



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

CHRISTOPHER GREENBERG

W49921

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: April 8, 2014

DATE OF DECISION: July 31, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the inmate's age at the time of the offense, institutional record, the inmate's testimony at the hearing, 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 a suitable candidate for re-parole. Parole is granted to a long term residential program.

I. STATEMENT OF THE CASE

Christopher Greenberg appeared before the Massachusetts Parole Board for a review hearing on the life sentence he is currently serving at MCI Shirley. On February 8, 1991, Greenberg was convicted by a jury of second degree murder in Suffolk Superior Court for the stabbing death of 23-year-old Noel Rafalko. Greenberg received a concurrent sentence of three to ten years for one count of arson that was associated with the murder.

On May 7, 1988, the day preceding the murder, Noel Rafalko had been introduced to Christopher Greenberg, age 16, by a mutual friend, Daniel Polsonetti. Greenberg, Rafalko, and Polsonetti traveled to Old Colony Correctional Center to visit Polsonetti's brother, David, who was incarcerated there. After the visit, the three men spent the balance of the day together, driving around, drinking alcohol and using drugs. Late in the evening, they pulled off the road and slept through the night in their vehicle.

The next morning, on May 8, 1988, Greenberg asked Polsonetti if he could return with him to his home to get some more sleep. When Polsonetti refused, Rafalko offered to allow Greenberg to come home with him. The two men went to Rafalko's apartment which was the upstairs unit of a multi-family house located in Revere. Rafalko's mother, Sheila Rafalko, was at home asleep when the men arrived. Rafalko retired to his bedroom and Greenberg went to sleep on the couch.

Greenberg decided to rob Rafalko. He went to the kitchen, retrieved a knife, a fight ensued, and he stabbed Rafalko to death in his bedroom. After the murder, Greenberg left Rafalko's bedroom and encountered Mrs. Rafalko. She was getting ready to leave the house to run some errands. Greenberg misled Mrs. Rafalko, telling her that her son was still sleeping. Greenberg then asked Mrs. Rafalko if she would give him a lift into town so he could catch the train. Mrs. Rafalko agreed and the two left the apartment a few minutes later.

After Mrs. Rafalko dropped off Greenberg near the train station, he immediately returned on foot to the Rafalko apartment. Using Rafalko's keys, which he had stolen after the murder, he went inside, and took some money and various other small items. Greenberg lit several fires in the apartment in the hope of concealing the murder. By the time Mrs. Rafalko returned to her home, it was fully ablaze. Initially, she blamed herself for the fire, assuming that she had left an appliance on when she was out. Ultimately, the true circumstances of Rafalko's death were discovered. Greenberg denied his guilt at trial and refused to accept responsibility for his crimes for many years after the offense. He now concedes the facts.

II. PAROLE, CRIMINAL, AND INSTITUTIONAL HISTORY

Christopher Greenberg was before the Parole Board for his initial hearing on April 29, 2003. Parole was denied with the Board noting serious disciplinary reports in the past and institutional adjustment problems. A longer period of positive adjustment was deemed necessary. The Board set a three-year review period. A review hearing took place on April 12, 2006, after which Greenberg received a positive vote which required him to complete a six month period of transition in pre-release. On October 31, 2007, Greenberg was released under parole supervision. After two years, he relapsed into marijuana and alcohol use and was charged with carrying mace without a license. However, in consideration of the inmate's ability to find and maintain employment during his parole, his stable home environment, and the non-violent nature of his violations, his parole was continued without revocation.

Unfortunately, approximately one year later, Greenberg had another relapse. He was found to be in possession of alcohol while a resident at the Serenity House. He was terminated from the program and was taken into custody without incident. His parole was revoked.

Greenberg was 16 years old at the time of the offense. He is currently 42 years old, serving his first incarceration and has a limited criminal record. Greenberg has received thirteen disciplinary reports; a majority of them were early in his incarceration.

Greenberg is currently incarcerated at MCI Shirley, where he is employed in the Canteen Department. Since his return to custody, he completed the Correctional Recovery Academy (CRA), Smart Recovery, Criminal Thinking Program, Coping Skills Group and Computer Skills Classes. He participates in group activities within the therapeutic community, attends Alcoholics Anonymous and Narcotics Anonymous, and attends monthly mental health counseling.

III. PAROLE HEARING ON APRIL 8, 2014

Christopher Greenberg, age 42, appeared for a revocation review hearing on April 8, 2014, after receiving a two year setback subsequent to his revocation review hearing in 2012. He stated he was "shocked" to get two years and "I thought I'd go home or to a program." Greenberg expressed in order for him to remain clean and sober while under parole supervision, "I would have to surround myself with people who have the same recovery goals as me, people who can give me advice and keep me on the right path." He credits his "Uncle Ralph" as a positive influence and described him as a "no nonsense" person, who offers him valuable advice and attended church with him. He still receives support from his uncle, even though Greenberg "let him down." Greenberg also recognized his girlfriend, Helen Botelho, as "she was there for me and gave me good advice." During his prior parole supervision, he consumed alcohol while in Ms. Botelho's presence; however, he indicated this time she will support him to remain alcohol free.

In describing his history of substance abuse, Greenberg stated he started drinking alcohol at age five and stated, "I got intoxicated." He began consuming marijuana at age thirteen and experimented with cocaine, valiums, Xanax and mescaline. He said that his sister started drinking alcohol at age ten or eleven. Greenberg stated he dropped out of school at age fourteen or fifteen. He lived in poverty with a mother addicted to alcohol. He described his relationship with his father as "very stressful and an ongoing process and that they don't see eye to eye on certain issues. I was pissed at him for not being there when me and my sister were growing up." A long standing issue for Greenberg, that providers recognized, is the importance of having his father in his life. He stated he will maintain minimal contact with his father and family until "I can adjust in the community so I can deal with my stressors."

He recognized that he will need continued support in the community in order to ensure a positive parole: "I know I can't do this myself; I was too proud to ask for help. I was adrift. I didn't have family support or counseling." He assured the Board he now understands the advice the parole officer gave him was to help and not hurt him: "I need to follow it and wish I had." It was suggested to Greenberg that he failed to follow up with mental health issues while on prior paroles and that counseling might have helped prevent his relapses and return to custody. He acknowledged that his mental health played a major role in his parole failures and stressed that "support" would have helped him work on that issue. He recognized he must be vigilant with his mental health issues: "I know that's something I need to do and I have to maintain a balance with that; stress is my trigger."

In addition to support, Greenberg stressed the importance of residing in a structured environment: "I need to be around these structured environments to be successful and be around positive people who don't want to get high. My support system feels confident I can develop it." He stated his greatest challenge if re-paroled is "finding balance between work and school."

Greenberg described the CRA as a "structured therapeutic community, where inmates support each other and give feedback." He is a graduate mentor in the CRA and facilitates a men's group, Time Out For Men, every Tuesday. He attends Alcoholics Anonymous and mental health counseling on a weekly basis: "I am a mental health case since December 2013." Greenberg is employed in the Canteen Department four days a week. He also spends his days studying, drawing and writing letters.

Greenberg described the murder of Noel Rafalko. Greenberg stated he was 16 at the time and living with his father. His role models were of a criminal type and he asserted "that's where I found nurturing, support and acceptance." He met Mr. Rafalko the day before the murder. "I was stressing out about money I owed. I needed money to have. I thought the victim was a successful drug dealer. I was searching through his bureau and I stabbed him. I came back to look for money I thought was there. Doing crimes was glorified in my group, but when I killed him it wasn't like that, I was sick to my stomach. I didn't want to get caught so I started a fire. I was self-centered and didn't think about whether the fire threatened others."

His proposed parole plan includes spending six to nine months in a long term residential program, like Spectrum in Westborough, as they follow the same concepts as the CRA, so he believes that would be a good option for him. Greenberg stated one-on-one counseling would be helpful, as well as attending AA or NA meetings. He is interested in attending school for graphic arts or drawing. Greenberg can obtain employment as a barber (although he would have to renew his license), a cab driver, information technology, or computer repair. In 2002, Greenberg severed his trachea which affects his capability for manual labor. Greenberg noted, "I can do work that is not labor intensive."

Suffolk Assistant District Attorney Charles Bartoloni submitted a letter opposing parole. Greenberg's girlfriend spoke in support of parole.

IV. DECISION

Christopher Greenberg is seeking a second parole release to a long term residential treatment program. Since his return to custody he has completed multiple rehabilitative programs, including the Correctional Recovery Academy. He participates in monthly mental health counseling and consistently attends Alcoholics Anonymous meetings. He has maintained employment and positive institutional behavior throughout his incarceration. He has not committed a violent act since a disciplinary report for fighting in 1992. He presents no current risk for violence. Greenberg has had psychological obstacles; however, he has made remarkable progress. He has gained insight into his mental health and substance abuse issues. Greenberg has a firm understanding that he must maintain a positive relationship with his parole officer, cannot consume any alcohol or illicit substances, needs to continue participating in mental health counseling, must maintain employment, and establish a comprehensive support structure. The return to custody has allowed for the additional rehabilitation necessary for Greenberg to live in the community.

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

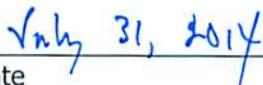
incompatible with the welfare of society." Applying the appropriately high standard here, we find Mr. Greenberg deserving of parole because he is unlikely to re-offend if paroled and release is compatible with the welfare of society. Parole, therefore, is granted with the conditions stated below designed to assist Mr. Greenberg with a successful transition to the community.

SPECIAL CONDITIONS: Parole to a long-term residential program; no alcohol use; no drug use; one-on-one counseling for adjustment issues and substance abuse issues; AA or NA with a sponsor (90 meetings for first 90 days then at least 3 times per week).

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, Chairman



Date