



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor
Timothy P. Murray
Lieutenant Governor
Andrea J. Cabral
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

**ROBERT STIRLING
W30424**

TYPE OF HEARING: Review Hearing after Revocation
DATE OF HEARING: May 15, 2012
DATE OF DECISION: January 28, 2013

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

DECISION OF THE BOARD: Re-parole to Interstate Compact for Florida residency. The decision is unanimous.

I. STATEMENT OF THE CASE

A Middlesex County jury convicted Robert Stirling of first degree murder in July 1965. In November, 1978, Mr. Stirling's sentence was commuted to 38 years and 6 months to Life, creating a parole eligibility date in November 1979. The victim of the murder was Samuel Washington, 53 years old.

Robert Stirling resided in Maine at the time he committed the murder. He found his wife in bed with another man when he returned home early from teaching at Navy school. Mr. Stirling followed the man back to Massachusetts and ended up getting in a taxi cab driven by Samuel Washington at about 1:30 a.m. on January 31, 1965. Mr. Stirling asked Mr. Washington why he had been in Maine and the victim stated that he had been seeing a woman there. Mr. Stirling pulled out a .22 caliber pistol and shot him four times in the head from the backseat.

Mr. Stirling fled and returned to Maine where he stayed with a friend. He attempted to return the gun used in the murder to the shop where he had purchased it with a bad check. Days later, he was taken into custody after the gun was linked to the murder.

II. INSTITUTIONAL HISTORY

While incarcerated Mr. Stirling worked for 10 years as a nurse in the institution's hospital, and was certified in CPR, participated in in-service medical training and completed a degree in practical nursing. He participated in course work through Fisher Junior College and participated in Lifer's Group, Fellowship, Inmate Council, Social Education, Gavel Masters, and Stamp Club, and operated a plaster vocation.

Mr. Stirling's initial institutional adjustment was marred by several disciplinary reports for glue sniffing and intoxication between 1966 and 1973. Prior to being released on parole in 1979, Mr. Stirling was incarcerated at Boston State Pre-release Center where he participated in numerous furloughs. He also participated in work release and obtained employment at the Wrentham State School, New England Villages and the Norfolk County Hospital.

Since his return to custody in 2009 as a parole violator Mr. Stirling attends AA/NA meetings weekly and has received several certificates of completion including: Mental Health Relaxation Workshop; Nonviolent Conflict Resolution; Alternatives to Violence; and Violence Reduction. In addition, he has obtained his GED and completed some course work through Fisher Junior College. Mr. Stirling was issued a disciplinary report on June 16, 2011 for being out of place.

III. PAROLE HISTORY

Robert Stirling appeared before the Massachusetts Parole Board for a review hearing on May 15, 2012. This is Mr. Stirling's third appearance before the Board.

After his initial hearing in 1979, he was paroled to a home plan on November 29, 1979. Mr. Stirling moved to Florida in 1982 and parole supervision was transferred under the Interstate Compact. He was revoked and returned to custody in Massachusetts on December 11, 2009, after spending 30 years in the community. His initial adjustment on parole was somewhat complicated by emotional difficulties and relationship troubles. Since his transfer to Florida in 1982, Mr. Stirling has had four instances of criminal charges.

In 1990, Mr. Stirling was charged with making harassing phone calls. The victim was connected to Mr. Stirling by previous employment and there was apparently some ill feeling between the two. Mr. Stirling was arrested and pled guilty, and sentenced to 6 months probation. His probation was terminated in 1991. The Parole Board did not learn of this information until 2001.

In October 2000, Mr. Stirling was charged with grand theft after stealing various items from Good Will Industries, where he was employed. Mr. Stirling entered a plea agreement in 2001. He received a county sentence and three years probation. He successfully completed probation. The Parole Board issued a Final Warning and continued supervision.

In 2007, he was charged with three counts of obtaining property in return for worthless checks. He was sentenced to serve one day, which was deemed served, with probation. He was ordered to pay \$105 restitution on each case. The Parole Board issued another Final Warning and added a condition that he must pay all court costs and restitution.

In September 2008, a Florida parole progress report indicated that Mr. Stirling was making a positive adjustment. He had a stable home and all drug tests had been negative and he did not present as a supervisory problem. Florida recommended that his supervision be terminated, which the Massachusetts Parole Board denied in December 2008.

On August 9, 2009, Mr. Stirling was arrested by Tampa, Florida police for driving under the influence of alcohol. A police officer observed Mr. Stirling driving his 1994 Dodge pickup truck on a metal ring, the rubber having separated from the rim. During a traffic stop, the officer observed an open beer can, glassy and bloodshot eyes, slurred speech and a distinct odor of alcohol on his breath. A field sobriety test was issued which Mr. Stirling could not complete due to his level of impairment. His blood alcohol level was .105/.106, which exceeded the .08 limit. The DUI charge was reduced to Reckless Driving on November 2, 2009, Mr. Stirling admitted guilt and was sentenced to 84 days in the county jail with credit for time served and a \$1,000 fine.

According to a letter written by Brian Bladykas, M.D. of Bay Pines Outpatient Psychiatry, Mr. Stirling started therapy with him in October 8, 2008 for "traumatic anxiety related to his prior prison experience and the unresolved death of his child." Dr. Bladykas states that Mr. Stirling was prescribed Xanax at the time of his DUI incident.

At the time of his arrest for driving under the influence, he was working at the Plaines County Landfill as a heavy equipment operator. He was working 6 days a week 12 hours a day. He said he drank a beer or two a week. He said he was not using any other drugs aside from his prescribed medication.

IV. PAROLE HEARING MAY 15, 2012

Mr. Stirling is requesting to be re-paroled to Florida under the Interstate Compact. He reports that his wife currently resides in St. Petersburg, Florida and he has family and financial support to reside there. Mr. Stirling says that he and his wife have been together for nine years and she has stable employment and is supportive of him. Mr. Stirling recently retired and receives Social Security and Veteran's benefits. He believes that it is important for him to continue his medication, mental health counseling and to attend AA. He also plans to do some volunteer work.

At the hearing Mr. Stirling provided an opening statement to the Board and stated that he has addressed the factors cited by the previous Board in denying re-parole. He has addressed his mental health issues by participating in one-on-one counseling and is no longer considered an open mental case by the Department of Correction. In addition, he has engaged in substance abuse programming.

In his presentment, Mr. Stirling appeared to be forthright when discussing his parole history and the challenges he faced along the way. Since his return to custody Mr. Stirling has actively pursued treatment and programming to address the factors that caused his violation and has had an excellent institutional adjustment.

Middlesex Assistant District Attorney Melissa Johnson testified in opposition to parole.

V. DECISION

Robert Stirling is serving a life sentence for the murder of Samuel Washington in 1965. He was incarcerated for nearly 15 years prior to being paroled in 1979. Mr. Stirling was in the community on parole for 30 years and has been re-incarcerated for the past three years. Mr. Stirling's three decades on parole establish that he is a very low risk for violent conduct. In the last decade on parole, however, he also demonstrated that areas of his thinking and conduct

need improvement if he is to be a law-abiding member of the community. Revocation has provided Mr. Stirling with three years of accountability and rehabilitative opportunity.

During his presentment, it was evident to the Board that Mr. Stirling fully comprehends the severity of his actions and has been engaged in the rehabilitative process to address the issues that resulted in revocation. Mr. Stirling has a solid support system of family and friends in the State of Florida.

The standard applied 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, the Board in a unanimous decision has determined Mr. Stirling is a suitable candidate for re-parole to the Interstate Compact to reside in Florida.

SPECIAL CONDITIONS: Re-parole to Interstate Compact to reside in Florida; no drug use (with testing required); no alcohol use (with testing required); substance abuse evaluation with requirement to follow recommended treatment; one-on-one counseling for two years minimum (then at parole officer discretion); must take prescribed medication related to mental health if recommended by treatment provider; volunteer or community service for eight hours per week for two years minimum (then at parole officer discretion); GPS electronic monitoring for one year minimum (then at parole officer discretion).

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.

Josh Wall
Josh Wall, Chairman

January 28 2013
Date