



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

NORMAN SILVIA

W57304

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: August 28, 2012

DATE OF DECISION: December 3, 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: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in two years.

I. STATEMENT OF THE CASE

On March 10, 1993 police responded to a call of a domestic disturbance that was reported by the downstairs neighbor William Murray. Mr. Murray reported that he could hear his neighbor Stacy Trenholme yelling for help, to which he responded by going upstairs to her apartment. Upon approaching her door, he was met in the hallway by Norman Silvia who pointed a pistol at his head. He ran back to his apartment and called the police for the second time. Another neighbor heard Mr. Silvia loudly threatening to shoot Ms. Trenholme and the child.

Police arrived at the apartment of Ms. Trenholme, but could not immediately gain entry. According to police reports, officers could hear a male yelling he was going to shoot a girl and a baby. He yelled to police, "Don't come in or I'll shoot the bitch." Mr. Silvia screamed obscenities at Ms. Trenholme while she cried and pleaded with him not to shoot her or the child. The police then heard a gunshot. When police gained entry to the apartment, they found

Ms. Trenholme bleeding on the floor. Upon being confronted by Mr. Silvia who pointed a gun at them, police fired at Mr. Silvia striking him in the neck. Ms. Trenholme survived the shooting.

Ms. Trenholme had an active restraining order against Mr. Silvia. He gained entry to her apartment by breaking in through a second floor window. Ms. Trenholme and Mr. Silvia shared a daughter together who was present in the apartment at the time of the shooting. Mr. Silvia had on prior occasions physically abused Ms. Trenholme.

Mr. Silvia's version of the offense conflicts with the evidence and his guilty pleas. He stated at his parole hearing that he had recently been babysitting their daughter with Ms. Trenholme's consent, but she refused to allow him to do so on the evening of March 10, 1993. He stated that he did not at any time threaten to harm their child, and in fact, only had intentions that evening of shooting himself to death. He stated the gun went off accidentally striking Ms. Trenholme. He reported that he was in the midst of speaking to his brother about committing suicide, and that he wanted him to come and get their child. Mr. Silvia reported that as he was handing the phone to Ms. Trenholme, the gun accidentally went off. Mr. Silvia also disputed witness testimony documented in the police report that he threatened to shoot Mr. Murray or police. Mr. Silvia stated that he had every intention of shooting himself, but his gun jammed, which also coincided with police entering the apartment. He stated he was shot in a struggle with police.

On October 17, 1994 in Bristol Superior Court, Mr. Silvia pleaded guilty to armed burglary and was sentenced to life imprisonment. On that same date, he received a one year concurrent sentence for possession of a firearm, and was given an 18 to 20 year suspended sentence with 10 years probation for armed assault with intent to kill Stacy Trenholme.

II. PAROLE HISTORY

Mr. Silvia received a positive parole vote on February 14, 2008, after the Board noted his positive commitment to rehabilitation and positive institutional adjustment. The Board also noted that Mr. Silvia had established positive supportive relationships, including with his daughter (also victim's daughter) and a parole plan that would enable him to continue with his positive re-entry to society. Mr. Silvia was released on parole on July 20, 2009 to the Veterans Transition House, after he served six months in pre-release.

Just months prior to the completion of his treatment at the Veterans Transition House, Mr. Silvia began to show signs that he was overwhelmed with numerous issues that led to his failure to comply with many of his parole mandates, such as attending his counseling appointments, taking medication, and paying supervision fees. Mr. Silvia also was given a graduated sanction for solicitation of a prostitute which resulted in a criminal conviction.

Mr. Silvia stated he was struggling with balancing his personal life, with the demands of parole. Mr. Silvia revealed that he had many pressures on him, including caring for his brother who has major medical disabilities and resolving conflicts in a relationship with his girlfriend who reportedly had substance abuse issues. He also stated his girlfriend had become pregnant after being sexually assaulted. His girlfriend later had a miscarriage and he also lost a close friend during this period of time. Mr. Silvia's parole officer and his mental health counselor attempted to intervene and work with him to establish a treatment plan in an effort to prevent his further downward spiral. Mr. Silvia was either not able or not willing to comply with the recommendations that were offered and requirements expected of him while on parole. He ultimately requested to be returned to prison, stating that he could no longer comply with parole mandates at that time. He was terminated from his residential treatment program and

returned to prison per his own request on March 2, 2010. The Board revoked his parole based on his failure to complete his residential treatment and non-compliance with other conditions.

Mr. Silvia's first review hearing after his parole revocation was on August 31, 2010. The Parole Board rendered a decision to deny Mr. Silvia's parole with a review in two years. The Board noted that Mr. Silvia had not participated in any further rehabilitation, nor had he addressed his mental health issues that precipitated his own request for his return to prison.

III. INSTITUTIONAL HISTORY

Mr. Silvia's overall adjustment since first entering prison in 1994 has been positive, with minimal disciplinary reports and no returns to higher custody. Mr. Silvia's participation in rehabilitation programs is below average. He has held consistent employment within the institution. Since his return to prison on March 2, 2010, Mr. Silvia has been involved in the American Veteran Dog Program as a trainer and has completed Health Awareness and Motivational Enhancement. He has had no disciplinary issues.

IV. DECISION

Mr. Silvia was questioned by the Board regarding the many inconsistencies between his version of the crime and the evidence in the case. The Board noted continued concern with Mr. Silvia's version, as he demonstrated an effort to diminish his responsibility for shooting Ms. Trenholme by maintaining that he never had any intention of hurting her, but rather was attempting to put a plan in place to take care of his daughter and then kill himself. His version is not consistent with the facts provided. During the course of the hearing, Mr. Silvia did appear to reveal more of what actually happened, and what his intentions were, thus eventually he provided a more credible recitation of his behavior.

The Board also questioned Mr. Silvia regarding his decision to be asked to return to prison, rather than accept increased mental health treatment and support from parole. Mr. Silvia verbalized numerous stressors that he felt he was not able to handle at that time, and also felt that parole supervision requirements were adding to his pressure.

Given that Mr. Silvia committed his offense in the context of overwhelming pressure in his life, the Board remains concerned that he has not been able to stabilize his mental health issues, which he now minimizes. Mr. Silvia acknowledges that both parole and his mental health providers were trying to work with him. He does not, however, appreciate that his need to return to prison indicates that he was not adequately prepared for release and his inability to manage stress in the community created undue risks. Mr. Silvia remains unaware of why he functions better in prison than he does in the community.

Mr. Silvia is requesting to return to live with his brother and resume a caretaking role. He has lost his financial independence and does not feel he is in need of mental health and ongoing supports to transition again back to society. Mr. Silvia is essentially requesting that his need for crisis management in the form of re-incarceration be overlooked, rather than work to understand why he was unable to manage his stressors and accept the assistance of parole, as well as comply with the mandates of parole. Mr. Silvia presented with no additional insight than when he initially requested to return to prison. Although he has established a positive institutional record and re-engaged in programming, the Board encourages Mr. Silvia to gain a more specific understanding of how he can deal with stress without decompensating.

The Board highly recommends that Mr. Silvia continue to engage in all available self-help, mental health treatment, groups and programming that would enhance his rehabilitation, including addressing issues of anger, control, and domestic violence. The Board encourages Mr. Silvia to establish a comprehensive parole plan that he is invested in and that addresses his needs. At this time, it is the unanimous decision of the Board that Mr. Silvia's release is not compatible with the welfare of society.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.



Timothy V. Dooling, General Counsel

Dec. 3, 2012

Date