



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara, Palmesano join parents of Derrick Robie to continue fight for parole legislation ~ Read and watch more from this morning's news conference in Albany (UPDATED, May 5th)

THOMAS F. O'MARA May 3, 2016

| ISSUE: **PAROLE REFORM**



**Albany, N.Y., May 4**—State Senator Tom O'Mara (R,C,I-Big Flats) and Assemblyman Phil Palmesano (R,C,I-Corning) will join legislative colleagues and family members of murder victims, including the parents of Derrick Robie of Savona (Steuben County), at a morning news conference to call for the approval of legislation they co-sponsor that would allow the state Parole Board to extend the time period that murderers and other violent felony

offenders have to wait to apply for a parole hearing.

Currently, the state Parole Board is required to allow inmates to request a parole hearing every two years. Under the legislation (**S.1483-A/A.1680-A**) 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 offenders convicted of any of the following categories of violent felony offenses: Class A-1 felonies of murder in the first or second degrees where a sentence other than life imprisonment without parole is imposed, and Class A-II felonies of predatory sexual assault and predatory sexual assault against a child. 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). In addition to O'Mara and Palmsano, regional co-sponsors of the measure include Assembly Minority Leader Brian Kolb (R,C-Canandaigua), and Assemblymen Gary Finch (R,C,I-Springport), Joe Giglio (R,C,I-Gowanda) and Bob Oaks (R,C-Macedon).

Sponsors and supporters of the measure, including Dale and Dori 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 will be granted an unwarranted, early release from prison.

In a joint statement, O'Mara and Palmesano said, "Every time there's another parole hearing for one of these violent criminals, throughout the months, weeks and days leading up to the hearing, the families of the victims have to relive the horror of the crimes that took the lives they cherished. No family should have to go through that nightmare every two years, particularly in cases where the Parole Board determines that nothing will change within the

next five years that would reverse a parole denial. There's no sense of justice in putting these families through the anguish, pain and suffering of repeatedly having to make sure that the heinous, violent felon who took the life of their son or daughter, sister or brother, any loved one, won't ever see the outside of a prison cell again. That's just not fair."

Dale and Dori 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."

[see video from this morning's news conference [HERE](#)]

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 eight times, **the last denial coming just several weeks ago in early April**. Under current law, he's eligible for another parole hearing in April 2018.

In addition to Robie's parents, state legislators are being joined at today's news conference 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.

The legislation to extend the parole hearing time frame is currently in the Crime Victims, Crime and Correction Committee in both the Senate and Assembly. It must be approved by both houses of the Legislature and signed by Governor Andrew Cuomo before becoming law.

[UPDATED, May 5, 2016. Read more from:

*The Leader*, "**Robie family: Law would ease pain of reliving son's murder**"

Star-Gazette, "**Robies push to increase time between parole hearings**"

*Finger Lakes Radio News*, "**Robie Family: Time Between Parole Hearings Needs to be Extended**"

*WENY-TV*, "**Robie family helps push new legislation**"