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March 21, 2018

BY EMAIL & OVERNIGHT MAIL

Supervising Offender Rehabilitation Coordinator
Marlene Brooks
Shawangunk Correctional Facility
200 Quick Road
Wallkill, New York 12589-0750

Re: Request for Suspension of Parole & Rescission Hearing:
Inmate: Herman Bell
DIN: 79C0262
Earliest Release Date: April 17, 2018

Dear Ms. Brooks:

On behalf of Mrs. Diane Piagentini, the widow of New York City Police Officer Joseph Piagentini, we submit this request pursuant to 9 NYCRR 8002.5 [b] [2] [i] to suspend the release date of inmate Herman Bell pending a rescission hearing on the grounds that significant information existed which was not considered by the New York State Board of Parole ("Board") and release on parole is incompatible with the welfare of society.

I. RELEASE ON PAROLE IS INCOMPATIBLE WITH THE WELFARE OF SOCIETY

Under Board rules, release on parole shall not be granted if "incompatible with the welfare of society" and will "so depreciate the seriousness of his crime as to undermine respect for the law" and shall not be granted merely as a reward for good conduct. 9 NYCRR 8002.1 [a]¹ Upon review, the Board's decision is incompatible with the law and Bell's release must be suspended pending a rescission hearing.

The Board's one-sentence characterization in its decision of Bell's "crime as one of the most supreme assaults upon society" fails to properly consider the true nature of his actions. The facts of Herman Bell's participation in the execution of Police Officers Joseph Piagentini and Waverly Jones are not disputed. These brave Police Officers, one white and one black, were

¹ Hereinafter cited by numerical section only.

assassinated by Bell solely because of the blue uniform they wore, as guardians of our society. Officer Piagentini, although wounded, was executed while pleading for his life and his body was riddled with over twenty gunshots. His service revolver was taken by Bell as a trophy. Bell fled to California and killed San Francisco Police Department Sergeant John Young in another targeted assassination. The Board's statement clearly depreciates the seriousness of Bell's conduct -- There can be no greater affront to organized society than the execution of on-duty Police Officers targeted and executed solely for their symbol of protectors of the people.

Significantly, Bell appeared many times before the Board for consideration but did not accept responsibility for the murder of Police Officers Piagentini and Jones until 2010. A review of the record of appearances to date shows less than unequivocal admission to the facts, suggesting Bell's statements were tailored to fit the Board's rehabilitation guidelines. Moreover, Bell's statements show of a pattern of lack of remorse for his other crimes, including the targeted assassination of Sgt. John Young and California state and federal convictions for offenses that are considered armed violent felony offenses under New York State law.

II. GROUNDS FOR SUSPENSION OF RELEASE & RESCISSION HEARING

The failure of the Board to properly consider the criteria for release to parole supervision mandates suspension of Bell's release date and reconsideration in a rescission hearing. Under Section 8002.5, grounds for suspension and rescission exist when significant information existed which was not known by the Board at the time of consideration.

A. Failure to Review Sentencing Minutes of Crime

As set forth in the Board's decision, the file they considered did not contain a copy of the minutes of the sentence of Bell in New York County in 1971 for the conviction of two counts of Murder in the Second Degree (one count each for the murders of Police Officers Piagentini and Jones). The decision is silent, however, about why the minutes were not in the file or the efforts, if any, to obtain them. It is believed that the sentencing minutes were present, and utilized, in Bell's prior appearances before the Board.

The sentencing of a defendant by the court after a conviction is an integral part of the criminal justice system and the Board's failure to consider the minutes of Bell's sentencing for the murders of Police Officers Piagentini and Jones is contrary to the law, justifying the relief requested.

The sentencing procedure, as memorialized in sentencing minutes, is a crucial function in assessing the seriousness of the crime, particularly where it occurred in the past. At sentencing, the prosecutor is given the opportunity to make a sentence recommendation, followed by a statement by the defense attorney and defendant if he so chooses. Thereafter, the presiding justice imposes sentence based on the totality of the circumstances, including the nature of the

crime, the impact to the victims and the defendant's prior criminal history. The presiding judge, Greenfield, sentenced Herman Bell to the maximum period of incarceration under the law at the time – twenty-five years to life. Under present sentencing laws in New York State, a conviction for the crime of the murder of an on-duty police officer carries a mandatory minimum sentence of life in prison without the possibility of parole. Proper consideration of Bell's release on parole supervision required that the Board consider the aggravating circumstances that the conviction and sentence was for the murder of two Police Officers and represented the maximum sentence permitted by law.

B. VICTIM IMPACT STATEMENT

1. Mrs. Diane Piagentini

Under the law, the Board is required to consider the written or oral statement by the victim or victim's representative where the victim is deceased. Mrs. Diane Piagentini has vehemently and consistently opposed Bell's release to parole supervision and made timely objection before the Board's determination. While the Board indicates that it reviewed "local, statewide and national opposition" and that "opposition has remained unchanged over time from official, legal, individual, organizational and first responders," it does not indicate whether it reviewed the present victim impact statement from the most significant person, the widow of Police Officer Joseph Piagentini.

In affording the family of the victim the opportunity to make a new statement in advance of an inmate's parole reconsideration hearing, the law recognizes that such statements are not merely redundant. Such statements serve as a constant reminder of the continuing and everlasting victimization caused by the inmate's criminal act and must be considered by the Board in its determination. Failure of the Board to consider the most recent victim impact statement of Mrs. Piagentini is inconsistent with the law and must be corrected by the relief requested.

2. Mr. Manny Jones

Mr. Manny Jones is the brother of Police Officer Waverly Jones and became aware through press coverage of the decision of the Board to release Bell to parole supervision. Mr. Jones was never apprised of Bell's prior parole interview dates or decisions and is vehemently opposed to Bell's release. On March 20, 2018, Mr. Jones, through counsel, made a written request that he be immediately be registered as victims by the Office of Victims Services and be afforded their right to make a complete Victim Impact Statement pursuant to Executive Law § 259-i. Mr. Jones also requested that Bell's parole release be rescinded based upon the significant information which will be contained within these victim impact statements that were not known to the parole board at the time of their determination.

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III. CONCLUSION

Based on the deficiencies in its analysis, the Board's decision to release Herman Bell to parole supervision is incompatible with the welfare of society and contrary to its own rules and procedures. It credits Bell's self-serving acceptance of responsibility while failing to properly consider the heinous nature of the crime and the continuing impact to the families of these two heroic Police Officers. Accordingly, pursuant to 9 NYCRR 8002.5 [b] [2] [i], Bell's release date must be immediately suspended and a parole rescission hearing conducted.

Respectfully submitted,

WORTH, LONGWORTH & LONDON LLP



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