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2 STATE OF NEW YORK ALBANY COUNTY COURT

3

4 THE PEOPLE OF THE STATE OF NEW YORK

5 -against-

SENTENCING

6 CHRISTOPHER PORCO,

7 Defendant.

8

9 BEFORE: HON. JEFFREY G. BERRY,
Acting Albany County Court Judge.

10

11 APPEARANCES:

12

13 For People: HON. P. DAVID SOARES
District Attorney
Albany County Courthouse
Albany, NY 12207
By MICHAEL P. McDERMOTT and
14 DAVID M. ROSSI, ESQS.
Assistant District Attorneys.

15

16 For Defendant: KINDLON & SHANKS, P.C.
74 Chapel Street
Albany, NY 12207
17 By TERENCE L. KINDLON and
LAURIE SHANKS, ESQS., of counsel;
18 Appearing on behalf of the Defendant.

19

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21 TRANSCRIPT OF PROCEEDINGS in the
22 above-entitled matter held at the Albany County

23 Courthouse, Albany, New York, commencing on December 12,
24 2006.

(David Mayo, Official Court Reporter)

1 (The proceedings were convened in chambers
2 as follows:)

3 THE COURT: If you would put your
4 appearances on the record.

5 MR. HUNSINGER: Art Hunsinger, the pool
6 coordinator. I just wanted, A, are we allowed
7 to take it live?

8 THE COURT: No. It is video for future.
9 Go ahead.

10 MR. HUNSINGER: And am I allowed to
11 release the tapes immediately after the
12 sentencing is done or do I need your approval,
13 as we did in Goshen?

14 THE COURT: I would appreciate it if you
15 give me the right to say okay, only because if
16 you remind Patty about the time when there was
17 a foul-up and I had to confiscate the one at
18 the time. Obviously, there is no situation
19 like that going on now, and so I don't
20 anticipate anything like that happening.

21 So I just need you to say "come up?" and I
22 will just say "yes" and that's it, okay? As

23

soon as we conclude that part of the

24

proceeding.

(David Mayo, Official Court Reporter)

1 MR. HUNSINGER: Okay.

2 THE COURT: Now, we are using one camera;
3 am I correct?

4 MR. OLKO: Yes.

5 THE COURT: And so that's fine. I am not
6 going to limit you on what you do. It is up to
7 you. I know you are going to use your
8 discretion.

9 Now, photography, Mr. Kamrass. Put it on
10 the record.

11 MR. KAMRASS: Philip Kamrass, with the
12 Albany Times Union and a staff photographer.

13 THE COURT: Formerly Middletown, New York.
14 I don't think I have any type of problem,
15 unless Mrs. Porco doesn't want her photo taken,
16 and she has never said no to that. I will ask
17 them right now. I will ask both sides on that.

18 (A pause was taken in the proceedings.)

19 THE COURT: I will let you know. I can
20 trust Phil to the end of the world. If I say
21 no, then no. And it applies to you also, all
22 right?

23

MR. OLKO: Okay.

24

THE COURT: If they don't want it. I

(David Mayo, Official Court Reporter)

1 think Miss Szostak probably won't have any
2 objection, but I don't know. What do you need,
3 Terry?

4 MR. KINDLON: Nothing. I am trying --

5 THE COURT: Figuring out how to get out of
6 here.

7 (There was a discussion off the record.)

8 THE COURT: Just let the record reflect,
9 because we didn't write it in the decision as
10 to the release of the interview by the police
11 with Christopher Porco. But as to the
12 application for cameras in the courtroom, it is
13 on the record in Orange County with Kathleen
14 Jackson. However, I will put it on the record
15 here for us to have. And that is that there
16 was no objection by the People or the defendant
17 to cameras, to audiovisual, as well as still
18 photography coverage of this matter.

19 As such, the Court granted the same, with
20 limitations that have been set forth by the
21 Court as to the individuals that will be
22 speaking outside of the court, the District

23

Attorneys and the defendant's attorneys and the

24

defendant. Those people, obviously, you can

(David Mayo, Official Court Reporter)

1 photograph. And we are going to find out.

2 Miss Szostak?

3 MR. ROSSI: She has no objection to being
4 filmed.

5 THE COURT: Fine. So that's a go for her.
6 As soon as I hear from either Mr. Kindlon or
7 from Miss Shanks, then I will let you know
8 about Mrs. Porco. All right?

9 MR. HUNSINGER: Yes.

10 THE COURT: That will be so ordered. You
11 have permission. Obviously, if I think that
12 there is an intrusion that's going to affect
13 something, I will give you the stop and then
14 you must stop, all right? Fair enough.

15 MR. HUNSINGER: And I will come to you
16 immediately following the sentencing.

17 THE COURT: And I will give you the okay.

18 MR. HUNSINGER: Thank you, Judge.

19 THE COURT: Good luck to you guys.

20 MR. OLKO: Thank you.

21 (A recess was taken in the proceedings.)

22 (The proceedings were reconvened in open

23 court as follows:)

24 THE COURT: Good afternoon. Please be

(David Mayo, Official Court Reporter)

1 seated, everyone. The defendant, please. Is
2 it your request that the defendant's handcuffs
3 be removed?

4 MR. KINDLON: It is, your Honor.

5 THE COURT: Any objection by the People?

6 MR. McDERMOTT: No, your Honor.

7 THE COURT: And I take it securitywise you
8 can do that?

9 THE SHERIFF: Yes, your Honor.

10 THE COURT: All right. Can everyone hear
11 me all right? I don't know if the microphone
12 is on or not. As long as you can hear me, I
13 won't resort to one.

14 We are here today with regard to the
15 sentencing proceeding on Christopher Porco.
16 Mr. Porco is here with his attorneys,
17 Mr. Terence Kindlon and Miss Laurie Shanks.

18 Mr. McDermott?

19 MR. McDERMOTT: Yes, your Honor.

20 THE COURT: Do the People move this matter
21 for sentence?

22 MR. McDERMOTT: Yes, your Honor, we do.

23

THE COURT: Mr. Kindlon?

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MR. KINDLON: We do not oppose that

(David Mayo, Official Court Reporter)

1 motion.

2 THE COURT: And is there any legal reason
3 why sentence cannot be pronounced upon your
4 client at this time?

5 MR. KINDLON: There is none.

6 THE COURT: Mr. McDermott?

7 MR. McDERMOTT: Yes. Your Honor, prior to
8 the Court hearing from the People with respect
9 to sentencing, I would ask that this Court
10 entertain statements from three victims in this
11 case. From Miss Patricia Szostak, the sister
12 of Peter Porco, who is present in court to
13 address the Court. A letter written by Peter
14 Porco's mother, Jane Porco Whalen. She has
15 asked that I read it to the Court. And,
16 finally, Mrs. Joan Porco is present in the
17 court and wishes to address the Court with
18 respect to sentencing.

19 THE COURT: All right. Mr. Kindlon?

20 MR. KINDLON: No objection at this time,
21 sir.

22 THE COURT: All right. Fine. And at this

23

time, Mr. McDermott, I believe Miss Szostak is

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going to be the first person to address the

(David Mayo, Official Court Reporter)

1 Court?

2 MR. McDERMOTT: Yes, your Honor.

3 THE COURT: She may.

4 MS. SZOSTAK: Sit there?

5 THE COURT: That would be fine, or you can
6 stay next to Mr. McDermott, as long as
7 everybody can hear what you have to say. Good
8 afternoon to you.

9 MS. SZOSTAK: Good afternoon, your Honor.
10 Thank you.

11 On November 15, 2004, the murder of my
12 brother, Peter, and the attempted murder of my
13 sister-in-law, Joan, left our family decimated.
14 Where we had once been a happy group of 12
15 gathered for holidays and summer vacations for
16 the last two decades, we are now a small band
17 of survivors of murder and our time together is
18 overshadowed by our unspeakable grief. Our
19 loss is massive, and the circumstances of that
20 loss are impossible to fathom.

21 Peter was in my life for nearly 50 years.
22 He was older by two years, so we were together

23

from the day I was born, sharing the same

24

family history and forming that bond that is

(David Mayo, Official Court Reporter)

1 unique to siblings. At different times he was
2 my confidant, my mentor, my protector, my
3 supporter, and my most trusted friend. Our
4 love for one another was absolutely
5 unconditional. Although it crossed my mind
6 that I might outlive my brother, it never
7 entered my thinking that he would be ripped
8 away from me at midlife and in such a horrific
9 manner. I am so angry that my future with my
10 brother has been taken away, and especially
11 that after giving years of his life for others
12 he did not get to live out his own dreams and
13 potential.

14 It is hard for me to accept that Peter is
15 gone forever. His absence from my life is
16 staggering. I will never again hear his
17 cheerful voice on the phone or exchange silly
18 e-mails with him. We will never go on a trip
19 together again, or meet for dinner, or
20 celebrate a holiday or milestone together. I
21 will never again be able to confide in him or
22 seek his counsel or count on his support in

23

times of need. We have been robbed of the

24

chance to grow older together. That was a lot

(David Mayo, Official Court Reporter)

1 to lose, and it has been very hard.

2 But what is worse is living with how he
3 died. I have been horrified to learn, through
4 the course of the investigation, that Peter's
5 last days were spent in anguish as he
6 discovered the magnitude of the betrayal that
7 was taking place. That is bad enough. But
8 what is hardest of all is imagining his terror
9 at being awakened in the night in his own bed
10 to the repeated crushing blows of an axe and
11 most likely to the agonized screams of his
12 wife.

13 I never stop wondering what was happening
14 to Peter as he lay in that blood-soaked bed
15 with his brutally injured wife beside him. And
16 when he got up out of that bed and pulled on
17 his clothes and made his way downstairs,
18 stumbling all the way in his own blood -- what
19 do any of us know of his suffering? Was he
20 conscious part of the time? Did he think his
21 assailant was still in the house? Did he know
22 who it was? Was he trying to call for help?

23

Did he know he was dying? These questions

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haunt me. I carry in my mind the image of him

(David Mayo, Official Court Reporter)

1 battered and bloody at the bottom of the
2 stairs -- terrified, confused, in horrible pain
3 and, worst of all, alone. A man so loved and
4 so good should not have had to die frightened
5 and alone.

6 I have also lost my sister-in-law, Joan,
7 as a result of this tragedy. She survived the
8 physical trauma, but the emotional injuries
9 have wrenched her from me, maybe forever. Just
10 as I agonize over what befell my brother that
11 night, I ache for her terror and unimaginable
12 losses.

13 On November 15, 2004, my sis of 30 years,
14 a woman who brought so much good into our
15 lives, was savagely snatched away; her body,
16 her life, and her psyche so deeply scarred.
17 The loving, caring, and considerate woman I
18 knew has been so traumatized by this brutal
19 attack she was not able to allow me, my mother,
20 or my younger brother to be present at the
21 internment of Peter's ashes. We didn't get to
22 say goodbye the way we needed to. We have to

23 live with that, too.

24 I know I'm not alone when I say this. I

(David Mayo, Official Court Reporter)

1 will never be the same. Not a day goes by that
2 I do not experience the impact of this crime.
3 I have witnessed my mother's suffering over the
4 unthinkable murder of her firstborn child and
5 watched her become more fragile with each
6 passing month. It has affected my own health,
7 my marriage, and my work. Shock, sadness,
8 anger, and fear have overwhelmed me for two
9 years. I suffer from anxiety, depression, and
10 nightmares. I often feel emotionally
11 flatlined.

12 And I constantly numb myself to this
13 thought: Peter may have tried to call for help
14 that morning. That's exactly what he would
15 have done. And if he was able and aware enough
16 to put on his clothes, make his way downstairs,
17 and attempt to stop his bleeding with tissues
18 and paper towels, I believe he had the
19 awareness at some point to try to call 911.
20 And if he had been able to reach 911, he would
21 be here today, instead of me. But the phone
22 line had been cut and my brother bled to death.

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This crime was not merely an act of

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violence, nor was it a crime of passion. It

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1 was done with forethought and was the coldest,
2 most barbaric act one human being can
3 perpetrate against another. It was committed
4 without conscience and so defies human
5 understanding that our society cannot impose a
6 punishment equal to it, because to do so would
7 force us to violate the boundaries of normal
8 human conduct and decency. Thank you.

9 THE COURT: Thank you. Mr. McDermott?

10 MR. McDERMOTT: Your Honor, Peter Porco's
11 mother, Jane Porco Whalen, was unable to be
12 here today because of health reasons but she
13 addresses the following letter to this Court:

14 "Dear Judge Berry: I would like to
15 express to you how much our family tragedy has
16 impacted my life. I'm not sure that words can
17 describe how devastated I am, emotionally and
18 physically.

19 "I depended on Peter for his always good
20 advice, loving understanding, and wonderful
21 hugs. I am very proud of his achievements but
22 am most proud of the man he had grown to be.

23

We have all lost his great potential.

24

"I get through each day with the help of

(David Mayo, Official Court Reporter)

1 my wonderful husband, my children, my extended
2 family, and friends, and especially my faith.
3 Surely, Peter is with our Lord.

4 "I believe that through the hard work of
5 our police and the DA's Office justice has
6 prevailed. I no longer live in fear that my
7 family will come to more harm. I do not fully
8 understand what happened to my grandson, and I
9 hope and I pray that he can be cured, but
10 unless that happens he must not be allowed to
11 kill again. Sincerely, Jane Porco Whalen."

12 THE COURT: Thank you, sir. I believe
13 that Joan Porco wished to address the Court,
14 also?

15 MR. McDERMOTT: Yes, your Honor.

16 THE COURT: Mrs. Porco.

17 MRS. PORCO: Good afternoon, Judge.

18 THE COURT: Good afternoon, Mrs. Porco.

19 MRS. PORCO: I am respectfully requesting
20 a lenient sentence for my son Christopher. I
21 was astounded when the jury handed down a
22 verdict of guilty to the murder of his father,

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Peter, and the attack on me. I cannot

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understand this. With every ounce of my being

(David Mayo, Official Court Reporter)

1 I cannot accept that Christopher could have or
2 would have chosen to butcher us in any
3 conceivable way, for any conceivable reason.

4 Christopher is the product of a loving and
5 supportive family. Since his very early days
6 he has demonstrated a gentle, kind, and
7 generous spirit. He has contributed his time
8 and talent in many and varied relationships in
9 his life.

10 I wish to quote from a letter that Peter
11 and I wrote to Christopher during his senior
12 year of high school. And I quote, "We are
13 confident that you have acquired all of the
14 basic knowledge and skills you will need for a
15 fulfilling life ahead. Your emotional
16 maturity, perceptiveness, great sense of humor,
17 optimism, studying, and problem-solving
18 abilities are all qualities that will serve you
19 well in the years ahead. We also know that
20 your moral compass is fixed on the right
21 course." These are Peter's and my words to our
22 son Christopher.

23

I know that Christopher has made some

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unfortunate decisions in his life, but Jesus

(David Mayo, Official Court Reporter)

1 Christ said that the man without sin should
2 throw the first stone. Christopher has spoken
3 and shown his remorse for his indiscretions.
4 In spite of these indiscretions, I know my son,
5 and he could not have committed these very
6 violent acts. And I wish the Court to continue
7 to find the person or people who did this to
8 us.

9 Again, at this time, your Honor, my
10 heartfelt request is for a lenient sentence for
11 Christopher. I understand that the law
12 requires you to impose a lengthy prison
13 sentence. However, you do have discretion, and
14 I implore you to use that discretion to keep
15 the sentence as short as possible.

16 Please find it in your heart to impose
17 only concurrent sentences. Please allow
18 Christopher the opportunity to attain freedom
19 in my lifetime. I believe him to be innocent
20 with all my heart. Please give him a chance to
21 use his talents to make a significant
22 contribution to society. Please give him the

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chance to be home with me in his lifetime, in

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my lifetime. Thank you, Judge.

(David Mayo, Official Court Reporter)

1 THE COURT: Thank you, Mrs. Porco. Mr.
2 McDermott, sir?

3 MR. McDERMOTT: Yes, your Honor.

4 THE COURT: You may address the Court at
5 this time.

6 MR. McDERMOTT: Thank you, your Honor.
7 Your Honor, a jury of 12 people found beyond a
8 reasonable doubt that Christopher Porco
9 intentionally caused the death of his father,
10 Peter, and attempted to cause the death of his
11 mother, Joan.

12 The proof before this Court was that the
13 crime was premediated, that it was calculated,
14 and that it was cold blooded and vicious.

15 The defendant herein has accepted no
16 responsibility. He has shown no remorse. And
17 despite the eloquent plea of his mother for
18 leniency, the People would ask that this Court
19 impose upon this defendant the maximum sentence
20 allowable under the law.

21 THE COURT: Mr. Kindlon?

22 MR. KINDLON: Yes, sir. May it please the

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Court. The speakers who preceded me have

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spoken so eloquently of the terrible tragedy

(David Mayo, Official Court Reporter)

1 that has befallen this family. And as Miss
2 Szostak said, this family has been devastated
3 by unspeakable grief.

4 There are victims everywhere of this
5 crime, your Honor, just everywhere. But the
6 most significant, the most important thing for
7 this Court to recognize is despite the verdict
8 of the jury in this case our client,
9 Christopher Porco, is simply not guilty of the
10 crime for which he has been convicted.

11 We have submitted a fairly extensive
12 presentence memorandum, your Honor. I will not
13 repeat the information contained therein.

14 THE COURT: I have read it in its
15 entirety.

16 MR. KINDLON: And I know that it will
17 become part of the record in this case.
18 Consequently, I will not repeat the information
19 that's contained therein.

20 As the Court is aware, my client has no
21 prior criminal history. And taking into
22 account the factors which are set forth in the

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Criminal Procedure Law, Section 390.30 and

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390.40, given the plea from his mother, I would

(David Mayo, Official Court Reporter)

1 respectfully request that this Court temper
2 justice with mercy and impose the minimum
3 possible sentence under the circumstances.

4 Your Honor, I repeat. My client is
5 innocent. He did not commit this terrible
6 crime. And Joan Porco, the person who knows
7 him best in this world, has indicated to you
8 that on the basis of her lifetime of knowledge
9 he is not and could not be guilty. She knows
10 he is innocent. As she said so eloquently,
11 your Honor, she knows with every ounce of her
12 being that Christopher could not have committed
13 these violent acts. Thank you very much.

14 THE COURT: Thank you, Mr. Kindlon.
15 Christopher Porco, the law requires that I
16 afford you an opportunity to address the Court.
17 You need not say anything. I have read a
18 letter you submitted to me. However, if there
19 is something that you would like to say at this
20 time or place on the record, you may.

21 THE DEFENDANT: Yes, your Honor. Judge
22 Berry, I will be the first to admit that I made

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some mistakes in my life and I have certainly

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done things that I am not proud of. I was not

(David Mayo, Official Court Reporter)

1 always honest with my friends and family. And
2 my desire for people to view me in a positive
3 light at times overcame who I actually was.

4 A minor dispute between my father and me
5 was taken completely out of context and then
6 multiplied by the police and the prosecution
7 because they needed to invent a reason why a
8 person who has never been violent his entire
9 life would randomly decide one day to partake
10 in unspeakable destruction of life.

11 If my desire to absolve my parents the
12 financial burden of college was my only
13 intention, I only wish that I had been more
14 upfront with my mom and dad about it.

15 My family has done nothing but cooperate
16 in an attempt to help the police and the DA's
17 Office for the past two years. I have freely
18 given DNA, fingerprints, clothing, and hours of
19 my time in an attempt to aid the authorities.
20 All that we have received in return is contempt
21 and a complete lack of interest to any
22 information that did not fit the theory that

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the police created minutes after this case

24

began.

(David Mayo, Official Court Reporter)

1 Unbridled media leaks by the police and
2 the DA's Office has been a direct attempt to
3 paint me as an evil person and my family as
4 dysfunctional. These lies perpetuate to this
5 day and what saddens me is the public still
6 does not know much about this case that I feel
7 resembles the truth.

8 Ultimately, I have faith in the system
9 that my father held so dear, and I am confident
10 that with time wrongs will be righted. But I
11 hold no illusions that there will ever be true
12 justice for my mom and my dad or my family as a
13 whole. Any possible chance the police had of
14 catching the true perpetrators evaporated long
15 ago.

16 Crimes are not solved by plucking a motive
17 out of a cloud of conjecture and half-truths
18 and attempting to shape pieces of the puzzle so
19 they all fit together. By caving in to public
20 pressure to hold the most convenient suspect
21 responsible, the police deprived all of us the
22 justice we are entitled to.

23

My father was taken from all of our lives,

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but the man he was and the legacy he left will

(David Mayo, Official Court Reporter)

1 always be with those who were touched by his
2 life.

3 I miss my dad so much and my heart aches
4 for my mom, who is the strongest person that I
5 will ever know. Despite her horrible treatment
6 by the authorities, despite all of her physical
7 and emotional anguish that she has suffered
8 over the past two years, she has kept an aura
9 of love and contentment that has helped me
10 carry on day to day.

11 My mother has been cast as naive and
12 irrelevant by the police, but she knows her
13 family above all else. Only because she told
14 the truth did the police ignore and discount
15 her words. I worry about her constantly, but I
16 am confident that she will be okay living
17 without her sons and husband nearby day by day.
18 My only wish is to join her soon.

19 I was never able to say goodbye to my dad
20 before he was taken from us. The idea that he
21 was disappointed in me before he died will
22 always haunt me. We can never know when our

23

time is going to come, but I know that my dad

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is with all of us now. And even though I can't

(David Mayo, Official Court Reporter)

1 hug him and tell him face to face, he knows
2 that I love him.

3 The pain and the anger that I feel over
4 what has happened to my parents is only
5 surpassed by the love that I have for both of
6 them. I cannot fathom hurting any person, let
7 alone my parents, in this way. And for me it
8 is enough that every person important in my
9 life knows that. Thanks.

10 THE COURT: You're welcome. Christopher
11 Porco, you are a very intelligent young man.
12 You come from two wonderful parents. Your
13 brother is a credit to our society. You come
14 from a very close-knit family. I look at that
15 family now and I see it torn apart in many
16 ways.

17 The jury has spoken in this case. They
18 have rendered a verdict which, by my decision
19 on the 330 motion submitted by your attorneys,
20 I am not going to set that verdict aside.

21 I feel that you were provided with a very
22 fair trial. Numerous evidentiary rulings were

23

made by this Court to avoid what your attorney,

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Mr. Kindlon, stated in his opening statement

(David Mayo, Official Court Reporter)

1 was to smear you and smear you and smear you so
2 the jury would be swayed by those smears, about
3 all the things that you have done that I kept
4 out of the case; burglaries, possession of
5 stolen property, selling stolen property on the
6 Internet, forging documents. Many, many
7 different acts like that.

8 While your attorney is correct that you
9 have no prior convictions, you surely had a lot
10 of illegal acts that you participated in that I
11 prevented this jury from finding out because I
12 felt that that would cause you not to have a
13 fair trial.

14 Some items had to come in to fulfill the
15 entire scenario of the People's position and
16 their case in this matter. And those items
17 that did come into this trial, those
18 evidentiary rulings that I made that permitted
19 those items to be brought before the jury
20 proved to be what I felt was a powerful
21 circumstantial evidence case. It led the
22 jurors to the conclusion that you committed

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these, the violent, cold, barbaric,

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premeditated, terrible acts, the worst acts

(David Mayo, Official Court Reporter)

1 that a child could ever perform or do to their
2 parents.

3 They found you guilty of Murder in the
4 Second Degree as to the brutal murder of your
5 father and Attempted Murder in the Second
6 Degree as to the terrible act that was done to
7 your mother.

8 Christopher Porco, as a child I loved my
9 parents. And most everybody does love their
10 parents. And that's the way it's supposed to
11 be. And your mother, to her credit, is a
12 loving, strong woman. You're right. She could
13 be the most powerful, strong woman you have
14 ever met in your life. Maybe person. Let's
15 not make it a sexist thing. Person. She has
16 undergone so much in this matter. And now she
17 grasps very, very tightly to you.

18 It is without a doubt she has no memory of
19 the events which occurred in the early morning
20 hours of November 2004. It's very
21 understandable that she is upset with the
22 system. It is very understandable to me that

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she feels that the police didn't do enough.

24

That's because it would be the most difficult

(David Mayo, Official Court Reporter)

1 thing in the world for a parent to believe,
2 that their child, who she gave birth to and
3 raised, took care of, would be capable of being
4 the perpetrator of these violent, heinous acts.

5 My job here today is to impose sentence
6 upon you. It is not an easy job. It is
7 something that I have thought over for a
8 substantial period of time. Since the jury
9 rendered their verdict, I have read a number of
10 letters in your favor and letters that weren't
11 so much in your favor. I have listened to
12 everybody today. And now sentence must be
13 pronounced.

14 When I sentence you today I just want you
15 to understand that all sentences that I impose,
16 I never permit myself to get angry or upset or
17 things like that because, quite obviously, if I
18 did that then I would be abdicating my job to
19 be a fair and impartial jurist.

20 However, in sentencing you today I've got
21 to explain to you and make you understand that
22 the sentence that's being imposed upon you is a

23

sentence because I fear very much that what

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happened in the early morning hours of November

(David Mayo, Official Court Reporter)

1 of 2004 is something that could happen again.
2 And because of that, I would be abdicating my
3 role and responsibility as a Judge of this
4 State court system in permitting someone that
5 could do such a vicious, terrible act to the
6 persons that that person should have loved,
7 should have sacrificed themselves for, because
8 they did that for you.

9 Instead, these acts were perpetrated upon
10 innocent, kind, loving persons who were public
11 servants, people who dedicated themselves.
12 Instead of private enterprise and making tons
13 of money, your parents wanted to educate
14 people, take care of people, help them. And
15 they did such a great, great job of doing that.

16 As to the first count, which charges you
17 with the crime of Murder in the Second Degree,
18 which the jury found you guilty, it will be the
19 judgment and the sentence of the Court that you
20 will be committed to the custody and to the
21 care of the Department of Corrections of the
22 State of New York to serve a determinate period

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of incarceration, that the maximum period will

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be life in State's prison and the minimum

(David Mayo, Official Court Reporter)

1 period will be 25 years.

2 As to the second count of this indictment,
3 the crime of Attempted Murder in the Second
4 Degree as a Class B violent felony, it will be
5 the judgment and the sentence of the Court that
6 you will be committed to the custody and to the
7 care of the Department of Corrections of the
8 State of New York, to serve a determinate
9 period of incarceration of 25 years. That
10 sentence will run consecutive to the sentence
11 previously imposed upon you on the first count
12 of the indictment.

13 You must also serve five years of
14 postrelease supervision.

15 In addition to that, you must pay a crime
16 victim fee and surcharge which will be imposed
17 upon you and taken from your commissary funds
18 while so incarcerated in State's prison.

19 You have an opportunity in State's prison
20 to rehabilitate yourself. You have an
21 opportunity in State's prison to do positive
22 things.

23

Many years ago I participated in a program

24

that we established at Green Haven Prison. It

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1 was called, "Isn't it about time you took
2 responsibility for the harm that you did to
3 others?" It was a program that we instituted
4 for people who were lifers, people who had done
5 terrible things; murdered people, robbed
6 people. We permitted them to start to speak to
7 crime victims and to look at their own lives
8 and see just what they did to other people. It
9 was a positive program.

10 Whatever State's prison you are taken to,
11 if there is a program like that there, I
12 strongly suggest that you participate in that
13 program and help other people understand and to
14 help you understand the gravity of the actions
15 which this jury found you guilty of.

16 The above constitutes the judgment and the
17 sentence of the Court. These proceedings are
18 hereby concluded.

19 (There was a discussion off the record.)

20 A MEDIA MEMBER: Can we have access to the
21 tapes now?

22 THE COURT: On the record. Yes.

23

(The proceedings in the above-entitled

24

matter were concluded.)

(David Mayo, Official Court Reporter)

1 STATE OF NEW YORK ALBANY COUNTY COURT

2 _____

3 THE PEOPLE OF THE STATE OF NEW YORK

4 -against-

5 CHRISTOPHER PORCO,

6 Defendant.

7 _____

8

9 C E R T I F I C A T E

10

11

12 I, David Mayo, a Sr. Court Reporter in the
13 Unified Court System, Third Judicial District, do hereby
14 certify that the foregoing is a true and accurate
15 transcript of the proceedings reported stenographically
16 by me in the above matter.

17 Dated: _____

18

19 _____

20

21

22

23

24

(David Mayo, Official Court Reporter)