



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*



**PAROLE BOARD**

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**DECISION**

**IN THE MATTER OF**

**JOSEPH YANDLE**

**W34788**

**TYPE OF HEARING:** **Revocation Review Hearing**

**DATE OF HEARING:** **June 19, 2012**

**DATE OF DECISION:** **May 13, 2013**

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, 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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in two years from the date of the hearing.

**I. STATEMENT OF THE CASE**

Joseph Yandle appeared before the Massachusetts Parole Board on June 19, 2012, as a parole violator. Following a jury trial in December 1974, Mr. Yandle was convicted of first-degree murder and armed robbery, and sentenced to serve life in prison without the possibility of parole. His convictions were affirmed on appeal. *Commonwealth v. Yandle*, 371 Mass. 97 (1976). In 1987, Mr. Yandle filed his first petition for commutation, which was denied in 1988. He filed a second petition in 1990. After a hearing, the Advisory Board of Pardons recommended commutation in 1992 and, in June 1995, Governor William Weld commuted Mr. Yandle's sentence to a term of 33 years to life.

As a result of the commutation, Mr. Yandle became eligible for parole, and was paroled on July 13, 1995, to Vermont through the Interstate Compact. His parole was revoked in 1998 when the Board learned that Mr. Yandle had provided fraudulent information to them concerning his military experience in Vietnam. Mr. Yandle had represented that he had served

in Vietnam when, in fact, he had not.<sup>1</sup> Mr. Yandle had maintained for years that he was a heroic soldier who received multiple Purple Heart Awards. He allowed this false information to become a cornerstone of his commutation petition.

Parole revocation proceedings began, and his parole was revoked in January 1999. In 2003, the Board voted to re-parole him to the Interstate Compact in Vermont. In October 2006, Mr. Yandle's parole was again revoked, this time for irresponsible conduct. Mr. Yandle had been arrested in Vermont for possession of heroin and had failed to notify his parole officer of the arrest. The revocation was affirmed in 2007, and Mr. Yandle was scheduled to appear before the full Board for a hearing. After that hearing, he was paroled on June 17, 2008, to the Dismas House in Worcester. He was taken into custody, and revocation proceedings began again, in January 2012 when Mr. Yandle was violated for falsifying his urine sample to hide drug use and for obtaining a prescription for Oxycodone without notifying his parole officer. The revocation was affirmed in March 2012.

On June 20, 1972, Joseph Yandle and his co-defendant Edward Fielding<sup>2</sup> robbed a liquor store in Medford, killing the store clerk, 65-year-old Joseph Repucci. Fielding shot Mr. Repucci once with a .22 caliber handgun. The bullet passed through his heart and lung.

Prior to the robbery, Mr. Yandle and Mr. Fielding discussed committing a robbery so that they could get money to support their heroin and barbiturate addictions. They had even purchased a gun, a .22 caliber handgun, to facilitate the robberies and had used it during six prior robberies. That night, Mr. Fielding loaded the gun and the two men drove around Everett looking for a store to rob. They were unable to find an acceptable store and drove to Medford. There, they came upon the Mystic Bottled Liquor Store, observed that there was only one man working, and decided that this was the store that they would rob. Mr. Fielding went into the store while Mr. Yandle waited in the car. Mr. Fielding returned a few minutes later and told Mr. Yandle to start driving because he had just shot the victim.

Police questioned Mr. Fielding on July 1, 1972, and Mr. Fielding confessed to the robbery and implicated Mr. Yandle. The next day, upon learning that the police were looking for him, Mr. Yandle went to the police station, was arrested, and gave a statement to police admitting that he and Mr. Fielding had discussed robbing a store to get money to purchase drugs.

## **II. PAROLE HEARING ON JUNE 19, 2012**

Joseph Yandle was represented by Attorney Jonathan Shapiro. Mr. Shapiro told the Board that Mr. Yandle "admits to both violations; using prescribed painkillers and not being forthcoming." Mr. Shapiro said that his client has considerable pain "that impaired his judgment."

Mr. Yandle is now 63-years-old. He described his history of drug abuse: he began heroin use at age 14; used heroin, Valium, and barbiturates in the Marines; used heroin, Valium, and barbiturates after the Marines and near the time of the murder; and smoked

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<sup>1</sup> Governor Paul Cellucci recommended revoking Mr. Yandle's commutation as a result of this information, but the Governor's Council voted not to do so.

<sup>2</sup> Edward Fielding was convicted of first-degree murder and sentenced to serve life in prison without the possibility of parole.

marijuana, used heroin one time, and drank beer during earlier years of his incarceration. Mr. Yandle's conduct leading to his parole violation is a continuation of his long history of addiction and criminal thinking. As a heroin addict, he obtained an opiate prescription and hid that information from his parole officer, even going to the extreme of tampering with his drug test in order to hide his drug use.

Mr. Yandle hid his drug use from his parole officer for three months. A Board Member pointed out that the secrecy included repeated lying for three months. Mr. Yandle acknowledged that every month "when I said I was clean and sober I was lying." A Board Member commented that "the record shows you are not capable of telling the truth to the Parole Board." A Board Member asked, "are you a pathological liar?" Mr. Yandle responded, "I am a liar but not pathological."

Mr. Yandle said that he and his co-defendant committed five robberies, including the governing offense. He said he drove the car each time and "I went in twice." Mr. Yandle admitted he lied to obtain commutation because he "wanted to go home."

Middlesex Assistant District Attorney Jamie Charles spoke in opposition to parole. Mr. Yandle's sister testified in support of parole.

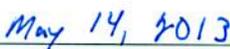
### **III. DECISION**

Joseph Yandle has lived a lifetime of drug abuse and dishonesty. His advancing age and declining health have not diminished his ability to obtain drugs and lie about it. Parole conditions and supervision have likewise been ineffective. Despite his infamous history of manipulating the good will of those involved in the criminal justice system, he accuses the criminal justice system as "corrupt" and "based on lies." Through his recent conduct, views, and attitudes, Mr. Yandle demonstrates that he is not rehabilitated and continues with criminal thinking.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "Parole 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, the Board finds that Mr. Yandle is not a suitable candidate for parole. Accordingly, parole is denied, with a review in two years.

*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.*

  
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Josh Wall, Chairman

  
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Date