)

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CERTIFICATION

I, Erin Chickery, 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,
and that the foregoing, consisting of 30 pages, is a true and
correct copy of the same and whole thereof.

Erin Chickery

Erin Chickery, Court Reporter

Dated: October 7, 2021