



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**THOMAS FOLEY**

**W38388**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 3, 2012

**DATE OF DECISION:** May 10, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** Parole is denied with a review in four years. The decision is unanimous.

**I. INTRODUCTION**

Mr. Foley appeared before the Massachusetts Parole Board on April 3, 2012 for a review hearing. After careful consideration of all relevant facts, including the nature of the underlying offense, the circumstances surrounding his adjustment while on parole from 2002 to 2007, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional department, and his level of engagement with rehabilitative programming while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time.

**II. STATEMENT OF FACTS**

The victim in this case, Warner Coleman, met the inmate while both men were residents of the Harbor Lights Halfway House. On Friday, October 10, 1980, the two had been excluded from the halfway house after becoming intoxicated. They left together and went to the inmate's parents' house. Sometime in the early hours of October 11<sup>th</sup>, the victim entered the

inmate's mother's bedroom and attempted to get into bed with her. She called her son for help, and he promptly ejected the victim from the home. A few minutes later the inmate followed Mr. Coleman outside, confronted him, and beat him until he was either dead or unconscious.

The inmate immediately returned to his parents' house and told his mother what he had done. She advised her son to go and check on Mr. Coleman's condition. Instead, he went to another house nearby and enlisted the help of a friend, Dennis Misiak. The inmate convinced Misiak to drive him back to the spot where the inmate had left Mr. Coleman. The two men then loaded Mr. Coleman's body into the back seat of Misiak's vehicle. Using a screwdriver he found in the glove box, the inmate stabbed Mr. Coleman several times in the neck to ensure that he was dead. The two men then set out to search for a spot to conceal Mr. Coleman's body. Before they could accomplish their purpose, however, they were stopped by police. After a brief investigation the inmate was arrested and charged with murder.

While incarcerated, the inmate's institutional adjustment has been deplorable. He has accrued approximately 170 disciplinary reports for behavior including assaults on inmates and correctional officers, possession of drugs and alcohol, and making threats. In consequence of his conduct, the inmate has three returns to higher custody and has served three terms of administrative confinement. As compared to other life-sentence inmates who have appeared before the Board in recent years, the inmate's institutional history ranks among the very worst.

The inmate's performance while on parole was similarly poor. He was apparently involved in three separate domestic violence incidents culminating with his arrest on multiple counts of assault with intent to kill, assault and battery, and intimidation. On this basis, his parole was terminated in 2007, and he has been incarcerated since that time.

### **III. DECISION**

Several considerations underlie our decision to deny parole in this case. First, we note that the offense here was particularly brutal. The fact that the inmate inflicted the injuries with the screwdriver after he had a significant time for reflection, coupled with his efforts to dispose of Mr. Coleman's body to avoid responsibility for the offense bespeak a strong criminal mindset. Further, the inmate has amassed a long and troubling list of institutional infractions. Indeed, as noted already, his institutional record is as bad as any the Board has seen in recent years. Finally, his demeanor at the hearing, as well as some of the answers that he provided, suggest that he has not yet gained clear insight into the underlying causes of his criminal conduct, especially his manifest proclivity for domestic violence. Along these lines, he showed little insight into the specific triggers for either his anger or substance abuse.

The standard we apply in assessing candidates for parole is set out in 120 CMR 300.04, which provides that "[p]arole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." Applying that appropriately high standard here, we find the inmate is not deserving of parole at this time. He may not apply for further review until at least four years from the date of his last hearing. In the meantime, he should focus on maintaining a clean disciplinary record, taking advantage of any appropriate program opportunities, particularly those focused on anger management and domestic violence, and preparing a home plan calculated to avoid the various pitfalls that led to his prior parole failure. With diligent efforts on his part, the inmate may hope to obtain a different result at some future hearing.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

Caitlin Casey  
Caitlin E. Casey, Chief of Staff

5/11/12  
Date