



The Commonwealth of Massachusetts  
Executive Office of Public Safety



**PAROLE BOARD**

12 Mercer Road  
Natick, Massachusetts 01760

Deval L. Patrick  
Governor

Andrea J. Cabral  
Secretary

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

Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**ANTHONY COLANTONI**

**W38606**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** April 2, 2013

**DATE OF DECISION:** February 20, 2014

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 a suitable candidate for parole. Parole is granted to an approved home plan on or after March 7, 2014.

**I. STATEMENT OF THE CASE**

Anthony Colantoni appeared before the Massachusetts Parole Board for a review hearing. Colantoni is serving a life sentence for armed home invasion. This hearing is being conducted following the revocation of his parole in 2010 followed by a denial of re-parole after a review hearing.

On March 13, 1981, at 1:40 A.M. three Boston police officers responded to a radio call based on a report of a woman screaming. As they arrived at a house occupied by two sisters, Vilma, age 64, and Martha Magoch, age 69, they were met on the lawn by Vilma, who cried, "Hurry, they are going to kill my sister upstairs." An officer entered the house, saw Colantoni's brother, Ralph Carey, on a stairway landing, ran up the stairs, and caught him.

After turning Ralph Carey over to the other two police officers, the Officer looked into the bedroom of the second sister, Martha, and saw Anthony Colantoni choking her and hitting her with an eighteen-inch stick. The officer seized Colantoni and brought him downstairs. Colantoni and his brother were arrested, advised of their rights, and searched. Two rings, a watch, and a necklace belonging to Martha were recovered from Colantoni's pocket. Martha told the police officers that, after the brothers broke into her bedroom, Colantoni had threatened her, saying, "Where is the money? Give me the money or I'll kill you."

On December 4, 1981, in Suffolk Superior Court, after entering a plea of guilty, Colantoni was convicted of armed home invasion and sentenced to life imprisonment. On the same date, he also received an 8-10 year from and after sentence for armed robbery and an 8-10 year sentence for assault and battery by means of dangerous weapon, to be served concurrently with the armed robbery.<sup>1</sup>

## **II. CRIMINAL, INSTITUTIONAL, AND PAROLE HISTORY**

Prior to his life sentence on the governing home invasion convictions, Colantoni had several criminal arraignments that were opened in 1980, one year before the armed home invasion. Those property-related charges included larceny from a building, knowingly receiving stolen property, and breaking and entering at nighttime to commit a felony therein, and were not closed out until after he was sentenced to life. Colantoni pleaded guilty to the crimes and received probation.

During his incarceration prior to his 2002 parole release, Colantoni incurred 24 disciplinary reports for offenses that included sleeping during count, unexcused absences from work, and being out of place, the last of which occurred in 1998. He also completed several institutional programs, including Correctional Recovery Academy in 2002.

After an initial parole hearing on March 22, 1999, Mr. Colantoni was paroled on August 27, 2002 after completion of pre-release. His adjustment on parole had been reportedly marginal. Colantoni had two incidents at his previous job with a retail establishment where he touched a female employee. That employer responded with action taken by the human resources department. The second incident involved the Boston Police responding to a call of domestic assault which, after investigation by parole, proved to be a loud argument.

Regarding the incident leading to his parole revocation, on January 25, 2010, Colantoni was terminated from his job at a medical supply company for assaulting a female staff member at a nursing home. The victim was 17 years old. Colantoni misled his parole officer about his termination, reporting that he was fired due to a speeding ticket and sitting down at work. Further compounding the matter, Colantoni waited until February 18, 2010, approximately 23 days later, before reporting it. On March 5, 2010 Colantoni was therefore returned to MCI

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<sup>1</sup> Colantoni's brother, Ralph Carey, was a co-defendant. On December 4, 1981 he also entered a guilty plea in Suffolk Superior Court, and was sentenced to life for armed home invasion. He also received an 8-10 year from and after sentence for armed robbery. Concurrent with the armed robbery sentence, he received an 8-10 year sentence for assault and battery by means of a dangerous weapon and two 8-10 year sentences for two counts of breaking and entering into a dwelling in the nighttime. Ralph Carey was released to parole supervision on July 6, 1999. No violations have been noted.

Cedar Junction on a warrant, and had his parole revoked following a final revocation hearing. Colantoni thereafter was seen by the Board for a review hearing on November 30, 2010, where parole was denied and with a three-year set back.

After his return to custody, Colantoni incurred no disciplinary reports and engaged in further institutional programming.

### **III. APRIL 2, 2013 HEARING**

Anthony Colantoni appeared for his third parole release hearing represented by Attorney John Rull. Colantoni received a positive parole vote in 1999 after his initial hearing on the life sentence he is serving for armed home invasion. He was not released on parole until August 2002 and he lived in the community on parole until he was returned for a violation and parole was revoked in 2010. The Parole Board conducted a review hearing after revocation on November 30, 2010 and denied re-parole with a review in three years. The parole violation was serious: a female staff member, age 17, at a nursing home reported that Colantoni, whom she did not know, wrapped his arms around her and tried to pull her on his lap. The victim pulled away from Colantoni and went into a bathroom until he left and she felt safe. Due to the incident, Colantoni was fired from his job delivering medical supplies. Colantoni lied to his parole officer about the incident and lied to the Parole Board at his revocation hearing when he falsely described the incident.

Attorney Rull presented an opening statement which described the positive aspects of Colantoni's parole and explained how Colantoni would not repeat the mistakes due to further rehabilitation since his return to custody in 2010. Mr. Rull emphasized that Colantoni was primarily successful during his seven and one-half years on parole. He was steadily employed. His parole issues, including some disagreements with women and some confusion over the rules regarding prescription painkillers, were resolved and corrected without returns to custody. Mr. Rull stated that Colantoni has used his 37 months of re-incarceration productively. He has completed 16 programs and received no disciplinary reports since his return. The programs include Smart Recovery, Alternatives to Violence (six phases with three follow-up sessions); the Beacon Program; and two years of GED education.

Colantoni described his years on parole. He worked for over seven years at a retail establishment. He said, "I never had a problem with money, I worked two jobs." He was eventually fired from the retail establishment job because he did not properly record inventory. He said that he was not suspected of stealing the inventory. He did not tell his parole officer about the change of employment for three weeks. He said he did not make the required disclosure because "I was afraid of coming back to jail." He had one long-term relationship with a girlfriend, and two shorter relationships that involved discord. He has maintained the long-term relationship through his re-incarceration. He said, "I didn't have a tough time when I got out because I had support." He identified several family members who assisted him, including his brother who was his co-defendant and is on parole. Colantoni said, "we are very close; he's done very well on parole; I am proud of him; he is married with two children and works his tail off." Colantoni described his relationships with women while on parole. He described his conduct that resulted in revocation: "it was November 2009; I had a new job; I went to the nursing home to deliver a bed; I called over the nurse; I shook her hand and put my hand around her waist; I understand that she thought I was doing something; I did make

the statement that I liked young girls." Colantoni repeatedly described the incident as resulting from his misunderstanding of social boundaries. He said, "I know social boundaries are very important today; you can't go out and intrude anyone's space."

Board Members asked Colantoni to consider several issues: the extreme inappropriateness of grabbing a young woman he did not know; the lies he told to parole, including at his revocation hearing where he asserted that the young victim had lied; his deceptive behavior with other women during his relationship with his current long-term girlfriend; and his comment in the hearing that obscured or did not recognize the extent of his conduct and issues.

Colantoni said he is not an alcoholic, that he used marijuana and pills before incarceration, and that he has been sober for 32 years. He said he stayed sober on parole without attending AA meetings or counseling. He said that he thought he needed counseling on parole for other issues related to transition and relationships. When asked why he has done well in prison, he said, "I wanted to be a better person and I didn't want to end up in a worse situation."

He said that since his return, "Alternatives to Violence was helpful; I learned how to deal with things and better ways of handling things." He also said that Smart Recovery helped him "deal with certain feelings." He said that, "the crime shows I was violent but I don't think of myself as violent anymore; I don't like arguments or fights; I want to be a better person."

Speaking in support of parole were Colantoni's long-term girlfriend, his sister-in-law, and a family friend. There were many letters of support submitted by family members and friends. No one appeared in opposition to parole. In closing, Attorney Rull noted that the hearing had been informative for his client, that his client's issues can be addressed in the community, and that more counseling would be beneficial and well-received by Colantoni.

#### **IV. DECISION**

Anthony Colantoni is serving a life sentence for armed home invasion. He was on parole for over seven years, during which time he was primarily successful. He was employed regularly, complied with parole conditions, was receptive to supervision, maintained sobriety, and maintained some good relationships with family, friends, and co-workers. His issues involved incidents with women and deception with his parole officer and his long-term girlfriend. He was revoked because of bizarre behavior in aggressively touching a young woman with whom he had no connection. Colantoni established on parole that he can live safely in the community but that he needed to continue with his rehabilitation in order to eliminate offensive and improper conduct. He has used his return to prison productively: his behavior has been good and he has worked towards further rehabilitation through programs. His period of return, which will be four years by the terms of this decision, is sufficient to hold him accountable for the unwanted touching that resulted in revocation. His good behavior and active program participation during his re-incarceration demonstrate his continued rehabilitation and his ability to correct his behavior. Based on the positive aspects of his parole and his productive use of his time after being returned to prison, Colantoni has established that he is rehabilitated and does not pose a current threat for violence.

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, the Parole Board grants parole to an approved home plan on or after March 7, 2014. Conditions of parole have been added to allow for more support through counseling and increased supervision through GPS monitoring.

**SPECIAL CONDITIONS:** Parole to an approved home plan on or after March 7, 2014; no drug use; no alcohol use; one-on-one counseling for adjustment issues and healthy relationships; GPS monitoring for at least one year and thereafter at discretion of parole officer; curfew between 10:00 p.m. and 6:00 a.m. for one year and thereafter at discretion of parole officer.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.*

Josh Wall  
Josh Wall, Chairman

February 20, 2014  
Date