

The first criminal justice issue of the New York gubernatorial campaign came up in the final few weeks -- parole of violent felons. But this isn't the usual substantive discussion of parole, a topic Governor George Pataki mastered long ago. On the contrary, this is about high-level corruption and bribes. Building on analyses by Wayne Barrett and Jesse Goldstein in the [Village Voice](#), Tom Golisano, the Independence candidate for governor, began broadcasting a 30-second advertisement statewide charging the Pataki administration with selling paroles to an armed robber and a major drug kingpin in exchange for campaign contributions. Pataki parole board chairman Brian Travis, who is still on the job, was named as an unindicted co-conspirator by a federal prosecutor.

### **Selling Paroles?**

According to Barrett and Goldstein, Pataki fundraiser and Korean community leader Yung Soo Yoo had approached three families before the 1994 election, saying he could help get their sons, all convicted violent felons, out of prison if they contributed to the Pataki campaign. One man was indeed released on parole two years after his family donated.

Nonetheless, the New York Times concluded that saying Pataki's administration "got caught selling paroles" stretched the truth.

No one was convicted of selling paroles, says the Times, although three State Parole Board officials were convicted of lying to federal investigators and Pataki fund-raiser Yoo was convicted of obstruction of justice. A jury deadlocked on whether he had promised paroles for contributions.

Meanwhile, Patrick Donahue, the finance director of Friends of Pataki, was also named an unindicted co-conspirator for helping bring Yoo into the campaign, collecting contributions from him, and meeting with the families who had been promised early release.

All very distressing stuff, particularly given Pataki's aggressive substantive record on parole. Pataki had pushed a sentencing reform act through the legislature in 1995, eliminating the parole board hearing for repeat violent felons. (Inmates can still apply for a 15 percent reduction in sentence for good behavior.) After a bitter fight with Assembly Democrats, he got the ban on parole extended to first-time violent felons, under what's called Jenna's Law, in August 1998. He has been arguing ever since to abolish parole for all felons, and to implement

## Old Issues Are New Again: Parole, Central Park Jogger Case, Rape

by {ga=jvitullomartin}

Friday, November 01, 2002 12:00 AM - Last Updated Thursday, September 04, 2014 11:39 AM

---

"truth-in-sentencing," by which a judge would mandate a specific number of years to be served rather than a potential range. Truth-in-sentencing would retain minimum sentences while eliminating the false maximum sentences that had once lulled victims into thinking their assailants would be away for a long time.

The old system of indeterminate sentences didn't really have a maximum term, though one was pronounced by the judge. Someone sentenced to, say, 15-25 years, seldom actually served 25 years. Instead, after serving two-thirds of the so-called maximum sentence the prisoner became automatically entitled to parole. This entitlement applied to everyone, including violent felons who had committed terrible crimes. The only exception was for those who behaved very badly in prison, which some of the more vicious inmates did indeed do, thereby imprisoning themselves further. Robert Chambers, for example, who killed Jennifer Levin in Central Park in August 1986, was recently denied parole, as he has been before, because of his drug abuse and violence in prison. He will finish his 5-15-year manslaughter sentence this winter and be released free of any parole supervision -- yet another problem of the old system. Chambers and a few others aside, most prisoners have been released early, well before reaching their maximum terms.

### Seeking More Time

The Central Park jogger case is both 13 years old and brand new, summarized the Times, noting that prosecutors had been granted six more weeks to conclude their investigations of what happened the night of April 19, 1989.

Given the confession (and DNA corroboration) of serial rapist Matias Reyes, attorneys representing the Harlem teenagers who had been convicted of the Central Park jogger assault argued before State Supreme Court Justice Charles Tejada that the convictions should be vacated immediately. Manhattan Assistant District Attorney Peter Casolaro, however, asked for more time to review 15,000 pages of court transcripts, interview people, and follow up leads and information given by Reyes. Judge Tejada set December 5 as the new deadline for the prosecutor's report.

While no one knows for sure what will be in the prosecutor's report, the Times, again displaying its amazing access to the D.A.'s office, says that investigators have so far come up "with almost nothing to back the original findings of guilt and with quite a bit that undermines them." Manhattan D.A. Robert Morgenthau has arranged for additional DNA tests that may yet corroborate the original confessions, but he calls the tests a "long shot."

### Declaring Another Rape

## Old Issues Are New Again: Parole, Central Park Jogger Case, Rape

by {ga=jvitullomartin}

Friday, November 01, 2002 12:00 AM - Last Updated Thursday, September 04, 2014 11:39 AM

---

Adding yet another horrible detail to the case, Matias Reyes told investigators that he had committed a similar rape in Central Park two days earlier, and that he assaulted both women by himself. The earlier rape had never been discussed publicly by either the police department and prosecutors, nor had it been divulged to defense lawyers. After being hospitalized for two days, the victim immediately left New York. No one was ever prosecuted for the rape, and the police department seems to have pretty much shelved any investigation. According to the Times, even the homicide detectives handling the Central Park jogger case did not know about the earlier rape, which had been handled by the Sex Crimes Unit. When Reyes went on to rape and murder a pregnant woman three months later, he carried out the prediction of one defense lawyer during trial that the real attacker was still unknown and would be out committing more rapes and possibly even murder.

The crucial question now is whether Reyes's contention that he acted alone should be believed? Michael Daly of the [Daily News](#) dug out a 1991 report on Reyes by psychologist Dr. N.G. Berrill, who concluded that Reyes engaged in "grandiose fantasies." Reyes "indicated that while he does not believe he possesses magic powers he would like to become a 'superhero one day like Ice Man,'" wrote Berrill, who went on to describe Reyes as an "infantile, impulsive individual ... prone to viewing the world in a peculiar fashion ... marked by 'monsters, blood, dead animals.'" He is "demanding, particularly with his need for respect and attention."

Concluded Daly: "Reyes would later say that he finally revealed his secret because he had found God, but the report shows he had been talking about finding God for at least 11 years. More likely, the 31-year-old Reyes realized that even after all this time, his secret accorded him power to match his fantasies."

### **A New Report From Jogger's Medical Team**

Members of the medical team that first treated the jogger told the [Daily News](#) that her injuries were not consistent with Reyes's account that he acted alone and beat her with a tree limb and a rock. "The wounds that caused the blood loss, the ones that almost killed her, were administered by some sharp-edged weapon of some kind. Not by a blunt object," said one doctor. "A sharp-edged object will not produce the same abraded edges." A second doctor agreed, adding that more than one person was involved: "She had extensive injuries all over her body. There was not a part of her body that wasn't traumatized."

### **Increasing Numbers Of Rapes**

Rape is the only violent crime in New York that has been on the rise this year, according to

## Old Issues Are New Again: Parole, Central Park Jogger Case, Rape

by {ga=jvitullomartin}

Friday, November 01, 2002 12:00 AM - Last Updated Thursday, September 04, 2014 11:39 AM

---

NYPD statistics. It is now up a little more than six percent over last year, with 1,570 rapes reported through October 6, 2002, compared with 1,478 rapes in the same period last year.

This year began with an increase in rape; 261 first-degree rapes were reported from January 1 to March 11, up from 238 in the same period last year. In March the NYPD attributed the increase to a rise in acquaintance rape, which jumped 18 percent. Stranger rape fell eight percent. (Nationally, acquaintance rape tends to be as much as 80 percent of all rapes.) While not yet providing the acquaintance/stranger breakdown for the year-to-date data, the NYPD nonetheless argues that the numbers reflected increased reporting rather than an increase in actual rapes.

They may be right, but some of the hardest-hit precincts are also ones with a history of antagonism with the NYPD. The 43, for example, where Amadou Diallo was killed, had 46 rapes up to October of last year and 58 rapes this year to date. The neighboring 44 had 41 last year and 67 this year. Perhaps more women are reporting rape, but perhaps something else is going on.

Julia Vitullo-Martin, a long-time editor and writer on urban affairs, is the former director of the Citizens Jury Project at the Vera Institute of Justice. She is now writing a book entitled *The Conscience of the American Jury*.