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RAPP

Mr. Alberto Rivera, #85A3847  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, New York 10562

October 28, 2016

Hon. Kathleen M. Kiley, Counsel to the Board of Parole  
Department of Correction & Community Supervision  
1220 Washington Ave., Bldg.#2  
Albany, NY 12226

Re: OPEN LETTER CONCERNING THE PROPOSED CHANGES TO THE REGULATIONS:

Dear Ms. Kiley, And Chairwomen Stanford and members of the Board of Parole:

Please accept this letter as my comment pursuant to the State Administrative Procedure Act, in response to the Notice of Purpose Rule Making as published in the New York State Register on September 28, 2016 (I.D.No.: CCS-39-16-00004-P).

Historically the parole board has denied parole to far to many people, as myself. These denials are based on ones past criminal history and instant offense. Something no one can ever change. The primary reasons are that if released at this time I will be a disrespect to the Law etc. Your proposal amendments fall short.

I have appeared before the parole board on seven (7) prior occasions and was denied based on my past criminal history and instant offense. For the parole board members to continue to focus on who I was over three decades ago is asinine. Yes, I agree that I had no right to be involved in a fight that ended with the death of David Rosa. I am sorry and I have admitted my error at trial and sentencing. The judge at sentencing was well aware of my past criminal history and the circumstances surrounding my case. With my back round in hand the judge imposed a sentence of 20 years to life and five to ten years for the drug conviction. Thirty plus years later after completing all required programs and having a good disciplinary record etc. I still sit in prison for something I cannot change or do anything about. There is no time travel. I am sorry for what I did. I changed who I was. I am not 24 years old. I am fifty-nine years old today. I have been diagnosed with Cancer, Hep. C etc.

I understand your concerns for Public Safety. Yet, disregarding the changes many of us have made in transforming our life and can give back to our community. No one knew my past better then the judge at trial and sentencing. Why, continue to resentence me and disregarding who I am today.

If the victims family accepted my sincere apology at sentencing and the judge felt that the maximum sentence wasn't necessary, then why am I still sitting in prison three decades later. close to fourteen years past my minimum sentence? Yes, I agree that changes must be made. The most crucial of them all is the language that is being used today, stating that because of my past, releasing me would be a disrespect to the law? What about the changes I've made in my life. Have they no value or my family who has suffered all these

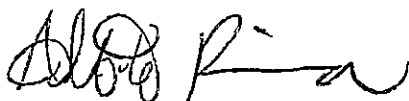
years. The family of David Rosa knew who I was. My case is one of a Rage of Jealousy. I paid for what I did. And I changed who I was. I no longer use drugs or negative language or engage in negative conduct. I reach out to our youth. Even staff has provided me with over a dozen letters of support, as they witness the change I have made in my life and continue to make. I understand your concerns. But, changes have to be made to the language use, in hopes of giving me the opportunity to come home to my family and be able to give back to my community. I am not alone, there are many more like myself that are being disregarded.

In closing, any parole regulations that could bring parole decision-making into the twentieth-first century would necessarily have to include forbidding Commissioners sitting on panels from ritualistically citing the "Nature of the instant offense, past criminal history and most importantly "your release is incompatible ...etc." as a catchall phrase to cover their own personal inclinations to perpetuate a paradigm of punishment. Until we see regulations being purposed which address this issue, and/or we witness the appointment to the Board of Parole Commissioners who follow the intent of the law, the New York State Parole, Clemency, and Compassionate Release system will remain severely broken.

I regret being involved in a fight that end with the lost of life. I am truly sorry for the life that was lost. I will emphasize "that I cannot change my past or bring back the life that was lost. I can only change who I was and help others avoid the life I lived. Thank you for giving me this opportunity to express my concerns and view on this grave issue. Once again, thank you.

"With Best Regards"

Cordially



Alberto Rivera  
Sing Sing Corr. Facility

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