



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senate approves extending parole hearings for violent felons ~ O'Mara, Palmesano join parents of Derrick Robie of Savona in support, call on Assembly leadership to act ~ Watch more (UPDATED)

THOMAS F. O'MARA June 8, 2015

| ISSUE: **CRIMINAL**



Albany, N.Y., June 8—Last Monday, New York State State Senator Tom O'Mara (R,I,C-Big Flats) and Assemblyman Phil Palmesano (R,I,C-Corning) [joined legislative colleagues and family members of murder victims, including the parents of Derrick Robie of Savona \(Steuben County\)](#), to call for the approval of legislation they co-sponsor that would extend the time period that murderers and other violent felony offenders have to wait to apply for parole.

Today in Albany, the Senate approved the legislation ([S.1483/A.1680](#)) with strong bipartisan support, by a vote of 46 to 14, bringing the measure one step closer to becoming state law. The legislation is currently in the Crime Victims, Crime and Correction Committee in the state Assembly. It must be approved by both houses of the Legislature and signed by Governor Andrew Cuomo before becoming law.

Currently, the state Parole Board is required to allow inmates to request a parole hearing every two years. Under the legislation O'Mara and Palmesano are co-sponsoring, the Parole Board would be allowed to extend the time period between parole hearings from two to five years for violent felony offenders. The board would still be given the option to permit an earlier hearing. The legislation is sponsored by Senator Kenneth P. LaValle (R-Port Jefferson) and Assemblyman Fred W. Thiele, Jr. (I,D,WF-Sag Harbor).

Sponsors and supporters of the measure, including Dale and Doreen Robie, Derrick's parents, argue that the longer time frame would help spare the families of victims from having to repeatedly, every two years, relive the events that took the lives of their loved ones -- as well as to further help prevent any chance that a heinous criminal would be granted an unwarranted, early release from prison.

O'Mara and Palmesano called on the Assembly Democratic leadership to follow the Senate's lead and allow a vote on the legislation in the Assembly.

[UPDATE, June 9: Read and listen to more on Finger Lakes Radio [HERE](#)]

In a joint statement, O'Mara and Palmesano said, "It's not fair to Dale and Doreen Robie and all of the other families to have to relive their nightmare every two years. There's no sense of justice in putting these families through the anguish, pain and suffering, and the Parole Board should have this discretion to extend the time between hearings. We're hopeful that the Assembly Democratic leadership will hear the victims' families this year and allow a vote on this straightforward legislation."

[Watch Senator O'Mara's comments on today's Senate action [HERE](#)]

In support of the Legislature's action last week, Dale and Doreen Robie said, "We are in total support of this important legislation and appreciate the efforts being made by state legislators to have it become law. We are committed to working with them to secure its enactment in Derrick's memory and so that other families like ours, whose lives have been forever changed by a violent criminal, do not have to relive their ordeal every two years."

Senator LaValle said, "We need to consider the immense toll that is placed upon these families every time they need to attend a Parole Hearing with the violent felon, who took the

life of their loved one. Our bill enables the Parole Board to establish a more sensible schedule for these reviews, which would lessen the families anguish somewhat. The Legislature and the Governor should act to make this measure State Law now.”

Assemblyman Thiele said, “In cases where parole is likely to be denied consistently every two years, there is no reason why we should further disrupt the lives of victims and their families. Having to testify and relive often disturbing, graphic and highly emotional occurrences every two years is unnecessary.”

Robie was four years old in August 1993 when he was killed by Eric Smith, then 13, in a wooded area near Robie’s home in Savona. Smith was convicted of second-degree murder in 1994 and sentenced to nine years to life in prison. He’s currently incarcerated at the maximum-security Collins Correctional Facility outside Buffalo.

Smith first became eligible for parole in 2002 and has been denied parole seven times, the last hearing coming in April 2014. Under current law, he’s eligible for another parole hearing next April.

In addition to Robie’s parents, state legislators were joined at last Monday’s news conference in Albany by the family members of:

-- Jenna Grieshaber of Camillus, who was a 22-year-old nursing student on the eve of graduation from Russell Sage College in Albany when she was murdered in her apartment by a paroled violent felon, who was a neighbor, on November 6, 1997. Grieshaber’s killer, Nicholas Pryor, had served just two-thirds of his sentence. Jenna’s death led the state Legislature and then-Governor George Pataki to enact “The Sentencing Reform Act of 1998,” commonly known as “Jenna’s Law,” to establish determinate sentences for first-time violent felony offenders and require their incarceration for longer periods of time; and

-- Lorraine Miranda, who was 24 years old when she was murdered by her fiancée in their State Island apartment in December 1988. Her killer, Chris Patterson, has been denied parole every other year since 2003.