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STATE OF NEW YORK
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

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DOMINIC FRANZA
06632501Q / 92A3659
FISHKILL CORRECTIONAL FACILITY
P.O. BOX 1245, PROSPECT STREET
BEACON, NEW YORK 12508

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2 NYS DEPARTMENT OF CORRECTIONS
3 AND COMMUNITY SUPERVISION
4 BOARD OF PAROLE

5 *****

6 Parole Board Interview

7 In the Matter

8 -of-

9 DOMINIC FRANZA

10 DIN #92A3659

11 NYSID #06632501Q

12 *****

13 TYPE OF INTERVIEW: Reappearance

14 HELD AT: Fishkill Correctional Facility
15 Video-conferenced to
16 20 Manchester Road
Poughkeesie, New York

17 DATE: April 19, 2023
18 DECISION DATE: April 19, 2023

19 BEFORE: COMMISSIONER O. CRUSE
20 COMMISSIONER E. BERLINER
COMMISSIONER E. SEGARRA

21 AT FACILITY: SORC Menichiello, OA Wilbur
22 ORC Owens, ORC John

23
24 VERBATIM REPORTER: Lori Ciofalo
25

Dominic Franza DIN #92A3659 NYSID #06632501Q

1 COMM. SEGARRA: Good morning.

2 INCARCERATED INDIVIDUAL: Good morning.

3 COMM. SEGARRA: What's your name?

4 INCARCERATED INDIVIDUAL: My name is

5 Dominic Franza.

6 COMM. SEGARRA: Mr. Franza, I am

7 Commissioner Segarra, and I am joined this morning

8 with Commissioner Cruse --

9 COMM. CRUSE: Good morning.

10 INCARCERATED INDIVIDUAL: Good morning.

11 COMM. SEGARRA: -- and Commissioner

12 Berliner.

13 COMM. BERLINER: Good morning.

14 INCARCERATED INDIVIDUAL: Good morning.

15 How are you?

16 COMM. BERLINER: Good, thank you.

17 INTERVIEW BY COMMISSIONER SEGARRA:

18 Q. We are here for your reappearance interview.

19 How long have you been confined, now?

20 A. Thirty-two years and two months.

21 Q. How old were you when you committed this crime?

22 How old were you in 1990?

23 A. I was thirty-three-years old.

24 Q. And today?

25 A. Today, I'm sixty-five.

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1 Q. The records indicate that you have been
2 convicted of several crimes, by way of verdict. We
3 do have a court reporter here, who will transcribe
4 today's interview into a transcript that can be made
5 available at another legal proceeding. Okay?

6 A. Yes.

7 Q. Do you have any pending appeals?

8 A. No, no more as far as the conviction, but I
9 have other matters, but they're not germane to the
10 instant crime.

11 Q. Okay. So, I'm going to read in the convictions
12 and a description of the offense and you can give us
13 your version of what happened, if you want to talk
14 about it, and if you don't want to talk about it,
15 then we will move on to your institutional adjustment
16 and your release plans. We do have your packet here,
17 your 2023 packet. Okay?

18 A. Thank you for telling me that.

19 Q. Of course. It states here that you have been
20 convicted of three counts of Attempted Murder Second,
21 Class B felonies out of New York County; and Criminal
22 Possession of a Weapon First, Class B felony,
23 sentenced to three to nine, and it's running
24 consecutive to one of the Attempted Murder Second
25 counts.

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1 A. That is correct.

2 Q. It states here that on July 17th of 1990, you
3 had a gunman pose as a florist deliveryman, shoot
4 your wife and mother-in-law in the face and body,
5 causing severe and life-threatening injuries. In
6 addition, you proceeded to send two threatening
7 letters to the victims in an attempt to deflect blame
8 from yourself. You also sent an explosive device to
9 Puerto Rico, with the intent to injure the victim's
10 grandmother, who resided there. This was done in
11 retaliation, because your wife left you and moved in
12 with her mother.

13 So, for clarity purposes, just in case you
14 reference them by name, could you tell us what was
15 your wife's name?

16 A. Myra Mendez Franza.

17 Q. And her mother's name?

18 A. Josephine Mendez.

19 Q. And then the grandmother's name?

20 A. Rosa Lamboy, L A M B O Y.

21 Q. Thank you for that. And how long were you
22 married?

23 A. Three-and-a-half years. The divorce came final
24 a couple of years after my incarceration. So, as far
25 as total, I'd say about four-and-a-half.

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1 Q. Time together.

2 A. Three-and-a-half.

3 Q. Any children in the three-and-a-half years?

4 A. No.

5 Q. At that time you told me you were thirty-three.
6 How old was your wife, then?

7 A. Well, she's seven-years younger than me. She
8 was twenty-seven, I believe.

9 Q. There's a couple of different instances here,
10 and I want you to tell me about them. Tell me about
11 the gunman issue, if you choose to. Again, we'll
12 move on to your rehabilitation.

13 A. Okay.

14 Q. And there's the letter you sent to them, and it
15 says about the explosive sent to Puerto Rico. So,
16 we'll hear your version of it and if I have any
17 questions, I might interject. Okay?

18 A. Fine. Before I go into my rendition of what
19 happened, I don't know if you're aware of my full
20 pardon application that I just had served on the
21 governor.

22 Q. Hold on. I want you to give me what's
23 relevant, that's not relevant to me, today.

24 A. Okay, fine.

25 Q. Remember, you're sitting here because you want

1 this Board to consider your release. We want the
2 information from you to consider a release, and that
3 is not information that helps us consider a release
4 for you. Okay?

5 A. I understand.

6 Q. All right, so go ahead.

7 A. The things that happened was in June of 1990,
8 my brother-in-law received a threatening phone call,
9 somebody threatened to kill his wife, and his family,
10 for whatever reason. He reported it to the police.

11 After he reported it to the police, a month
12 later after that, on July 16th, two men went to my
13 mother-in-law Josephine Mendez's apartment looking
14 for him. They were police officers, they had badges.

15 They went over there, but she did not open the
16 door for them. She lived on the first floor of the
17 apartment, so she saw them leaving the building. She
18 gave the description, it was two men.

19 The following day, at the exact same time as
20 the day before, the exact same time, which was 7
21 o'clock, my mother-in-law saw a flower deliveryman
22 outside. Fifteen minutes after she saw the flower
23 deliveryman, there was somebody at the door who
24 knocked and said flowers. Her thinking that it was
25 the flower deliveryman that she saw, who was all

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1 dressed in white, she opened the door. When she
2 opened the door these two men, that were there the
3 day before, entered the apartment, they pushed her
4 into the apartment and shot her. The men then
5 proceeded to the rear of the apartment and shot my
6 wife, once. So, it was not the flower deliveryman
7 that shot her, it was the same two men, who had
8 badges from the day before.

9 The proof of that was, the day before, one of
10 the men, as my mother-in-law described, he had a
11 knapsack. These two men, one of them was seen by a
12 witness, in the street, entering the building, and he
13 had a knapsack.

14 After hearing the shots in the apartment --
15 because it was on the first floor, and he was across
16 the street, and he heard three loud bangs. The
17 neighbor downstairs also heard the gunshots.

18 After hearing the shots in the apartment,
19 fifteen seconds after the shots were heard, about
20 fifteen seconds, according to the witness in the
21 street, when he heard the shots, two men came running
22 out of the building, running side by side at full
23 speed, having a canvas bag.

24 So, it was not the floral deliveryman that shot
25 them, it was not. It was two people, and whether

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1 they were police officers or not, they identified and
2 they showed badges, and those were the same two
3 individuals that were looking for my brother-in-law.

4 Q. You weren't there, so how did you get this
5 information? Was it from the victim, herself, or was
6 it information that was stated during the trial? How
7 did you get this information?

8 A. I got this information because I had my
9 parents, may they rest in peace, go to my private
10 attorney and get hold of what they call the discovery
11 materials, that the prosecutor had to turn over to
12 defense counsel. When I was in Elmira Correctional
13 Facility, I went over all the documentation and I
14 found a plethora of NYPD reports, and that's where I
15 got all my evidence from, the crime scene photos, the
16 original ones.

17 Q. Okay. So, you weren't there and this is
18 something that she provided statements and you got
19 copies of the statements; did I sum it up?

20 A. There was all kinds of documentation, all
21 kinds.

22 Q. So, that's the story you got from reading these
23 documents?

24 A. Exactly.

25 Q. Was that what was said at the trial?

1 A. No, absolutely not. What they testified to at
2 trial was the floral deliveryman, all dressed in
3 white, is the one that perpetrated the shooting,
4 when, in fact, it was not.

5 Q. It was not, because the documents that she
6 provided also said it was someone she had seen
7 before, that she thought were police officers,
8 because they had badges.

9 A. All the police documentation, all the files,
10 the investigative reports from the NYPD, all proves
11 this.

12 And may I add something for clarity purposes,
13 as far as all the police department documentation
14 that memorialized the shooting? What happened was
15 when I filed my federal writ of Habeas Corpus --

16 Q. Hold on, that's not relevant. I still didn't
17 hear your part in saying I did not do this.
18 Remember, we're talking about the crime, if you want
19 to, but I'm not getting into the legal beagle of
20 this. I want to know your role, your behavior, your
21 rehabilitation, your release plan, if you want to
22 stay focused with me.

23 A. Absolutely.

24 Q. So, it says here you had someone who posed as a
25 deliveryman. Did you or did you not? That's a yes

1 or no answer.

2 A. I did not have anything to do with this, no.

3 Q. Thank you. Do you know who did?

4 A. No, I don't.

5 Q. Okay. How do you feel about it?

6 A. I feel horrible about it. I feel very
7 disgusted about it, because the person that did this
8 hurt someone that I loved very much. Also, the
9 result is it affected everybody. It affected me, it
10 affected my family, it affected her family. This is
11 not something that should be taken lightly.

12 Q. Absolutely, I agree with you right there. Do
13 you know who may have wanted to do this or why?

14 A. No, I don't, and that is a very good question.

15 Q. Thank you for that.

16 A. The reason why is because for the last
17 thirty-two years, litigation and spending all kinds
18 of money, and studying the law, I've been trying to
19 get into a court of law to get that very question
20 answered.

21 Q. The record says here that you were retaliating
22 and you're saying today that you were not
23 retaliating; is that what you're saying to me?

24 A. I had nothing to do with this crime.

25 Q. Okay, that's fine. Now, it says here, moving

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1 forward to the next incident here, you proceeded to
2 send two threatening letters to the victims, in an
3 attempt to deflect the blame from yourself; yes or
4 no?

5 A. I absolutely did not.

6 Q. How were the letters sent? I'm just asking.
7 It's a simple question. Don't break it down too much
8 for me.

9 A. The letters were sent by regular First Class
10 Mail.

11 Q. What's the handwriting on the letters, was it
12 yours?

13 A. No, it wasn't mine, it was typewritten.

14 Q. Did ever figure out who did it?

15 A. No.

16 Q. But you know that this was by way of verdict,
17 right?

18 A. Yes.

19 Q. I'm sure a lot of evidence was presented.

20 A. No, no evidence was presented. The evidence
21 that I had, that I explained to you, was never
22 entered at trial. My trial attorney had this
23 documentation and never presented it, so the jury was
24 unaware of it.

25 Q. That's fine, but my point is there was evidence

1 presented at trial, forget about the discovery, there
2 was evidence presented at trial, because that's what
3 got you the verdict here. The evidence presented at
4 trial obviously indicated that you did this.

5 So, we're going to move to the next one. You
6 also sent an explosive device to Puerto Rico, with
7 the intent to injure the victim's grandmother, and
8 you said her name was Rosa Lamboy. Did you do that?

9 A. No, I did not.

10 Q. Do you know who did that?

11 A. I have no idea who did that.

12 Q. From July 17th, when the gunman shot at your
13 wife and your mother-in-law, how soon after that was
14 the explosive device sent to Puerto Rico?

15 A. The shooting happened in July -- uh, seven
16 months.

17 Q. So, now, you got me counting. Just give me the
18 month. What month was it?

19 A. February.

20 Q. February of 1991?

21 A. '91, yes.

22 Q. And that was not you, despite you got convicted
23 of it, right?

24 A. Right.

25 Q. No handwriting, nothing to prove -- I mean,

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1 something proved that you did it, but, according to
2 you, nothing to prove that you did it.

3 A. The evidence that was presented at trial
4 pertaining to the shooting, as well as the bombing
5 incident, was a recreation of the crime scene at the
6 shooting, which the documents, the NYPD documents,
7 themselves, proved, as well as the crime scene photos
8 proved.

9 As far as the bombing incident is concerned,
10 the main crux of evidence that was used against me
11 was handwriting evidence.

12 Q. I mentioned that.

13 A. It was handwriting evidence, which was by a
14 Detective John Breslin, the one who made the
15 identification. He made the identification of the
16 stamps that were on the envelope. He made the
17 identification of three handwriting scenarios that
18 connected me to the crime.

19 In reality, all of these documents from the
20 district attorney's office showed that they withheld
21 this stuff from the jury. The prosecutor was
22 presenting a case that had no merit. What they did
23 was they presented false evidence and testimony,
24 first degree perjury was committed.

25 Q. Hold on. You're going too far out. Stay with

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1 me, here. You want me to follow you, you've got to
2 stay with me, here. Okay?

3 A. Okay.

4 Q. You told me it was typed and now you're telling
5 me there was handwriting.

6 COMM. SEGARRA: Hold on a minute. We lost
7 the video here.

8 (Off the record.)

9 CONTINUED BY COMMISSIONER SEGARRA:

10 Q. Mr. Franza, we apologize for the delay and the
11 technical issues. Thank you for your patience.

12 I was able to ask the court reporter where we
13 left off, and we were talking about the fact that you
14 had made mention that some of the evidence indicated
15 that it was the handwriting that may have contributed
16 to the verdict, but earlier today you told us it was
17 typed. So, was it typed or not typed?

18 A. The letter inside the envelope was typed. The
19 envelope, itself, was handwritten.

20 Q. Did they find that your handwriting matched?

21 A. No, Detective Breslin said that he could not
22 make any definitive conclusions that my handwriting
23 was matching.

24 Q. Okay, that's good to know. Now, the
25 information I'm asking you for is not what was found

1 in the discovery, again, I'm talking about what
2 happened at trial. I'm trying to gather that
3 information. At the trial they said it did not
4 match?

5 A. No.

6 Q. Okay, that's fine, we can move on from there.

7 Your mother-in-law, and your wife's
8 grandmother, and your wife, I'm sure were pretty
9 traumatized at this experience, by this incident, by
10 this criminal behavior. Despite you saying it wasn't
11 you, it was something that they experienced. Do you
12 have anything to say regarding that?

13 A. As far as my wife's grandmother, the woman was
14 deceased for many, many, months before the explosive
15 was sent. This was a fact that I was aware of.

16 Q. So, the person who this was sent to, they
17 received it?

18 A. Yes, they did.

19 Q. So, that person, let's forget that it was a
20 grandmother, that person -- again, don't deflect from
21 the question, itself. These people, who are victims
22 in these offenses here, how do you feel about what
23 they have experienced?

24 A. How do I feel about what they have experienced?
25 Well, I would've been shocked, I would've been

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1 scared. I don't like the person who did this, and I
2 wish we knew who it was, because I would let the
3 authorities know in a lickety-split second. It was
4 horrendous.

5 Q. So, letting the crime, itself, go, let's go on
6 into your rehabilitation; how is that?

7 A. Whatever you would like.

8 Q. The records indicate that this is your only
9 arrest, right?

10 A. Correct, felony arrest.

11 Q. We don't have a criminal history here to
12 discuss. But you had misdemeanor arrests?

13 A. I had two misdemeanor arrests.

14 Q. Where was that?

15 A. In Colorado Springs, Colorado.

16 Q. Actually, it was dismissed, though.

17 A. Yes, it was, they both were.

18 Q. So, I do have that information. I apologize
19 that I didn't bring it up; because it was dismissed,
20 I said, okay, it was dismissed.

21 A. I just want to be honest with you, that's why I
22 brought it up.

23 Q. And thank you for that, you're right.

24 Institutional adjustment, six misbehavior
25 reports that are Tier IIs, four misbehavior reports

1 that are Tier IIIs; is that right?

2 A. It sounds about right, there were a couple.

3 Q. I have ten.

4 A. Okay.

5 Q. The last one was in 2011, March of 2011. You
6 haven't had anymore misbehavior reports since then.
7 I don't think we have to go through them. They were
8 some time ago, in '97, with the fighting and whatnot.
9 You haven't had any since 2011, that's to your
10 credit. Okay?

11 A. Thank you.

12 Q. You've completed the ASAT program and the ART
13 program; is that correct?

14 A. Yes, it is, ma'am.

15 Q. And you currently work as an administrative
16 clerk?

17 A. I'm an IGRC inmate grievance resolution
18 committee representative, voted in by the inmate
19 population to represent them.

20 Q. Does that translate to administrative clerk or
21 not?

22 A. No, it's a rep position, but they have me
23 listed as an administrative clerk.

24 Q. Okay, thank you for breaking it down for me.

25 I also have an institutional pass, that they

1 only give to inmate representatives, where I can go
2 around and talk to people.

3 Q. That's great. The incarcerated individuals
4 voted you in, so that means they must really like you
5 and the work you do, right?

6 A. Yes, some hate me, and some love me, but, you
7 know, you can't win them all.

8 Q. That's fine. Your medical seems okay. How is
9 your mental health?

10 A. Oh, perfect, I have no problems.

11 Q. Do you think -- I often wonder this question.
12 Should a person, who has been incarcerated for
13 thirty-two years, should they have a check-in system
14 with mental health? Because that's a lot to process,
15 that's a lot that has gone on in your life. Do you
16 ever think that you may want to talk to somebody,
17 maybe, when you get out?

18 A. Well, if the need arises then I would. Right
19 now, I have family, I have a very good woman waiting
20 for me, to go home to. Rosemarie Gonzalez, I've
21 known her for forty-one years, and she's been with me
22 for thirty-eight out of forty-one years.

23 Q. What do you mean, with you? This crime was
24 thirty-two years ago, right?

25 A. Yes.

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1 Q. So, she's been around for thirty-eight years,
2 was she like a side girlfriend?

3 A. No, no, no. I met her in 1982, and we lived
4 together for two-and-a-half years, and then we broke
5 up, and then I met my wife Myra Franza, Myra Mendez,
6 at the time, and we got married.

7 After this incident happened and everything,
8 Rosemarie came back into my life, and she has been
9 with me, ever since.

10 Q. Good for you.

11 A. Thank you.

12 Q. It's a great support.

13 A. Thank you.

14 Q. So, you said your health was okay? I read
15 somewhere you may have had a mini stroke.

16 A. Yes, I did. It was a mini stroke and that was
17 in the end of November, the latter part. I had all
18 the MRI testing done. They took me out, immediately.
19 All the tests came back negative. I saw a
20 neurologist. Thank God, it subsided, and I'm all
21 right, today, thank God.

22 Q. Good for you.

23 A. Thank you.

24 Q. Your COMPAS Risk and Needs Assessment presents
25 you as a low risk to re-offend. It actually scores

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1 your risk of felony violence, risk of arrest and risk
2 to abscond all as low; including your criminal
3 involvement, history of violence and prison
4 misconduct, also as low. It's unlikely that you're
5 going to have any needs in the community for like
6 re-entry substance abuse, anger management, it
7 doesn't reflect that in the COMPAS.

8 Is there any type of treatment you feel you may
9 want to take part of? I know that you said mental
10 health, only if needed. Is there anything in
11 particular that you feel you may want to seek
12 assistance from a program for?

13 A. As of right now, I really can't think of
14 anything, I don't see a need. I'm pretty well
15 rounded. I have a good support system. As far as
16 anything else, should I be granted parole, I'll be
17 guided by a parole officer, to what he feels that I
18 need and, of course, I will take whatever he decides.

19 Q. Just so you know, the majority of the parole
20 officers in the community are women, so it may not be
21 a he. Okay?

22 A. Okay.

23 Q. So, will you feel the same way?

24 A. It makes no difference.

25 Q. You should've said he or she.

1 A. Okay, force of habit.

2 Q. Again, you haven't been out in the community in
3 thirty-two years or on parole, ever, but I can tell
4 you the majority are women.

5 A. Okay.

6 Q. Your Case Plan goals seem extensive, but it
7 seems that you have accomplished just about all of
8 your goals here. Most of them are related to your
9 legal matters, and if you're working on that that's
10 great. To develop a plan for employment, which is
11 something that we can talk about. What's the goal?

12 A. Well, my goal is to go back to my union. There
13 have been connections made for my re-entry back into
14 the union, as a new member. I also have, from my
15 2022 parole packet, letters showing that they want me
16 to contact the union, when I go back out.

17 As you see, I'm a Local Union #3, Class A
18 Construction Journeyman. I'm going to go back into
19 the field. I have an electrical contractor that's
20 willing to hire me, and I'll be making very good
21 money.

22 Q. You say as a new member, meaning that no one
23 was paying your union dues all these thirty-two
24 years, so you couldn't go back out and be an active
25 member.

1 A. As a new member, everything would go back to
2 normal. I have not paid my dues. The only setback
3 is, when you start paying your dues for six months,
4 any monies that you have that are vested in the
5 International Brotherhood of Electrical Workers, in
6 Washington D.C., any money that was deposited there
7 from funds that have to paid by the contractor, on my
8 behalf, I automatically lose that and my death
9 benefits, I automatically lose those things, but when
10 I come back in everything gets reinstituted as a new
11 member.

12 Q. How long did you work for them?

13 A. I worked for them for eleven years.

14 Q. Good for you. The plan is to live with your
15 brother, though? How come your brother and your
16 nephew?

17 A. They have a nice house in the Bronx, or I can
18 live with Rosemarie. She's waiting for me to come
19 home.

20 Q. Rosemarie, where?

21 A. In Manhattan, Spanish Harlem.

22 Q. Tell me why you picked your brother, first, I'm
23 just curious.

24 A. Well, I was advised to pick a family member
25 over somebody else that's not family, so to speak,

1 regardless of the relationship, so I went on their
2 advise.

3 Q. Also, I guess there would be -- do you think
4 there might be some scrutiny here, because the matter
5 was a domestic matter? Now, before you get into a
6 relationship or you live with someone, you probably
7 need pre-approval from the parole officer.

8 A. Yes, I will need pre-approval and that's
9 something that I will seek.

10 Q. Right, absolutely. So, I think putting your
11 brother in was definitely a better choice, and he's
12 very supportive of you.

13 A. Yes, he is.

14 Q. So, you did a pretty extensive addendum to your
15 parole packet here, 2023.

16 A. Yes.

17 Q. In addition to the other packets, because we
18 have multiple packets over the years; is that right?

19 A. Yes, that is the addendum to the 2022.

20 Q. Okay. So, this photo of you, who took that
21 photo?

22 A. The one that's in the website, yes, that was
23 done here. We have a click click program, and I'm
24 able to take pictures.

25 Q. You didn't answer my question. Who took it?

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1 A. Oh, some inmate, who does the program.

2 Q. So, you know, you have been incarcerated for
3 thirty-two years, and we've been told, we don't use
4 the word inmate, anymore, we use incarcerated
5 persons, and you are a representative for them, so I
6 think you may want to start using the right term, as
7 well. Okay?

8 A. Yes.

9 Q. Incarcerated individual. So, this packet
10 appears to have a lot about your appeal, your
11 previous motion, your application, the concessions.
12 Now, is this part of what we're going to use to
13 decide to release you? I don't think so. What we
14 are going to use is your programs, your
15 rehabilitation, and your plans for release. Okay?

16 A. Yes.

17 Q. So, how much weight do you want us to put on
18 this?

19 A. As far as weight is concerned, I would think
20 that it should be a part of your consideration.

21 Q. Your legal affairs are really not -- I mean,
22 I'm glad you are taking a proactive stance in your
23 release and whatnot, or should I say the changes in
24 your conviction, but we want you to have a more
25 proactive stance in your release. Okay?

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1 A. Okay.

2 Q. The legal part, I'm glad that you know how to
3 do this and you're doing it, and I get it, but the
4 bigger weight is have you been rehabilitated.

5 Just so you know, we do request any official
6 letters from the judge, the district attorney, and
7 the defense attorney, and what we look for is any
8 statements or recommendations that they may have to
9 the Board, as to whether or not we should or should
10 not release you. We did get something from the
11 district attorney's office. The sentencing judge and
12 the defense attorney did not provide us with any
13 official letters.

14 We also have the Sentencing Minutes, which
15 there was a lot in there. I'm sure you read them,
16 thoroughly.

17 COMM. SEGARRA: I want to pause and give
18 my colleagues the opportunity to ask any questions
19 that they may have.

20 Commissioner Cruse, do you have any
21 questions?

22 COMM. CRUSE: Yes.

23 BY COMMISSIONER CRUSE:

24 Q. How you doing?

25 A. How are you?

1 Q. I'm doing good, thank you. I have been
2 listening to your interview with Commissioner
3 Segarra. Thank you for your participation and your
4 patience, as she has already said to you.

5 A lot of times in the interview Commissioner
6 Segarra asked you some questions of which you didn't
7 immediately answer; you recognize that, right?

8 A. Well, I'd like to know which ones in
9 particular, so I could --

10 Q. You can reread the transcript when you get it,
11 but I assure you that she frequently had to say
12 that's not what I asked you, and then you would go on
13 and eventually get to it, particularly if the answer
14 to the questions were yes or no, simply yes or no.

15 Additionally, throughout the interview -- and
16 you didn't answer my question, either. I asked you,
17 did you notice that. Did you notice that?

18 A. No. I feel that I answered the questions,
19 maybe not the way she wanted, but I answered when she
20 clarified.

21 Q. So, you're saying what I'm saying, you
22 eventually answered. She also had to redirect you a
23 number of times, because you wanted to input or add
24 what you are currently doing from a legal standpoint,
25 given your findings about your case. Multiple times

1 she said to you, that's not pertinent to what we're
2 doing here, we're talking about the possibility of
3 your release given your adjustment plans, and so
4 forth, she did that a number of times throughout the
5 interview. Do you remember that? Do you or do you
6 not remember that?

7 A. Yes.

8 Q. So, my question, then, since you remember it,
9 which is great, why do you seem to answer questions
10 in that way, when she is extraordinarily clear, in my
11 opinion, and the questions are very clear and
12 pertinent to what we have to do as commissioners, in
13 talking to you?

14 Why do you seem to sort of deflect -- and that
15 was the word she used -- deflect to something else
16 that you want to talk about regarding your legal
17 processes, as opposed to answering her questions
18 directly? Why do you do that?

19 A. Well, it's not anything that is intentional.
20 When I heard the question, I kind of figured that's
21 more or less the answer she was seeking, and for the
22 clarification I refined it to her liking.

23 Q. So, you're not consciously doing that; is that
24 what you're implying?

25 A. I'm not consciously doing it, not intentionally

1 or anything like that.

2 Q. Do you remember when Commissioner Segarra asked
3 you about the handwriting on the mailed document to
4 Puerto Rico? Do you remember when she asked you
5 about that?

6 A. You mean the letter?

7 Q. I'm sorry, the letter. She asked you about the
8 writing on it. Do you remember responding to her,
9 saying it was typed?

10 A. I told her the letter inside was typed.

11 Q. That was at a further clarification down the
12 road, but initially you led the Panel to believe that
13 the letter in its entirety was typed, because you
14 were trying to support the fact that there was no
15 evidence that your handwriting was there, so you said
16 it was typed. Do you remember that?

17 A. I don't know about misleading. I don't believe
18 it was misleading. She asked me about the letter,
19 and I took that to mean the content within the
20 letter. I mentioned there was handwriting. I
21 clarified the letter was typed, but the actual
22 writing on the envelope was handwritten. I wanted to
23 make sure there was a distinction made, that way
24 everybody knew exactly what it was.

25 Q. Well, that clarification came a little further

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1 down the interview, so thank you for that
2 clarification. Your clarification gave us the
3 information that there was handwriting on the
4 envelope and that the letter was typed; is that
5 correct?

6 A. That is a hundred percent correct.

7 Q. You also said that the handwriting on the
8 envelope was not identified as being yours; is that
9 what you said?

10 A. That's a hundred percent correct.

11 COMM. CRUSE: I have nothing further.

12 COMM. SEGARRA: Thank you, Commissioner
13 Cruse. Commissioner Berliner, do you have any
14 questions?

15 COMM. BERLINER: It has been a fascinating
16 interview, I have no additional questions. Thank
17 you.

18 COMM. SEGARRA: Thank you, Commissioner
19 Berliner.

20 CONTINUED BY COMMISSIONER SEGARRA:

21 Q. Looking at your packet, I'm looking at the 2022
22 packet and seeing all your certificates, they're
23 numerous, to include you have an Associate's Degree.

24 A. Yes, I do.

25 Q. What was your greatest accomplishment being

1 confined, in your personal opinion?

2 A. One of my greatest accomplishments is basically
3 working in maintenance and utilizing my skills,
4 fixing up a lot of the electrical apparatuses in the
5 correctional facility. It gave me pride to continue
6 what I was doing.

7 The second thing is the opportunity to
8 represent the incarcerated individuals in the
9 grievance program. It's a very big responsibility.
10 If you don't have patience for the job, if you don't
11 patience, don't take it.

12 Q. That's good that you're proud. Can I use that
13 word? Is that a word you can use, too, you're proud?

14 A. Yes, I'm proud.

15 Q. Good for you. This addendum, is this the last
16 one? Is it an addendum to the 2023 packet or to the
17 2022? Because I don't find more current letters of
18 support here.

19 A. No, I left everything as is.

20 Q. What's the most recent letter from Rosemarie
21 Gonzalez?

22 A. The one that's in the packet is the most
23 recent. It didn't need any updating, because the
24 statuses have not changed.

25 Q. But we don't know that, and we would know that

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1 more clearly if we had a letter. I believe her
2 letter was dated 2020. Let me double check. When
3 was her last letter?

4 A. Uh, 2018 maybe, '19 maybe.

5 Q. I thought it was a little later than that. I'm
6 looking. '19, and it was to the Chairwoman, at the
7 time. Is that right, March 18th, 2019 was the last
8 time she wrote?

9 A. Yes.

10 Q. How do we know she still exists today? How do
11 we know she is still a support system for you out
12 there?

13 A. Well, if you look at my phone records, and if
14 you look at the money I get -- I call her, every day.
15 DOCCS has all of those records. I call her, every
16 day.

17 Q. Your phone log, just so you know, is not
18 something we're looking at right now. I'm looking at
19 your preparation, in your packets, for release and
20 that letter is kind of old. I don't know where she
21 stands, today, but I'll take your word for it, you're
22 still together, and she still supports you.

23 The letter from your brother, saying he can
24 come live here, I'm going to support him, where is
25 that letter from your brother, and how old is that

1 one?

2 A. It's about the same.

3 Q. And the stuff from the union, as well, it's
4 from 2019. I'm glad you're taking a proactive stance
5 in your release, but I think you're taking more of a
6 proactive stance in changing your conviction, than
7 you are in your release packet, just so you know that
8 I noticed that.

9 A. If I may?

10 Q. Please.

11 A. In the letter from the union, the union
12 president made reference for me to contact the
13 business manager, James Baker. I did contact James
14 Baker, who told me, upon my release, to immediately
15 contact him, so he can set up an appointment.

16 Q. Don't get me wrong, I just mentioned that I see
17 it here from 2019, but he could be dead for all I
18 know. The company could no longer exist, for all I
19 know. He could have changed his mind, for all I
20 know. I get it.

21 That's the only reason I'm saying, hey, '20,
22 '21, '22, '23, I have to count on my fingers four
23 years, things change in four years. I wasn't in this
24 job four years ago.

25 My point to you is it's not as current as I

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1 thought, compared to your proactive stance with your
2 legal, but it's okay.

3 Is there anything you feel that we did not
4 cover, that's relevant to the Parole Board making a
5 decision regarding your release? Nothing to do with
6 the conviction, or changing it, or overturning it, or
7 appealing it, that's not what we're looking at.

8 A. As far as anything, I would say, obviously,
9 there's always a lot of stuff.

10 Q. There's a lot of stuff that I left out?

11 A. No, no, not that you left out. There's a lot
12 of stuff that would keep us here, for like days upon
13 days to go over.

14 Q. I don't think so. I disagree with that. We
15 have gone over your institutional adjustment. If you
16 want us to go over every single ticket, and every
17 single program, then we may have days, but not
18 really. And your criminal history is not really one
19 that exists, other than the instant offense, so
20 that's not going to take us days.

21 So, I've got to disagree with that. I know
22 that's your opinion, but I want you to be more
23 factual here. The real deal is I think we have
24 covered a lot. And I apologize if I interrupted your
25 train of thought, but I wanted to bring it more

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1 realistic.

2 A. Well, I am very mindful that you have to
3 respect the conviction, all the Commissioners have
4 to, and I understand that. Even though I'm
5 professing my innocence, from day one to the day I
6 die, you still have to respect the conviction, and
7 I'm very mindful of that.

8 There is one thing, though, that's in my parole
9 packet. Most likely you have seen it, but I would
10 like to talk about it. The simple fact is I notice
11 that you are a trained polygrapher, and that's very,
12 very good, I commend you for that. Obviously, for
13 you to take the initiative of being a polygrapher,
14 that means you kind of believe in the science or else
15 you wouldn't endeavor in that regard.

16 Now, if you look, I'm pretty sure that in your
17 studies --

18 Q. Wait. I don't want you to make this about me.
19 We're on a good course, here. And let me tell you
20 something, you can't toot my horn louder than me.

21 I get what you're saying, irregardless, you
22 didn't know who was going to be sitting here today,
23 and they are not polygraph examiners, so even if I
24 feel one way, this is a deliberation of three people,
25 and I might say I'm looking at the science, and they

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1 might be saying, well, we're looking at these other
2 factors.

3 A. I understand that, but for you, basically, I'm
4 pretty sure that you have or have not, but you may
5 have heard of G. Sadash (ph), who happens to be one
6 of the foremost polygraphers in the country.

7 Mr. G. Sadash personally gave me an interview,
8 which I paid quite a bit of money for, and he found
9 that I answered correctly to the pertinent test
10 questions, revealing that I had absolutely no
11 involvement in the crime, and that's something I
12 wanted to bring up to you, and I did that on my own
13 volition.

14 Q. Thank you. It's in this packet, right here?

15 A. 2022, the big one, yes, it's in number 9, I
16 think.

17 Q. Number 9, okay. Do you also know who started
18 the polygraph, by the way? It was the guy who
19 invented Wonder Woman, they were talking about me all
20 the way back then. But that's a good point, thank
21 you, thank you for that. We have covered a lot.

22 A. Yes, we have.

23 Q. We have a lot to help us make a decision, as
24 well. I want to thank you for coming in today. We
25 have all the information and we are going to

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1 deliberate and notify you of our decision in writing.

2 Okay?

3 A. Can I make my final statement, please?

4 Q. Sure. I thought we did cover that, but go
5 ahead. You're not going to read anything into the
6 record, right?

7 A. Oh, no, it's my own words, but I can't remember
8 everything. So, if I may.

9 First of all, what happened was extremely
10 horrendous. It was something that's very repulsive.
11 The only thing that I am seeking, and obviously I
12 have throughout the years, is for justice to be
13 served, because the person that did these crimes is
14 still out there, and I find it very interesting that
15 as soon as I was arrested they closed the case. Why
16 did they have to do that, when the individuals are
17 still out there in the street?

18 It was very repulsive. It hurt me. It hurt
19 me, a lot. There are many, many, many, victims in
20 this crime. It's goes above and beyond. As far as
21 remorse is concerned, I can't say it better than what
22 my lawyer said, on my behalf, and it's in my
23 sentencing transcript on page 9, and I would like to
24 read it.

25 "On Mr. Franza's behalf, the only remorse that

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1 I can express is that these terrible crimes ever took
2 place, that Ms. Myra Franza and Josephine Mendez, and
3 that the people who were put at risk in Puerto Rico
4 were indeed victims. Mr. Franza's position continues
5 to be that they were not his victims. The remorse he
6 feels is that these things never happened. Mr.
7 Franza maintains his innocence to the degree that the
8 Court can believe that to be mitigating. Beyond
9 that, there is nothing I can say on Mr. Franza's
10 behalf." I adopt those very exact same words.

11 It's just mind boggling to me. I just hope
12 that one day I will be allowed to vindicate myself.
13 I do understand, again, that you have to respect the
14 conviction, but I have a lot going for me. Thank
15 God, everybody has moved on with their lives and,
16 obviously, my wife is well, everybody is well, and I
17 would just like to be given a chance to continue to
18 move on with my life, and that way I can litigate
19 from the streets and do what I have to do.

20 Getting back to the most important thing, what
21 happened has been an extremely emotional thing for
22 everyone, and I just ask that I be given a chance to
23 move on with my life, and go back to work and be a
24 productive member of society. And should I be
25 granted parole, whatever the parole officer decides

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1 for me to do, I will abide by it.

2 COMM. SEGARRA: Okay, that sounds really
3 good. I think that statement is a great place to
4 end. We have to make our deliberation and we will
5 notify you of our decision in writing. Thank you for
6 coming in.

7 INCARCERATED INDIVIDUAL: Okay, thank you
8 very much. Thank you.

9 (Interview concluded.)

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

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DECISION

6

7 Dominic Franza, parole is denied. Hold 15 months.
8 Next appearance 7/2024.

9

10 This Panel reviewed your record and met with you
11 for a parole release interview, because you were
12 convicted of three counts of Attempted Murder Second and
13 one count of Criminal Possession of a Weapon First.

14 The records indicate that you attempted to murder
15 your wife, her mother, and her grandmother. More
16 specifically it is reported that you had a gunman pose
17 as a florist deliveryman and shoot your wife, and her
18 mother, in retaliation for your wife leaving you. It is
19 also reported that you sent an explosive device to your
20 wife's grandmother's residence in Puerto Rico. You
21 continue to deny committing the instant offense.

22 The instant offense is your first conviction with
23 the criminal justice system and first period of New York
24 State incarceration. During this period of
25 incarceration you have completed DOCCS recommended
programs and volunteer to assist others with their

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1 rehabilitation. You expressed your pride in being
2 elected to represent incarcerated individuals with their
3 grievances. You have received some misbehavior reports,
4 but to your credit none since 2011.

5 In considering your release we also reviewed the
6 COMPAS Risk and Needs Assessment, which presents you as
7 a low risk to re-offend and unlikely to have needs for
8 rehabilitative programs upon release.

9 Your Case Plan goals were reviewed and considered.
10 This Panel also considered the Sentencing Minutes and
11 the official letter of opposition from the district
12 attorney's office, which were persuasive in this Panel's
13 determination.

14 Your most current release plan is not current and
15 the Panel is unable to have confidence that your release
16 plans remain valid. The Panel recommends that you use
17 this time to get updated letters of support and
18 assurance. An updated release plan will serve to
19 support your successful reintegration into society.

20 However, this Panel finds that your release, at
21 this time, would be incompatible with the welfare of
22 society.

23 (All Commissioners concur.)
24
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CERTIFICATION

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Lori Ciofalo

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Lori Ciofalo, Court Reporter

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Dated: April 19, 2023

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