

1 NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION?

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3 PAROLE BOARD INTERVIEW

4 In the Matter of

5 **ANTHONY BOTTOM**

6 DIN NO. 77A4283

7 NYSID NO. 03513727Y

8 \*\*\*\*\*

9 TYPE OF INTERVIEW: Reappear

10 LOCATION: Attica Correctional Facility

11 Video-conferenced to  
12 Buffalo Area Office  
13 460 Main Street  
Buffalo, New York 14202

14 DATE: Tuesday, June 21st, 2016

15 DECISION DATE: Tuesday, June 21st, 2016

17 BEFORE: COMMISSIONER ELLEN ALEXANDER  
18 COMMISSIONER MARC COPPOLA  
COMMISSIONER EDWARD SHARKEY

20 ALSO PRESENT: S. Spink, Acting SORC  
A. Clark, OA2

21 AT FACILITY: S. Zimmerman, ORC  
22 P. Babin, ORC Aide

24 HEARING REPORTER: Carrie A. Fisher

25

1 EXAMINATION BY COMMISSIONER SHARKEY:

2 Q Sir, would you state your name for the record, please?

3 A Anthony bottom, 77A4283.

4 Q Mr. Bottom, I am Commissioner Sharkey. I am here today  
5 together with commissioners Alexander and Coppola.

6 COMMISSIONER COPPOLA: Hello, sir.

7 COMMISSIONER ALEXANDER: Good afternoon.

8 THE INMATE: Good afternoon.

9 Q And this is a reappearance for you; is that right?

10 A That's right.

11 Q I have seen you before. I was on your last panel.

12 A I think this is our third consecutive hearing that we  
13 have had.

14 Q Okay. And so it's a new day, a new opportunity for you.  
15 You are serving an aggregate term of 25 to life, and I  
16 apologize for going through this again but that's what  
17 we're here for; am I correct?

18 A That's true.

19 Q You're serving convictions for two counts of murder  
20 second -- or, excuse me, murder convictions by verdict;  
21 is that right?

22 A That's true.

23 Q Okay. Now, the records indicate that in 1971 you were  
24 acting in concert with others shot and killed two police  
25 officers; is that correct?

- 1 A That's what I am convicted of.
- 2 Q Okay. I suppose that I should just indicate to you that  
3 because it's by verdict -- your conviction was by  
4 verdict, convictions, that you -- there is a reporter on  
5 this end of the camera who is taking down everything we  
6 say. It gets put into a bound volume. It becomes a  
7 public document and can be used in proceedings down the  
8 road including appellate proceedings. I assume you're  
9 aware of that.
- 10 A Yes, sir.
- 11 Q Are you appealing these convictions?
- 12 A All appeals have been -- have been done.
- 13 Q Exhausted?
- 14 A Exhausted, that's the word I was looking for. Yes,  
15 exhausted.
- 16 Q All right. So that's what I recited before is what the  
17 allegations are for which you were convicted and do  
18 you -- did you kill one of the police officers?
- 19 A Yes, I did.
- 20 Q Did you shoot him in the back of the head?
- 21 A I don't recall.
- 22 Q Well, let me --
- 23 A I know there was a shooting. According to the court  
24 documents, that's what the examiner -- the court  
25 examiner that's what they indicated.

- 1 Q Okay. So that would indicate that the officer was shot  
2 from behind.
- 3 A According to the court documents, yes, sir.
- 4 Q What do you say?
- 5 A Yes.
- 6 Q Okay. Because according to the presentence  
7 investigation report, you fired four shots at Police  
8 Officer Jones hitting him four times in the back of the  
9 head; is that right?
- 10 A Well, the presentence report is in error.
- 11 Q Okay.
- 12 A In fact, the presentence report has two -- it involves  
13 two things that happened. In one area it says shot four  
14 times in the head, and then another area where it says  
15 mitigating aggravating circumstances it says the wound  
16 was hit in the head, neck, back, and buttocks.
- 17 Q Yeah, I saw that too. I saw that head, neck, back and  
18 buttocks.
- 19 A Yeah, there are problems with the presentence report but  
20 go ahead.
- 21 Q No, okay. Fair enough.
- 22 A I am with you. I am with you.
- 23 Q But he was shot from behind?
- 24 A Yes, sir.
- 25 Q Okay. Now, these officers -- you had no contact with

1 these officers before this, correct?

2 A Did I have any personal contact with them?

3 Q Yes.

4 A Is that your question?

5 Q Yes.

6 A No personal contact.

7 Q Okay. And they had responded to an assistance call and  
8 were returning to their vehicle when they were shot as I  
9 understand it. Is that your understanding?

10 A Yes, sir.

11 Q Okay. So my question then would become why would you  
12 and your codefendants kill two police officers -- well,  
13 shoot two police officers resulting in their deaths when  
14 you had no contact with them? They had done nothing to  
15 you. You had done nothing to them.

16 A Your question is why?

17 Q Why, yeah.

18 A Okay. As had been mentioned before in our two previous  
19 hearings, I explained to you what was going on at that  
20 time that there was a war going on between the law  
21 enforcement and the Black Panther Party during that  
22 period of time. I am sure you're aware of that history.  
23 I do not know whether these officers were part of BOSS  
24 or not, BOSS being the Bureau of Special Services, that  
25 was specifically designated to infiltrate and create

1 provocateur activities against the Black Panther Party  
2 of the New York branches or not, but that was what was  
3 going on at that time.

4 Q Okay. Even if you felt that way, why would you just  
5 shoot two people who were just walking away from you?

6 A As I stated, Commissioner Sharkey, there was a war going  
7 on.

8 Q I got that.

9 A Okay. I referred to you -- I also referred to you --  
10 well, they were also shooting at us. The police officer  
11 was shooting.

12 Q Not these two officers.

13 A No, not these two specifically. Like I said, I don't  
14 know whether they were members of BOSS or not. I don't  
15 know. But, again, there was this war going on. As I  
16 made mention in previous parole hearings specifically to  
17 you about the memorandum that was distributed by J.  
18 Hoover of the FBI. Do you remember that information I  
19 presented to you before?

20 Q I will look at the file and review that, yes.

21 A Well, then let me -- if you don't mind, I have no  
22 problems in presenting some of that to you here in order  
23 to offer you an explanation. Now, when I say  
24 explanation, I want to make sure that you understand  
25 that I am not trying to justify or rationalize these

1 actions. That's not what I am trying to do. You asked  
2 the questions, and I am trying to provide an  
3 explanation. And according to this explanation that I  
4 mentioned about the war that was going on, J. Hoover put  
5 out a memorandum, March 28th, March 28th, 1968, and in  
6 that memorandum he stated and I quote -- March 9th,  
7 1968, he stated, Negro youth and moderates must be made  
8 to understand if they succumb to revolutionary teachings  
9 they will be dead revolutionaries.

10 That in and of itself speaks to the nature of the  
11 conflict that was going on at that time, and it's an  
12 unfortunate history in America.

13 Q Okay, all right.

14 A Now, again, being a 19-year-old young man, youth,  
15 influenced by the Black Panther Party in the history  
16 what was going on at that time in this country I  
17 succumbed. I admit to that, to revolutionary teaching  
18 that J. Hoover said we would be dead revolutionaries.

19 Q Are you still a member of the Blank Panthers?

20 A No, sir. I have not been a member of the Blank Panther  
21 Party since the Black Panther Party defunct in 1975.

22 Q Okay. It looks like you have also some criminal  
23 offenses in California. You have a juvenile record; is  
24 that correct?

25 A I have a juvenile record, yes.

- 1 Q Then you had a burglary in California? You got  
2 probation?
- 3 A Yes.
- 4 Q And then you had an assault with a deadly weapon against  
5 two police officers. You got five to life; is that  
6 right?
- 7 A That's when was I arrested, yes, sir.
- 8 Q Okay. And that involved you acting in concert with  
9 others attempting to kill two -- a number of police  
10 officers with a loaded machine gun. That's what this  
11 says. Is that accurate or not?
- 12 A That's not necessarily -- no, it's not necessarily  
13 accurate.
- 14 Q Okay.
- 15 A What happened was -- do you want me to explain it to  
16 you? We were transporting weapons. We got stopped in a  
17 traffic violation, and my passenger jumped out the car  
18 and began to shoot at the police officer. I was the  
19 driver. I did not shoot at anyone.
- 20 Q Okay. Then the other is a bank robbery in California in  
21 the Federal System you got convicted, correct?
- 22 A That's true.
- 23 Q Okay. And that involved weapons as well, correct?
- 24 A Yes. It was armed robbery.
- 25 Q Okay.



1 A It was armed robbery.

2 Q Okay. Now, that's -- that's not Black Panther activity,  
3 correct?

4 A Yes, it was.

5 Q Okay.

6 A We were exporting funds to get some of our members out  
7 of prison, out of jail.

8 Q All right. How do you feel about that now, your history  
9 of violent conduct in the community?

10 A Violent conduct in the community when I was 19 years of  
11 age, I am now 60 -- going on 65 years of age. I am no  
12 longer a militant. That era in time and history is long  
13 past.

14 Many of the members who were involved in that time  
15 known as the Post-Civil Rights Movement are now home,  
16 have been living free. None since -- as a matter of  
17 fact, there is an FBI report said that since 1977, 1977,  
18 members of Black Panther Party and the Black:  
19 Liberation Army had been released and none have  
20 reengaged in any type of criminal activities since 1977.

21 How I feel about it is, one, I was 19 in 1971. I  
22 was engaged in militant activities of this country. I  
23 have been in prison the last 44 years where most  
24 everyone else has been released.

25 Q We have your sentencing minutes.

- 1 A Yes.
- 2 Q Judge Greenfield?
- 3 A Yes.
- 4 Q You were represented by Donald Tucker and William  
5 Mogulescu?
- 6 A He is now just Mogulescu, yes.
- 7 Q It's M-O-G-U-L-E-S-C-U. I was reviewing those, and I  
8 noted that during your -- well, the judge said to you --  
9 he made some comments to you as soon as I can find them.
- 10 A Yeah, I think he said something about we should spend  
11 the rest of our time listening to our revolutionary  
12 rhetoric or something of that nature.
- 13 Q He noted that you delivered your statements to the court  
14 at sentencing with your backs turned; is that correct?
- 15 A Yes, it was a large political crowd. It was actually a  
16 political trial, yes. Very similar to the Panther 21  
17 case, the Huey P. Newton case, the various other Panther  
18 cases that were going on during that time, Free Angela  
19 Davis Case, all those kind of cases, yes. At that time  
20 that is what was happening. Like I said, it was  
21 tumultuous period in history of America, no doubt about  
22 it.
- 23 Q He indicated that he thought that you came from  
24 California. I will read it to you. You can tell me.  
25 At page 174 he said, he is referring to the officers.

1 They had committed no wrong, real or fanciful against  
2 these defendants. These defendants who came from  
3 California for the purpose of shooting police officers,  
4 Patrolman Jones and Patrolman Piagentini, P-I-A-G-E-N --  
5 A Piagentini.  
6 Q -- T-I-N-I --  
7 A Piagentini.  
8 Q Weren't trying to destroy their political activities in  
9 California. They were doing their job in New York, and  
10 they met their death on a call to help someone. Do you  
11 remember him saying that?  
12 A Vaguely.  
13 Q Okay.  
14 A Remember, it's nearly 45 years ago.  
15 Q No, I understand and I appreciate that. Your statement  
16 to him at sentencing -- well, strike that. It's in the  
17 sentencing minutes which we will review. We have your  
18 risk assessment.  
19 A Yes, I do.  
20 Q It lists all your risks are low except for history of  
21 violence.  
22 A As a matter of fact, Commissioner Sharkey, if you recall  
23 during our last parole hearing that you conducted --  
24 Q I didn't conduct it. Commissioner Smith did.  
25 A Oh, Commissioner Smith did, okay. Very good. I am glad

1 you remember that. As you remember, the decision that  
2 you guys gave me in denying parole, he said specifically  
3 your receipt of Tier III disciplinary violations in  
4 February of 2013 is noted, right?

5 Q Yes.

6 A And you go on to say because of your prison misconduct,  
7 you're scored as high. Then you said at the conclusion  
8 of that hearing with all factors considered, it is  
9 determined that release at this time would deprecate the  
10 seriousness of your instant offense and undermine  
11 respect for the law and you need to improve your  
12 behavior in order to demonstrate your ability to comply  
13 with the rules which were necessary within the  
14 community.

15 I think you would note -- I think you would note  
16 that since then my prison misconduct has been reassessed  
17 from high to low following your instructions from the  
18 last parole hearing. Not only that, but the risk of  
19 felony violence, arrest risk, and abscond risk has each  
20 been lowered from 4 to 1 in compliance with your  
21 instructions in the last parole hearing.

22 Having done so, it's my feeling that my obligation  
23 to the parole board from the last parole hearing it  
24 comes now to a point where I don't know what else I can  
25 possibly do to fulfill any obligation to be granted

- 1 release from parole.
- 2 Q Okay. We have your case plan. It lists your goals that  
3 you hope to achieve while incarcerated. There is a  
4 number of those which we will consider. I see you want  
5 to lose 120 pounds. How is that working out?
- 6 A Absolutely. So far I have lost -- I went from 250 to  
7 238 so I am on my way.
- 8 Q Good, good. We note you haven't had a ticket since  
9 2013.
- 10 A And as you recall that ticket was for two stamps,  
11 remember?
- 12 Q Yes, I do?
- 13 A Having two stamps.
- 14 Q I do.
- 15 A Yeah, okay. It's nothing dealing with violence or  
16 anything like that.
- 17 Q You have satisfied your programming. What are you  
18 doing -- what other programs do they want you to take?
- 19 A I have done them all.
- 20 Q Okay.
- 21 A I am done. I am done.
- 22 Q If you are released, you want to live with friends of  
23 yours in Rochester, Kathy Kern and Michael Argaman,  
24 A-R-G-A-M-A-N?
- 25 A Yes. Or in the alternative if I am granted released to

1 Buffalo, then it will be with Louanna DeJesus.

2 Q DeJesus?

3 A Louanna DeJesus, yes.

4 Q D-E-J-E-S-U-S. Who is a friend, correct?

5 A Yes.

6 Q Okay. What will you do to support yourself if you are  
7 released, and what are your release plans?

8 A Well, I have a couple of job opportunities out there but  
9 I also intend to establish a computer lab in the  
10 community for the purpose of trying to lower the divide  
11 from our neglected and impoverished community and those  
12 who are in need of learning computer sciences.

13 Q Okay.

14 A As you well know, I am trained in computers both  
15 hardware and software.

16 Q I note that you -- we have a number of submissions. You  
17 have a number of letters that have been submitted on  
18 your behalf which we will consider. We have a parole  
19 packet from the National Lawyers Guild.

20 A Yes.

21 Q That has been submitted on your behalf.

22 A Yes.

23 Q Containing a number of letters in support including one  
24 from one of the victim's sons. There is letters from  
25 organizations and elected officials, letters of support

1 from family, friends, and supporters. There is a  
2 petition for your release, a couple of petitions and  
3 program achievements, academics.

4 A My support base is both family and friends in the  
5 community. I am probably -- you probably also received  
6 a statement from the Rochester community indicating that  
7 they are well prepared to receive me as a resident and  
8 willing to help assist my acclimation back into the  
9 community which I am grateful to them.

10 Q There is also a psychological evaluation that was  
11 submitted.

12 A Yes, two of them. One from Antonio Cintra and one from  
13 Susan Ross I believe each indicating in support of what  
14 the COMPAS also represents that my -- that there is no  
15 risk of my reengaging in any type of criminal activity  
16 upon my release from prison.

17 Q And there is various letters, Back to Basics, Outreach  
18 Ministries, Inc. There is various letters that have  
19 been submitted on your behalf all of which we will  
20 consider. There are recent letters that have been  
21 submitted as well so we will consider those.

22 COMMISSIONER SHARKEY: Commissioners, any  
23 questions?

24 COMMISSIONER COPPOLA: I have no questions.  
25 Thank you.

1                   COMMISSIONER ALEXANDER: Mr. Bottom, I have never  
2 met you before. Do you think justice has been served by  
3 this sentence?

4                   THE INMATE: 45 years in prison, yes, ma'am.

5                   COMMISSIONER ALEXANDER: Okay. Thank you.

6                   THE INMATE: You're welcome.

7    Q            Sir, is there anything that you and I have not talked  
8 about that you think we ought to know?

9    A            Commissioner Sharkey, in three consecutive parole  
10 hearings which we were engaged in I think we have  
11 covered everything from A to Z. Unfortunately not to my  
12 benefit thus far, but hopefully this time we have  
13 reached the bottom of it and, you know, you will be  
14 willing to grant me release.

15                As you well know, Commissioner Hallerdin at our last  
16 parole hearing did vote for my release and --

17   Q            Well, you mentioned you have a lot of support in the  
18 community. There is a fair amount of community  
19 opposition as well.

20   A            Of course there is. We also well know that the Police  
21 Benevolent Association has a policy, a policy to oppose  
22 the release of anyone who has killed a police officer.  
23 That's a policy. They have a lobbying task force  
24 specific for that purpose. They have no personal  
25 relationship with me. They're just inviting their own



1 policy as a representative of the police department  
2 which is understandable. That is their right to do but  
3 you know.

4 COMMISSIONER COPPOLA: Can I ask question?

5 COMMISSIONER SHARKEY: Sure.

6

7 BY COMMISSIONER COPPOLA:

8 Q Mr. Bottom, in your letters of support and I believe  
9 some are even in a petition form, would you say that all  
10 those supporters have personal knowledge or personal  
11 background with you?

12 A Many of them do. I have a --

13 Q You said many of them do, but would you say all of  
14 them -- you have numerous -- would you say all of them  
15 do?

16 A I have a visiting list of 600 people who have visited in  
17 44 years I have been in prison. Out of that 600 of  
18 those who have submitted letters in support of me, many  
19 of them have had a personal relationship with me and  
20 know of me over these years of imprisonment.

21 Q That's not what I asked you. Of the letters of support  
22 and any petitions that is also representative with  
23 support, would you say that many of those people have no  
24 personal connection with you other than knowledge of you  
25 through newspaper, websites, or whatever it may be but

1 yet they support your release? Would you say is that  
2 that's accurate?

3 A Partially, yes. I would say that's accurate. Again, I  
4 don't --

5 Q I don't know how it could be partially. Would there be  
6 letters in your file of support from --

7 A Of course there would be.

8 Q From people who have no knowledge of you or personal  
9 connection yet for the reasons that they may have,  
10 whatever personal reasons they may have, they do support  
11 your release?

12 A Well, again, I do not know which ones you're talking  
13 about. Like I said, I have had 600 people who have  
14 visited me in the last 44 years. I have written letters  
15 to thousands of people over the years so if I know which  
16 ones you're saying that may or may not have had any kind  
17 of personal contact with me, I would be more definitive  
18 in my answer.

19 Q Okay. So what you're saying is you can't tell me for  
20 sure if there are letters in your file that support your  
21 release or statements or any occasion from people who  
22 you have no personal connection with --

23 A I am sure there are individuals who have not had any  
24 personal contact with me who have written letters in my  
25 support.

1 Q Yes, that's all I was asking. That's all I was asking.  
2 So at the same time, there are letters in opposition to  
3 your release like you said very clearly that those  
4 people have no personal connection with you?

5 A All I know is the PBA has a policy that they implement.  
6 They have a website that implements that deny anyone --  
7 they have a whole list of people who have been convicted  
8 of killing a police officer, shooting police officers  
9 who they oppose being released on parole. There is a  
10 general policy that they have that anyone who killed a  
11 police officer should not be released on parole.

12 Q Okay.

13 A Despite what the law says and despite what you said to  
14 me here.

15 Q And I don't have any personal knowledge of that, but I  
16 do believe you may be accurate because I have heard  
17 about that before but I have never seen it.

18 A Thank you.

19 Q In a general statement -- I am just making it clear that  
20 in a general statement you said that those people have  
21 no personal connection with you, but obviously they know  
22 about the crime and things of that nature from websites  
23 or newspaper articles and those people for whatever  
24 reason, whether it's through the PBA or whether it's  
25 through their own avenues have decided even though they

1 don't know you personally have decided to send -- we  
2 will say statements because some of them are probably  
3 emails in opposition to your release.

4 A Yes, and they have every right to do so. That's part of  
5 living in this country.

6 Q As do your supporters who may have done the same through  
7 the same avenues.

8 A They have every right to do so.

9 Q Absolutely. I just wanted to make that clear. Thank  
10 you.

11

12 BY COMMISSIONER SHARKEY:

13 Q Okay. Thank you for coming in and we wish you well. We  
14 will let you know in writing within a couple of days.

15 A All right. Thank you.

16

17

INTERVIEW CONCLUDED

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

3 DECISION

4  
5 Denied 24 months. Next appearance June 2018.

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

13 The panel has considered your institutional  
14 adjustment including discipline and program participation.  
15 Required statutory factors have been considered, including  
16 your risk to society, rehabilitation efforts, and your needs  
17 for successful reentry into the community. Your release plans  
18 have also been considered, as well as your COMPAS Risk and  
19 Needs Assessment, Case Plan, and Sentencing Minutes which are  
20 in the file.

21 Your instant offense murder (two counts) involved  
22 you acting in concert shooting and killing two police  
23 officers. You admitted firing a weapon during the crime. You  
24 have engaged in other unlawful actions which resulted in  
25 probation and serving state time in California state prison.

1 You are a multistate offender with offenses committed in  
2 California as well as New York. You also have a juvenile  
3 history and a conviction in the Federal System.

4 Due consideration was given to your document  
5 submissions, program accomplishments, and letters of support  
6 from defense attorneys and official sources and program  
7 completions. Due consideration was given to a packet of  
8 National Lawyers Guild.

9 This panel remains concerned about your history of  
10 unlawful and violent conduct and your COMPAS risk assessment  
11 of high for history of violence. Your conduct which could be  
12 viewed as an assassination of two unsuspecting police officers  
13 who are merely walking toward their cars reflects a depraved  
14 indifference to human life. There is significant community  
15 opposition to your release. You also expressed limited  
16 remorse for the death of two police officers who are merely  
17 doing their jobs. Accordingly, discretionary at this time is  
18 not warranted. Parole is denied.

19 (All Commissioners concur.)  
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CERTIFICATION

I, Carrie A. Fisher, 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 22 pages, is a true and correct copy of same and the whole thereof.

Dated: Wednesday, July 6th, 2016

*Carrie Fisher*

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Carrie A. Fisher, Court Reporter