

ABOUT NEW YORK

# He's Over 80, but a Convict Gets No Parole

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It began with a parking ticket dispute on a street in Manhattan more than 35 years ago, then lots of stupidity, shots fired, everyone lived.



Mohaman G. Koti

In a medical ward in May 2013, the parole board was trying to figure out if it was safe to put Mohaman G. Koti, the driver involved, back on the street.

"Where does your sister live, sir?" a parole commissioner asked.

"Ma'am?" Mr. Koti replied, not making out the question.

Lots of that. Mr. Koti said he would not be a danger to society.

"O.K., why not?" the commissioner asked.

"What?" Mr. Koti answered.

Mr. Koti will officially be 85 years old on Friday, but his mother told him he was born in 1926, not 1928 as the records show. So perhaps he will be 87. The case is now so old that the parole board cannot find a copy of the transcript from his sentencing.

Mr. Koti may be on in years, but he does not make the list of the 10 oldest prisoners in New York State, where, over the last decade, the number of inmates has dropped by close to 15,000. One section of the prison system has run against that trend. There are 859 more prisoners over the age of 60, a current total of 2,133, according to Linda M. Foglia, a public information officer for the prison system. About half are doing life without parole.

Mr. Koti got into an argument with a police officer in Midtown about an inspection sticker on his car. This was hideous judgment: he had a record dating back to the 1940s and was on federal parole for a bank robbery in South Carolina. Mr. Koti said the officer drew his gun, then he pulled a gun and shot the officer. Nine other police officers joined in a chase, with shots fired. Mr. Koti fled into a woman's apartment, and when he was arrested, the charges included attempted murder and kidnapping. Later, he was caught in the water, trying to escape from Rikers Island.

"I don't think I should have had a gun in the first place," Mr. Koti said. "I should not have shot the police officer. If he had done his job as a police officer and given me a ticket, let me go, give me a warning, that would have never happened."

Still, he repeated, he should not have had a gun.

Offered a sentence of 7 1/2 to 15 years, he turned it down because he thought he could beat the charges at trial. The wounded officer had recovered, and his lawyer had found a witness who would give an account of the confrontation sympathetic to Mr. Koti. It did not work. He arrived in state prison in 1978 to serve a sentence of 25 years to life. There, he became known as a peacemaker and gave talks to schools.

"You have done a lot of good things in prison," a commissioner said at the parole hearing.

Mr. Koti said, "When I came to prison, instead of being with the gangsters and dopes and drug addicts, I went to school."

For prisoners over age 60, the rate of recidivism is about 1 percent, compared with the general prison population, which a [2011 study](#) put at about 40 percent in New York. Why do the older paroled inmates do better?

"They age out of crime," said Mujahid Farid, a former prisoner and current Soros fellow who is working on a campaign to increase the rate of release of aging prisoners in New York. "They have spent a lot of time reflecting on their life," he said. "Sometime, there is a lot of growth in prison, despite the oppressive conditions. Almost like a flower growing through cement."

Even so, Mr. Koti, who was rated by parole investigators at a low risk to commit another crime, was turned down for release by a 2-to-1 vote.

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Why? The board said he had a history of violence, was at risk to commit another crime, and letting him go would create disrespect for the law. Mr. Farid had another view: "They're saying no because of this whole zeitgeist of the punishment. Once a person had been punished, punish them again."

Mr. Koti, who has been turned down for parole six times, can apply again in two years. Will he last that long?

He has been in and out of hospitals dozens of times in the last few years, suffering from a neuromuscular disorder, asthma, intestinal problems. A sister has offered to take him in.

The parole decision "deprives an old man of an opportunity not to die in prison," said Susan V. Tipograph, a lawyer for Mr. Koti.

At the hearing in May, the commissioners kept repeating questions.

"I am a little hard of hearing, that is why," Mr. Koti said.

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