



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

ARTHUR COPE

W35180

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: May 7, 2013

DATE OF DECISION: February 10, 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 not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Arthur Cope appeared before the Massachusetts Parole Board for a review hearing on the life sentence he is currently serving at MCI-Norfolk. Cope received this sentence in Bristol Superior Court on October 22, 1975 following his conviction of second-degree murder in the shooting death of 27-year-old Richard Ribeiro. Cope received concurrent sentences of five to eight years for two counts of armed robbery that were associated with the murder.

On February 8, 1974, Cope, age 27, his girlfriend, Barbara Burns, age 20, and an unidentified male accomplice referred to as "Ronnie," arrived at the New Bedford apartment of Christine Divinski, an acquaintance of the victim. Cope and "Ronnie" had Divinski call the victim to come to her apartment. Cope and his accomplices planned to rob the victim because they believed he was a drug dealer who would be carrying money and drugs.

Divinski reached the victim, who came to the apartment with another man, Edwin Texeira. When they arrived, "Ronnie" aimed a .22 caliber revolver point blank at the victim and fired a shot into the back of his head. Cope and "Ronnie" searched the victim and Texeira for money and drugs. Cope and Burns fled to New York City and resided there until their apprehension on June 5, 1975. "Ronnie" also fled but his whereabouts were unknown when Cope was arrested. At his arrest, Cope admitted being involved in the robbery. Cope also possessed a loaded shotgun which he bought while in New York, and informed the arresting authorities that while he and Burns were in New York on flight from Massachusetts authorities, they each used heroin and supported their habits through shoplifting.

II. CRIMINAL, INSTITUTIONAL AND PAROLE HISTORY

Prior to his 1975 murder conviction, Cope had an extensive criminal history in Massachusetts and New York. In 1968, Cope was sentenced to 18 months in a Massachusetts House of Correction ("HOC") for breaking and entering, larceny, and attempted larceny. Cope was paroled from that HOC sentence in 1969 and went to New York City. New York authorities thereafter charged Cope with drug possession, and in 1970, sentenced him to probation for one year. Later in 1970, the New York drug possession sentence was imposed due to new arrests for drug possession, and in 1971 Cope received a 60 day sentence for loitering and drug possession.

Following his release by New York authorities, Cope returned to Massachusetts when on November 22, 1972 he received his second HOC sentence for two and a half years for possession of heroin. Cope committed the governing offense while on parole from this HOC sentence.

Also, following his June 1975 arrest for the murder of Ribeiro, and before his October 1975 conviction for the same, Cope faced charges of assault with intent to murder and two counts of assault and battery with a dangerous weapon. He was convicted of these charges on November 14, 1975 in Bristol Superior Court and received three sentences of five to eight years running concurrent to this life sentence for second degree murder.

Following his 1975 murder conviction, Cope was incarcerated at MCI-Cedar Junction and MCI-Norfolk. Between 1975 and 1990, Cope accumulated 15 disciplinary reports, several of which were marijuana related. Also, Cope was returned to MCI-Cedar Junction on three occasions, two of which were for possession of drugs, and one was for fighting with an inmate. Also, on December 27, 1980, Cope escaped while on furlough from MCI-Norfolk and returned voluntarily on May 30, 1981. The related escape charges were "guilty filed." During his first fifteen years of incarceration, Cope received excellent work and housing evaluations and regularly attended Narcotics and Alcoholics Anonymous.

On October 4, 1991, the Board granted Cope parole following an initial hearing. Cope remained on parole until January 1993, when he absconded from a drug rehabilitation program and went whereabouts unknown. Cope was thereafter indicted by the State of New York on armed robbery charges and on May 20, 1993, he was sentenced to a four to eight year prison term. In July 1998, Cope was paroled from his New York sentence and returned to Massachusetts.

On November 8, 1999, Cope appeared before the Board and was denied parole with a three year set back. In 2002, the Board denied parole for three years, but noted that Cope should be scheduled for a review after he completed the Correctional Recovery Academy (CRA). After he completed CRA, Cope was before the Board for a review hearing on June 22, 2004. The Board paroled Cope to a long term residential program on October 7, 2005. On April 23, 2011, Cope was arrested near the Boston Medical Center for possession of cocaine and heroin. The Board revoked parole following a final revocation hearing conducted on December 19, 2012.

Since his return to custody, Cope has been involved with AA and NA meetings once per week and attending Christian services. However, Cope has not been working or attending other programs. In addition, Cope received disciplinary reports on November 21, 2012 for refusing a cell change; on March 14, 2013 for being in a different bed than the one assigned to him; and on March 23, 2013 for being out of place during count.

III. PAROLE HEARING ON MAY 7, 2013

Arthur Cope, age 67, appeared for his sixth parole hearing. He has received parole twice and each parole ended with a return to drug use and new criminal charges. He began the parole hearing with a surly comment that "every lifer gets denied with a five year review, the papers are written out before the hearing." Board Members ignored Cope's attempt to steer the hearing in a negative direction, and instead asked him about a broad variety of topics relevant to his rehabilitation.

On his most recent parole, Cope lived in Dorchester with his sister, collected disability and did not work, saw a therapist weekly and a psychiatrist monthly. Initially, he completed the Sullivan House long term residential treatment program and volunteered at Sullivan House after completing the program. He lost that volunteer position after two years. He said, "I had a good parole officer." Cope explained his most recent relapse and parole revocation: "I was abusing my medication for the last six months; the people I hung with all did the same thing; I didn't take heroin but I was abusing my medication; I was stupid; I went to Boston Medical Center; this area is known for pills; I was in a pill area and was swapping pills; I was trying to make a few dollars; I was selling and buying; my sister didn't know; I was lying to my counselor and my psychiatrist." He was arrested but the charges were dismissed. Cope reported the "case was dismissed because of Annie Dookhan." He offered his opinion that the Board "could have let me go at the revocation hearing; I didn't shoot nobody; I didn't kill no cop." Dr. Bonner explained to him that his prescription drug abuse of Benzodiazepine can be a very serious drug addiction with serious consequences, including overdose, involuntary commitment, and withdrawal sickness.

Since his return, Cope reported that "I go every week to NA; I am not employed; I write and read a lot; I try to get exercise because I am diabetic; I go to the law library and help guys who don't speak English good; my sister is the only one outside I have contact with but she doesn't visit." He explained why he does not participate in other programs: "There's no program in prison I ain't done; I did every program and I don't want to take space from younger guys; it's all young guys and they look at it like why take a spot from younger guys who can get good time." A Board Member asked Cope if he is an addict. Cope did not say yes.

He hesitated and said, "I still have desires to get high." He said his three recent disciplinary reports are "all minor disciplinary reports."

In describing the murder, Cope provided the following details: "I did the planning for the robbery; I met Ronnie at a bar in Rhode Island; we talked that night and the next day I called him for the robbery; he had his gun and I had my gun; I knew Richie [the victim] good, we were real good friends; we grew up together and he was almost like a brother to me; we threatened Christine to make her call Tex back to the apartment; we told her we would shoot her or her kid; her child was in the house the whole time; the shooting happened as soon as they walked in; there was no conversation before the shooting; the other guy shot when they came through the door; I only know the shooter by his first name "Ron;" I heard he was shot and killed in Rhode Island about 15 years ago."

Board Members asked about Cope's first parole. He admitted that he fled to New York where he returned to drug use and committed street robberies and convenience store robberies.

Cope appeared hostile at certain points of the hearing. For example, when Board Member Archilla asked him why he should be re-paroled, Cope said, "I already answered that." Board Member Archilla asked him if he could answer the question again, and Cope refused.

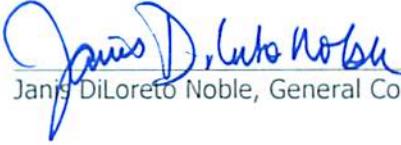
There were no supporters of parole in attendance. Bristol Assistant District Attorney Dennis Collins submitted a letter in opposition to parole.

IV. DECISION

Arthur Cope has a long criminal history with an especially poor performance on parole. He committed the murder of Richard Riberio while on parole. On his first parole on this life sentence, Cope fled to New York where he resumed drug use and committed numerous robberies, all of which resulted in convictions and a state prison sentence in New York. On his second parole on the life sentence, Cope relapsed which led to daily drug abuse and frequent illegal buying and selling of different types of pills. Upon his revocation and return to prison, Cope has not sought rehabilitation with a commitment to programs. This was apparent at the hearing, as he did not display insight into his drug use, his criminal thinking, or his criminal conduct. He is not rehabilitated and does not appear interested in reforming his negative thinking and criminal conduct.

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. Cope is not a suitable candidate for parole. The review will be in five years during which time Mr. Cope should seek a renewed commitment to rehabilitation through programs, employment, and other productive activity. He needs to address issues of addiction, anger, criminal thinking, and criminal conduct.

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.


Janis DiLoreto Noble, General Counsel

2/10/14
Date