

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In The Matter of

BRIAN T. BRITTON

DIN# 90B0510
[REDACTED]

TYPE OF INTERVIEW:	Reappearance
LOCATION:	Washington Correctional Facility Video-conferenced to: NYS Department of Corrections and Community Supervision 97 Central Avenue Albany, New York
DATE:	November 15th, 2017
DECISION DATE:	November 15th, 2017
BEFORE:	COMMISSIONER CRUSE COMMISSIONER LUDLOW COMMISSIONER SHAPIRO
ALSO PRESENT:	ANDREA BALDWIN, Offender Rehabilitation Coordinator CONSTANCE TORRES, Offender Rehabilitation Coordinator JOSEPH CARROL, Supervising Offender Rehabilitation Coordinator
AT WASHINGTON CF:	JULIE DANIEL, Offender Rehabilitation Coordinator KELLY LECLAIR, Offender Rehabilitation Coordinator
HEARING REPORTER:	ANTHONY C. DIMARTINO, C.S.R.

1 BY COMMISSIONER SHAPIRO:

2 Q Good afternoon, sir.

3 A Good afternoon.

4 Q Can you see me okay?

5 A Yes, ma'am.

6 Q We were a little blurry before. You are Brian Britton; is that correct?

7 A Yes, ma'am.

8 Q Did I pronounce that correctly?

9 A Yes.

10 Q I'm Commissioner Carol Shapiro. I'm joined here by Commissioner Ludlow in the
11 middle and Commissioner Cruse on the other side.

12 COMMISSIONER CRUSE: Good afternoon.

13 COMMISSIONER LUDLOW: How are you, sir?

14 A Good.

15 Q This is a reappearance. You have appeared before the parole board -- this is your fourth
16 time; is that correct?

17 A Yes, ma'am.

18 Q Some of the materials you will be familiar with. This is a new day. It's a new panel. We
19 are here to have a conversation not only about your past, but about what you have
20 accomplished since you have been incarcerated. Okay?

21 A Yes, ma'am.

22 Q You pled to murder in the second and attempted murder in the second and served an
23 aggregate term of 25 to life; is that correct?

24 A Yes.

25 Q That's pretty much the highest that you can get.

- 1 A Yes.
- 2 Q Pretty high sentence. If I'm correct, you have served close to 29 years; is that right?
- 3 A Yes, ma'am.
- 4 Q It's a long time, right?
- 5 A Yeah. Sure is.
- 6 Q So normally we start with the instant offense, but I'm going to start somewhere else. I
7 would like to find out first what you have been up to since your last parole board
8 interview, what kind of programs you have been involved in; education, vocational, what
9 have you been doing.
- 10 A Pretty much I have just been working. I'm at the point where there really are no other
11 programs to be offered to me. I have a college education. All my programs satisfied. So
12 pretty much I have just been working.
- 13 Q What kind of work are you doing?
- 14 A I work inside and lawns and ground.
- 15 Q Okay. Work you like?
- 16 A Yes. I like physical labor.
- 17 Q Well, that's great. What did you do in college? What did you study?
- 18 A Psychology and computers.
- 19 Q Psychology. What did you learn about yourself?
- 20 A Too much. I'm going to have to say, honestly say that I took the psychology courses
21 pretty much to figure out what was wrong with me. I did have aggression issues when I
22 was younger. I would like to think today I don't have those aggression issues no more.
- 23 Q How far did you get in college?
- 24 A All of the way up to my bachelor's degree.
- 25 Q Well, you obviously have made some good use of your time here, correct?

1 A Yes, ma'am.

2 Q So we have here your case plan. One of your goals is to seek positive influences,
3 improve communication with your family. How is that going?

4 A Since my last board I'm going to have say that I made pretty good progress with that. I
5 have been in almost constant contact with several of my cousins.

6 Q That's good. All right.

7 A Unfortunately, due to the length of time I have been incarcerated, I lost a lot of my aunts
8 and uncles. My Aunt [REDACTED] passed away a couple of years ago. My Uncle [REDACTED] is
9 now in the hospital. So pretty much all I have left in New York is my cousins.

10 Q Your aunt and uncle, as far as I see from the file, have maintained positive contact with
11 you; is that correct?

12 A Yes. Yes, ma'am.

13 Q Was that your mother's sister or brother? What was the relationship?

14 A My uncle is my dad's brother and my aunt was his wife.

15 Q Thank you for that. It said that you want to practice honesty with people. What does that
16 mean?

17 A Well, the honesty part comes in with -- my counselor seems -- and I agree with her -- but
18 my counselor feels that I have a problem expressing myself. So that's where the honesty
19 part comes in. A lot of times I hold in the feelings I have. I guess that part of that is the
20 environment. But I have been working towards pretty much speaking my mind. So that's
21 what she was dealing with right there.

22 Q Do you find that kind of more honest interaction with people is more satisfying and you
23 are taking some risks with yourself?

24 A Yeah. I came to jail when I was young.

25 Q How old were you?

1 A I was 16 when I was arrested.

2 Q Okay.

3 A Just this was not the environment where you want to put too much of yourself out there
4 and I kind of grew up in this environment. So over the years you just get used to
5 sectioning off parts of yourself. Compartmentalizing how much you are willing to put out
6 there.

7 Q Well, that's a good self-awareness to have. If you are released, it's a different world out
8 there, isn't it?

9 A Yes, ma'am.

10 Q Well, we are going to back up again and talk a little bit about your instant offense, which
11 is now many, many years ago. Again, I know that you have discussed this many times
12 with many different people, including the judge, some of your family. But what led to the
13 shooting of your parents? Your best guess.

14 A I am going to have to say that after all of the years I have had to contemplate on that, I'm
15 going to have to say that the Ritalin really played a large factor in what caused me to
16 snap. It was -- me and my mother didn't have an argument that morning. We were
17 having an average everyday discussion that we had probably four or five times a week. In
18 January of that year, I stopped taking Ritalin. I had been on Ritalin since I was about five
19 years old.

20 And for the three months prior to my arrest, from the time that I stopped
21 taking the Ritalin, everybody that had daily contact with me was noticing the changes, the
22 rapid mood swings. The fact that I was withdrawn one day. Just little things that they
23 took for, you know, average teenage boy going through a lot of hormone changes. It
24 wasn't -- it was the side affects of the Ritalin.

25 Q Were you aggressive with other people?

1 A Not necessarily with other people. It was more the attitude than anything. It was the rapid
2 mood swings that happened to me one moment, sullen the next.

3 Q But you had a shotgun in your room, as I understand it; is that correct?

4 A Yes.

5 Q It was your father's shotgun.

6 A Yes. The primary gun rack was in my room. Yes.

7 Q Why is that? Isn't that unusual?

8 A Well, my father didn't hunt really that much anymore. Because I did most of the hunting,
9 it was decided to put the gun rack in my room.

10 Q Okay. Obviously, he trusted you, and you knew how to use the gun because you had
11 been hunting deer; is that right?

12 A Yes, ma'am. At the time, I was real young when I was introduced to firearms, so I was
13 intimately familiar with their operation.

14 Q So taking a gun requires some cognition to do. You're taking something off the wall. My
15 question is because you said other people were recognizing mood swings, you know, did
16 you hit them when you got frustrated?

17 A No. It was more like my school teachers that I had. Several of my school teachers I had a
18 very good rapport with. Several of them knew my family. They grew up with them.
19 Went to school with them. One of our best family friends was a man named [REDACTED]
20 [REDACTED]. He drove a bus for me for several years when I was younger. He lived right
21 down the road from us. Just little things really. Little things that would set me off.

22 Q Did any of these people send letters to the judge?

23 A Several of them spoke with the police when I was first arrested.

24 Q Okay.

25 A It's in the original police reports and everything.

1 Q And your shooting of your brother you said was accidental?

2 A Yes.

3 Q So your parents were intentional at some level. If you knew enough that your brother
4 died, his dying was unintentional?

5 A No, I wouldn't say that. I would say that there was probably a five-minute span between
6 the shooting of my sister and the shooting of my little brother. It was during that time that
7 I became aware of what I did. And I got nervous. I didn't see my little brother and when
8 I was looking for him to see where he had went, he came running out of one of the closets
9 and I just spun and I fired on instinct. I had no intention of shooting him.

10 Q So your sister is the only survivor?

11 A Yes, ma'am.

12 Q When you think about remorse, when you think about your immediate family that's no
13 longer here or your sister who was shot twice who is a survivor, what goes through your
14 mind?

15 A Regret. I regretted every action I have taken since the day that I was arrested. This time
16 of the year they are all that I think about. It's not like the newspapers -- they like to
17 sensationalize things. I honestly had no -- there was no negative relationships with my
18 mother, my father, my brother, my sister. We went through average family problems.

19 Q Well, that's not exactly what your PSI report indicates. I know it's quite a while ago, but
20 it seems that you grew up with a fair amount of verbal, if not physical abuse in the
21 household.

22 A We were punished as children.

23 Q Well, there are some broken bones here. I mean it's a long time ago and we don't need to
24 rehash it. But you are presenting it like your family was just an average, loving, caring
25 family for each other. In the presentence investigation, which is the closest time to the

1 actual incident versus 30 years later, it suggests you and your mother were having a series
2 of altercations quite regularly where she said some very mean things to you, and not
3 liking your relationship with your girlfriend which may have precipitated it. But I think
4 I'm seeing -- I'm getting two different pictures and just really wondering if --

5 A Toward the end, I'm going to say probably through February of 1999 until I was arrested,
6 there were a lot more problems. A lot them stemmed over my relationship with my
7 girlfriend and my sister's relationship with her boyfriend. But like I said, a lot of it was
8 sensationalized. People came to --

9 Q Well, this is actually not from newspapers. [REDACTED]
10 [REDACTED]

11 [REDACTED]. It's something we don't really need to go further on. I just want to make
12 note that, you know, there might have been -- the reason that you got so angry at your
13 family might have had some mitigating circumstances. Again, you were a 16 year old
14 child. It's hard to know what was going through your head then. So we can only use this
15 conversation and the materials that we have before us to try and piece that together
16 logically to see if we have to worry if you are out in the community again. That's why we
17 are here. We are here to determine if you could live safely without hurting yourself or
18 anyone else in the community. What assurance could you give us today, if any?

19 A I would say that when I was younger I was naive. I was immature. I was uneducated. I
20 knew the difference between right and wrong. That was 30 years ago. Today, I'm highly
21 educated. I'm mature. I'm 45 years old. I would like to say that I am morally responsible
22 and I know the moral reasons behind right and wrong as opposed to just right and wrong
23 without knowing the reason.

24 Q Okay.

25 A I don't know.

- 1 Q Do you harbor any ill feelings to your surviving sister?
- 2 A No, ma'am. I have attempted several times over the years through intermediaries to
3 contact my sister.
- 4 Q She has not responded, correct?
- 5 A No.
- 6 Q Okay. Well, you have to respect that, right?
- 7 A Yes, ma'am.
- 8 Q She is the living, one of the many living victims. Okay. Let's take a minute and talk
9 about your release plans. I'm sure you have thought about this a lot. You may have
10 talked about it at the last board meeting. If you were released -- I know that your aunt is
11 no longer alive -- where would you live?
- 12 A My primary address would be with [REDACTED] My secondary
13 address, if that's not approved, will be with [REDACTED].
- 14 Q Where do [REDACTED] live, sir?
- 15 A Both of them live in [REDACTED] One of them, [REDACTED] lives in --
- 16 Q I don't need an address. Are you in touch with them? Have they been in contact with you
17 regularly?
- 18 A Yes.
- 19 Q And they have both offered you a place to live?
- 20 A Both of them have indicated that I could use their address, yes.
- 21 Q Use their address or live at their address?
- 22 A Well, yeah. Live at their address by giving their address to the parole board.
- 23 Q Okay. And do they have children or significant others?
- 24 A [REDACTED]
- 25 Q And they feel safe with you living in the household? Are there any weapons in the

1 household?

2 A No. No weapons. No weapons. None of them have been on parole. None of them have
3 an arrest record.

4 Q What would you do for a living? You mentioned that you have been gardening and doing
5 outdoor work while incarcerated. Is that something that you would consider or something
6 else?

7 A I'm going to try and get a job in [REDACTED] when I go home.

8 Q Do you have certificates in that or experience?

9 A I have experience in working with my father and uncle. Since I have been incarcerated, I
10 have done a lot of work inside of the facilities.

11 Q It's a good paying job.

12 A It's steady employment.

13 Q Yes, definitely steady employment. What other kind of support services do you think of
14 yourself -- what would be useful to you in transitioning back into a world that is totally
15 automated now compared to 30 years ago?

16 A I have discussed that with my cousin several times. Several of my cousins. And they said
17 I'm going to be a disaster when I go home because I'm so far behind. But I don't even
18 know what is going on out there.

19 Q Do you know that you would be on parole supervision for life? Do you understand that?

20 A Yes, ma'am.

21 Q Do you also understand if you don't comply with conditions, get arrested even for things
22 that may seem silly to you, but are ways for us to make sure that people are safe, would
23 you be able to comply with those conditions?

24 A Yes, ma'am. In here you live under a microscope. I understand that. Out on the streets,
25 back out in society I honestly do believe I would be able to live by parole standards.

1 Q Do you feel like you would maybe need a reentry service, an organization whose job is to
2 help people transition back into life because the pace is like this? It's [REDACTED] so
3 maybe it's a little slower.

4 A I have given that a lot of serious consideration and I'm not too proud to admit that I would
5 need a lot of help to readjust back out there.

6 Q Can you be specific?

7 A Because I was so young when I got locked up, I wouldn't even know how to have the
8 utilities hooked up, get a vehicle. I mean, I'm going to be a disaster.

9 Q Frankly, a lot of 16 year olds are in the same position. Right? You know, in some ways
10 you are just re-entering as an adult, but going through a lot of the stages that a 16 year old
11 teenager would be going through. Learning to drive. Learning to, you know, improve
12 computer skills. Whatever it is. Getting a bank account. Owning a bank account. Don't
13 be too hard on yourself.

14 You were very, very young and we do give you a break for being impulsive
15 and impetuous. We also take into consideration all the factors that we have discussed
16 today.

17 I'm going to ask my colleagues if they have anything further.

18 COMMISSIONER CRUSE: No further questions. Thank you.

19 COMMISSIONER LUDLOW: I have listened very carefully. The
20 interview was thorough and complete. As a result, I have no questions. Thank you.

21 Q So we asked you a lot of questions, Mr. Britton. Is there anything that maybe we didn't
22 touch upon that you feel we should know before we close?

23 A No. I think that I am pretty good.

24 Q Thank you for coming in today. It's going to take us a few days to get our decision to you
25 in writing. We wish you well, sir.

1 A Thank you. I wish you guys a happy holiday season. Thank you.

2 Q You, too. Enjoy.

3 (The inmate was excused.)

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

3 DECISION:

4 12 month hold. Next appearance November, 2018.

5 After a review of the record and interview and deliberation, the panel has
6 determined that, if released at this time, there is a reasonable probability you would not
7 live and remain at liberty without again violating the law and that your release would be
8 incompatible with the welfare of society and that your release would so deprecate the
9 serious nature of the crime as to undermine the law. Parole is denied.

10 The panel notes your exemplary institutional record, all your efforts towards
11 rehabilitation, including vocational work when in prison. The panel also notes the
12 seriousness of your egregious murder of three family members and the wounding of a
13 fourth, as a sixteen year old. The panel considered the low COMPAS risk, as well as
14 sentencing minutes.

15 Use this time to shore up firm release plans and maintain your clean
16 disciplinary record. When considering all relevant factors, your release is incompatible
17 the welfare of society.

18 (Commissioners Ludlow and Cruse concur.)

CERTIFICATION

I, Anthony C. DiMartino, Certified Shorthand Reporter, 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 14 pages, is a true and correct copy of same and the whole thereof.

Anthony C. DiMartino

Anthony C. DiMartino, C.S.R.

Dated: November 19th, 2017