



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

PAUL WASHINGTON

W46826

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: August 27, 2013

DATE OF DECISION: January 24, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall. Cesar Archilla and Sheila Dupre were excused from the hearing.

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 re-parole. Re-parole is granted to an approved home plan.

I. STATEMENT OF THE CASE

Paul Washington appeared before the Massachusetts Parole Board for a review hearing following the revocation of his parole. He seeks a re-parole from his life sentence for the second degree murder of Thomas Foy, age 57.

In late December 1987, Washington, age 18, and his co-defendant Andrew Sullivan agreed to stay high on drugs throughout the holiday season. For many days they did nothing but drink alcohol, smoke marijuana, snort and smoke cocaine, and eat psychedelic mushrooms in Sullivan's Worcester apartment. When they ran out of money, they committed robberies for drugs and money. They continued their drug binge into the New Year. On Saturday, January 2, 1988, at 6:30 a.m., they were out of drugs and money after partying all night. Washington and Sullivan took a cab to a drug house where they planned to obtain another supply of drugs.

Thomas Foy, a part time cab driver who worked on Saturday mornings, picked them up and took them to the drug house.

As the cab sat in the driveway, Sullivan took a knife from Washington and stabbed Mr. Foy once in the neck behind his right ear. The knife blade bent as it penetrated an artery and his brainstem, killing Mr. Foy. Mr. Foy's body was found lying in a pool of blood and his pockets had been turned inside out. Sullivan took money from Mr. Foy and Washington searched the cab for money. They stole \$32 from Mr. Foy which they used to buy cocaine. During the three-week holiday drug binge, Washington and Sullivan committed several other robberies in Worcester, including a robbery in which Washington stabbed the victim. That victim survived several stab wounds.

On July 20, 1989, Paul Washington pleaded guilty to second degree murder of Mr. Foy in Worcester Superior Court and was sentenced to life in prison with the possibility of parole at fifteen years. That same day, he received additional concurrent 9 to 10 year sentences for armed robbery, assault and battery by means of a dangerous weapon, unarmed burglary, unarmed robbery and breaking and entering. Washington also received concurrent 4 to 5 year sentences for larceny in a building.

Sullivan, Washington's co-defendant, also pleaded guilty to second degree murder in Worcester Superior Court and was likewise sentenced to life in prison with the possibility of parole at fifteen years. In 2012, Sullivan was denied parole and given a review in five years.

II. INSTITUTIONAL HISTORY

Paul Washington has maintained a moderate record within the correctional system. He has accrued approximately 12 disciplinary reports over the course of his incarceration, none of which resulted in a return to higher security. Mr. Washington last received a disciplinary report in April 2008. His disciplinary incidents do not involve substance abuse and do not indicate a pattern of violence.

Washington has completed several programs throughout his incarceration including Alternatives to Violence (three phases) and the Correctional Recovery Academy. He participated in Alcoholics Anonymous and Narcotics Anonymous, obtained his GED, and was employed as a maintenance worker.

In March 2013, Washington was returned to custody for violating parole conditions. Since his return, Washington has not participated in any programming and is not currently employed within the institution. He reported that his medical condition prevents him from participating in these activities.

III. PAROLE HISTORY

After denying parole in 2002 and 2007, the Parole Board granted parole to Paul Washington following his third hearing on November 17, 2009. The Board acknowledged that Washington took greater responsibility for his underlying criminal actions and no longer placed all the blame on his co-defendant. He presented as sincerely apologetic and appeared to be

someone who could focus on positive growth. On June 25, 2010, Washington was paroled to his sister's house in Worcester.

With the exception of receiving three graduated sanctions for failing to pay his supervision fee, Washington was compliant with parole conditions. Washington obtained employment upon release, secured his own apartment, and attended AA weekly. In August 2011, Mr. Washington was diagnosed with a serious medical condition that precludes him from working and he began collecting full disability benefits.

On March 16, 2013, Washington committed several parole violations which led to parole revocation. Washington operated a vehicle without a license, and when police attempted to pull him over, he failed to stop and attempted to elude police. In addition, Washington consumed alcohol and lied to his parole officer concerning these events, all of which were parole violations. Accordingly, on March 17, 2013, Washington was arrested on a parole violation warrant and detained at MCI-Cedar Junction. On June 25, 2013, the Board voted to revoke Washington's parole permit.

In addition to parole violations, the Massachusetts State Police issued a criminal complaint against Mr. Washington on several charges relating to his misconduct on March 16, including operating after a suspended license, failure to stop for a police officer, negligent operation of a motor vehicle, and no inspection sticker. The charges were filed after a finding of guilty in Worcester District Court on July 15, 2013.

IV. AUGUST 27, 2013 PAROLE HEARING

On August 27, 2013, Paul Washington appeared for this review hearing following the revocation of his parole. This is Washington's fourth appearance before the Board. He seeks a re-parole to reside with his domestic partner, Sylvia Candelaria, and her twelve-year-old daughter in Worcester. He would attend all required medical appointments, participate in AA and NA, participate in church services and activities, and look to his family and friends for additional help.

Attorney Jason Benzaken represented Washington at the hearing. Attorney Benzaken provided the Board with an overview of Washington's current medical condition and physical limitations. He described the poor decisions made on and shortly after March 16, 2013, but also gave information on Washington's positive adjustment on parole supervision over the course of almost three years. Washington stated his parole was successful at the outset because "I was looking for work, doing my programs, and cooperating with parole."

Washington explained that his situation changed significantly due to one negative event and one positive event. On the negative side, he was diagnosed with a serious medical condition that has intermittent but debilitating symptoms. As a result, he is unable to work and began collecting full disability payments. Washington reported that his doctor said, "I'm not supposed to do nothing" because of his physical limitations. On the positive side, he entered a committed relationship with Sylvia Candelaria, who has helped him with additional rehabilitation. He lived with Ms. Candelaria and her daughter. Washington explained that "we need each other and support each other; I have become a family man and a religious man; I

did make important changes.” He said that he is committed to helping his girlfriend deal with her serious medical issues and caring for her daughter.

Washington expressed remorse for his irresponsible conduct that resulted in his return to custody. He said, “I should have done things differently.” He attributed his initial lack of candor with his parole officer to the fear of being returned to custody, as he did in fact violate his parole by drinking alcohol, failing to stop for the police officer, and abandoning the vehicle. He maintained that he only took sips of an alcoholic beverage at a party that night. He considered that an especially poor decision because “I can’t drink because of my health and my medications.” He also explained that he did not have a driver’s license because he had not paid an excise tax.

Washington provided an account of his crime, his motivation to commit the crime, and the path he has taken toward rehabilitation. Throughout the hearing, Washington appeared to be sincere as he exhibited insight into his behavior resulting in his recent revocation, and the impact of his poor decision-making.

Thomas Foy’s family submitted a letter opposing parole which was read at the hearing by a victim service coordinator. Sylvia Candelaria, Washington’s domestic partner, spoke in support of re-parole. She said that “he’s a big help for me, he does everything for me because I am so sick.”

V. DECISION

Paul Washington had a successful parole for 32 months before he made a series of poor decisions in March 2013. While on parole, he worked before he became disabled due to a serious medical condition. He has coped successfully with the medical condition and his new physical limitations. He entered a mutually supportive relationship which has given him the stability of family and religious commitments. While on parole, he established that he does not present a current risk for violence. His re-incarceration for a period of ten months is sufficient accountability for his parole violations, including the criminal driving offenses.

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. Washington is a suitable candidate for re-parole.

SPECIAL CONDITIONS: Re-parole to an approved home plan on or after February 7, 2014; no drug use; no alcohol use; AA two times per week; counseling for adjustment issues; curfew between 10:00 p.m. and 6:00 a.m.; GPS monitoring for one year and thereafter at parole officer discretion; no contact with victim’s family.

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.

Caitlin E. Casey
Caitlin E. Casey, Chief of Staff

1/29/14
Date