

THE SENATE
STATE OF NEW YORK



PATRICK M. GALLIVAN

March 22, 2018

Ms. Tina Stanford
Chairperson, Board of Parole
New York State Division of Parole
1220 Washington Avenue, Building 2
Albany, NY 12226-2050

Re: Request for Rescission Hearing
Herman Bell DIN 7C0262

Dear Chairwoman Stanford:

I am requesting that the Board of Parole suspend the open date of 4/17/2018 that was granted to Herman Bell (DIN 79CO262) and conduct a Rescission Hearing as "situations" have arisen that warrants the board to reconsider its decision.

These events, which should cause the suspension and ultimate rescission of Bell's parole release date, include, but are not limited to:

- A. Significant information, which existed prior to the rendition of the parole release decision, and apparently not known by the board.
 1. Substantial opposition from communities across New York State indicating that Bell's release would so deprecate the seriousness of his criminal acts as to undermine respect for the law; specifically, the approximate 4000 new signatures of these concerned citizens, which were delivered to Shawangunk Correctional Facility during the week of 2/19/2018.

As the board decision states, "said opposition has remained unchanged," it is apparent that the valid concerns of these citizens were not considered.

2. The concerns and recommendations of the sentencing judge, who noted at sentencing that New York State law precluded a sentence of capital punishment or consecutive sentences for a single criminal transaction occurring in New York. As his intent was that Bell be imprisoned as long as legally permissible, the Judge directed that Bell's sentences be served consecutively for any other crime in any

other jurisdiction. (See attachment)

3. The recommendation and concerns of the district attorney, who has indicated that he is opposed to the release of Herman Bell.
4. The board's decision treats Bell's 2007 conviction for the killing of yet another police officer as merely part of his "record" while failing to note this as a pattern of criminal conduct and unlawful conduct subsequent to the instant offense and prior to current confinement.

B. Case developments subsequent to the panel's rendition of its decision to grant release.

1. Public outrage, which clearly demonstrates that a release decision so depreciates the seriousness of the crime as to undermine respect for the law. This includes the voices of the Mayor of New York City, William De Blasio, and Governor Andrew Cuomo, who stated, "it sends the wrong message," which is the very essence of the "deprecate" standard of release as provided for in the Executive Law.
2. The very public opposition and concerns of the victims' families, including both the Piagentini & Jones' families. While the board decision quotes the support of a single-family member as "noteworthy," it fails to note the greater opposition of the rest of the Piagentini and Jones families. (see attachment)

These are all "substantial changes in relation to any of the factors denoted in Executive Law 259(i)(2)(c)."

While I have yet to review the transcript of Bell's Parole hearing, as it is not yet available, I believe that Commissioners Cruse and Shapiro erred in their decision to vote to release Herman Bell. In the best of circumstances, they were not aware of the issues raised in this correspondence. If, in fact, they were, it is indeed troubling and would demonstrate an intentional ignorance and/or misapplication of applicable law, as both Commissioners clearly articulated their understanding of such during their respective confirmation hearings.

In either case, the Board of Parole as represented by Commissioners Cruse and Shapiro's vote to release Bell have, in this instance, failed the citizens they are supposed to serve.

Please use your considerable discretion to right this wrong, to ensure that all appropriate and relevant information is considered and that the law is properly applied. The suspension of Bell's open date and a rescission hearing to consider the information noted above is the most appropriate course of action.

Thank you for your attention to this matter. Please do not hesitate to contact me at (518) 455-3471 should you have any questions.

Sincerely,



Patrick Gallivan
Senator, 59th District
Chair, Crime Victims, Crime and Corrections



Marty Golden
Senator, 22nd District

ON MAY 12, 1975, JUST NINE DAYS SHORT of the fourth anniversary of the deaths of Waverly Jones and Joseph Piagentini, convicted killers Herman Bell, Anthony Bottom, and Albert Washington were brought into Justice Greenfield's packed courtroom for the last time. All three defendants and their attorneys were permitted to make statements, which were followed in turn by statements from Ken Klein and myself on behalf of the People.

The sentencing itself was a foregone conclusion. No one in the courtroom expected the defendants to receive less than the maximum. Taking notice of the fact that a combination of New York State law and Supreme Court rulings precluded capital punishment in this case, Justice Greenfield sentenced each of the defendants to a term of imprisonment from twenty-five years to life on each of the two counts of murder for which they had been found guilty. Because the two murders were essentially part of a single act, and because New York law does not permit the imposition of sentences longer than twenty-five-to-life, he ordered that the two sentences he was imposing be served concurrently, but he specifically directed that his sentences

be served consecutively with any time for any other crime in any other jurisdiction.

Before being brought into court that morning, the defendants had been meticulously searched by officers from the Department of Corrections, as had been done every day since the trial began. After the sentencing, which concluded shortly before 1 P.M., they were brought back to their cells in the holding area of the courthouse, where in the normal course of events they would have been served lunch before being returned to Rikers Island. Fortunately, Corrections officers, understandably impatient to be rid of their dangerous charges, decided at the last minute to return them to Rikers Island immediately. Before being loaded into the Corrections vans, they were searched again. This time the search disclosed an appalling assortment of lock picks, knives, and plastic explosives hidden on them. Only the accidental change of plans prevented what might have turned into a bloody escape attempt.

At the conclusion of the Piagentini-Jones trial in New York, Lester Bertram May and the other two New Orleans prisoners who had confessed to participating in the deadly raid on the Ingleside police station in San Francisco were flown to California. All three were at that time under indictment for the murder of Sergeant John Young, and San Francisco authorities intended to put them before the grand jury in order to secure indictments against the other men named in their statements. May already had indicated his willingness to plead guilty to the crime.

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Slain cop's siblings outraged that his son backed killer's parole

BY MOLLY CRANE-NEWMAN THOMAS TRACY JANON FISHER
NEW YORK DAILY NEWS Tuesday, March 20, 2018, 4:00 AM



Manny Jones (l.) and Glenna Wright (r.), siblings of Officer Waverly Jones, do not want convicted cop killer Herman Bell released from prison. (SUSAN WATTS/NEW YORK DAILY NEWS)

A convicted cop killer's early parole — at the request of the officer's son — has set off a family feud.

The brother and sister of Officer Waverly Jones were horrified to learn that the Parole Board thought the family supported the release of former Black Liberation Army member Herman Bell, 70, who has admitted to killing three police officers.



Bell was granted early parole after being sentenced to life in prison for killing three cops. (HANDOUT)

The board voted March 1 to let Bell go early from his life sentence based on a letter sent from the officer's kid.

The son of Jones, who shares his father's name, wrote the board, saying the family had forgiven Bell.

The slain cop's other family members said they were "horrified" that the three-time convicted cop murderer will be let out of prison.

"We would never embrace the guy who killed my brother," Manny Jones, 72, said. "We always said that (Bell) could come home when my brother comes home."

The younger Waverly Jones said the family was sick of being reminded of their loss every time Bell came before the parole panel.

"The simple answer is (parole) would bring joy and peace as we have already forgiven Herman Bell publicly," the son wrote.

"On the other hand, to deny him parole again would cause us pain as we are reminded of the painful episode each time he appears before the board."

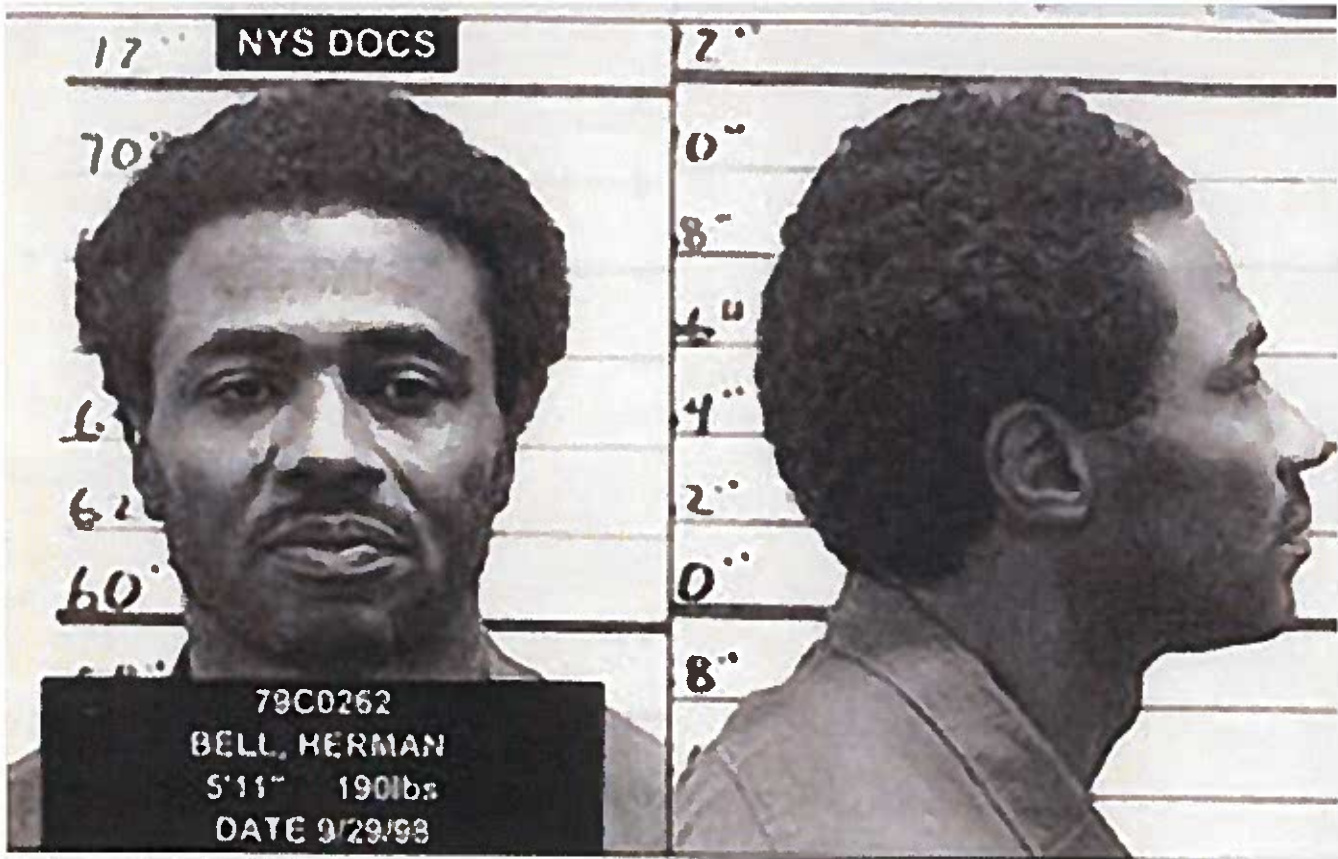
Other family members did not write the board, but hoped that strong opposition to Bell's release from the police unions and elected officials would be enough.

Gov. Cuomo and Mayor de Blasio have both come out against the early release.

"I was just totally shocked. We don't embrace that," the officer's brother said.



Officer Waverly Jones, who was gunned down by a Black Liberation Army member. (LOMBARD, MARIELA, FREELANCE)



Bell's 1998 mugshot. (AP)

Bell and his two co-defendants lured Jones and Officer Joseph Piagentini to the W. 159th St. project and shot Jones in the back of the head in 1971. Piagentini was tortured and shot 22 times, begging for his life before he was killed.

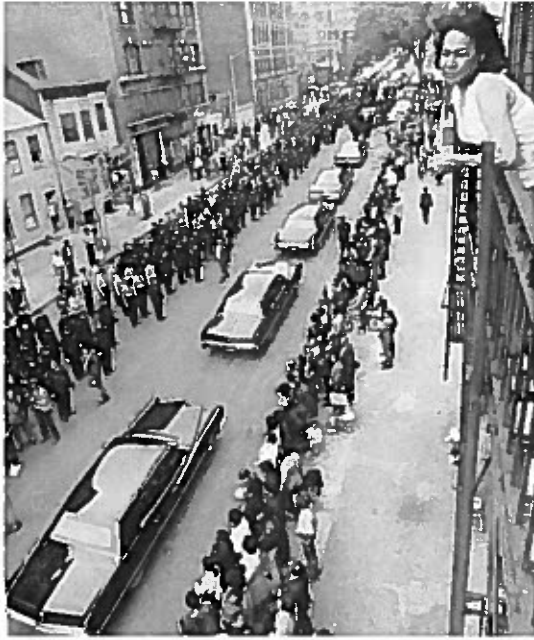
"My life was shattered at that time, when they did that," said Manny Jones, who spoke to a Daily News reporter with his sister, Glenna Wright, 75, also present.

"I didn't know which way to go. If it wasn't for my sister, I don't know what would have happened to me," Jones said. "My brother was like my idol."

Bell also pleaded guilty in 2009 to killing San Francisco police officer John Young after shooting the New York cops.

At the Shawangunk Correctional Facility, where the inmate was receiving visitors on Monday, Bell was cautious about talking about his release.

"I'd be open (to talking) after all of this is behind me," he said, holding the hand of a female visitor. "But I need space to think about things. I want to make sure everything goes through."



Crowd watches the funeral procession for Jones after he was gunned down in 1971. (MATTSON, GEORGE)

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WITH CHELSIA ROSE MARCIUS

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