



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

ANTHONY COLE

W65346

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 2, 2012

DATE OF DECISION: December 27, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Roger Michel, Lucy Soto-Abbe, Josh Wall. Ina Howard-Hogan did not participate due to recusal.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, 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.

I. STATEMENT OF THE CASE

On Tuesday, August 19, 1997, Anthony Cole fired his gun at Craig Joseph but struck Benny Rosa, (age 19) in the chest. Mr. Rosa died of his injuries. Craig Joseph was also firing a handgun. Several bystanders, Christina Williams, Christine Peters and Joshua Roman, were also struck by bullets fired by Anthony Cole or Craig Joseph in the shootout.

A Middlesex County jury found Mr. Cole guilty of murder in the second degree. On October 2, 1998 he was sentenced to life with the possibility of parole, as well as concurrent sentences for possession of a firearm (2 years), armed assault with intent to murder (12-15 years), assault by means of a dangerous weapon (3-5 years) and armed assault with intent to murder (3-5 years). Craig Joseph was convicted of manslaughter in 2001 and is currently serving a 19 to 20 year sentence.

The precipitants to the shooting included an argument between Mr. Cole and Craig Joseph, who accused Mr. Cole of owing him money. Mr. Cole reports that this issue, among other disputes between two groups of people had been ongoing, and that he (Mr. Cole) was told by friends that "warning shots" were fired in Hoyt Park by Mr. Joseph two days before the murder letting him know that he was in trouble. On August 19, 1997, Mr. Cole was riding his bike through Montague Street in Cambridge near Hoyt Park, where they all frequented. Witnesses state that Mr. Joseph spotted Mr. Cole and his friends and fired in the direction of Mr. Cole. Mr. Cole simultaneously fired at Mr. Joseph, who was his intended victim. Mr. Joseph was in a crowd of people as he fired. It is unclear who actually began firing first. Mr. Cole was arrested on August 22, 1997. His defense at trial was self-defense as he tried to convince the jury that he was lured there by Mr. Joseph. He also contested the evidence that the bullet that hit Mr. Rosa came from his gun.

Mr. Cole now admits that he was a known drug dealer in and around Hoyt Park, and that he had a dispute over money with Mr. Joseph a few days before the shootout. He maintains, however, that he still does not know why Mr. Joseph thought he owed him money. He stated he had not known Mr. Joseph prior to this dispute, but that he grew up with Benny Rosa and considered him to be a friend. Mr. Cole stated he had no intention of harming Mr. Rosa or the other victims. Mr. Cole reports that once he "caught his glance" (Joseph), he knew that Mr. Joseph was going to shoot him. He insists that Mr. Joseph fired first, and that he fired two shots into the crowd toward Mr. Joseph. Mr. Cole reports that he had no idea who he had hit and later learned that the bullet that hit Mr. Rosa most likely came from his gun. He insists he fired his gun one time, it jammed and then he fired again. Mr. Cole fled the scene and was identified by several witnesses as one of the shooters.

II. INSTITUTIONAL CONDUCT

Mr. Cole has received a total of 47 disciplinary reports, most recently in 2011. Mr. Cole has eight disciplinary reports that consist of violence or threats to commit violence. He has committed 22 disciplinary infractions since 2004. His poor institutional conduct has resulted in three returns to higher custody.

Mr. Cole earned his GED in 2009. He had very little program participation in the first decade of incarceration. He has completed several programs beginning in 2010: the Correctional Recovery Academy; Alternatives to Violence (several phases); and Health Awareness. He is currently engaged in Emotional Awareness. He has held several jobs in the institution.

III. PAROLE HEARING ON OCTOBER 2, 2012

Mr. Cole appeared before the Board for his initial parole hearing after serving 15 years. Mr. Cole was 20 years old when he committed the offenses. He was on probation for another crime when he committed the current offenses. His life of criminal behavior began at a very young age, as he admits to a continuous period of selling drugs beginning at age 10. At the time of the murder he was making upwards of \$8,000 a week by selling cocaine. Mr. Cole was a product of a violent and dysfunctional upbringing, including two parents who struggled with addiction and poverty, and he at a young age sometimes assumed the role of providing for his family. Mr. Cole reports he often bought his younger siblings food and clothes with money he

was making on the streets. Although Mr. Cole reports he thrived in sports and education when he attended school, he stated that his dysfunctional home life and his own anger sabotaged any investment in remaining in school. He left school in the seventh grade. As a result of his early criminal behavior, Mr. Cole was committed to the Department of Youth Services, but he was not deterred from his life on the street and did not accept any alternatives or supports that were presented to him as a juvenile. Mr. Cole admits to carrying a firearm regularly, both as means to protect himself and as a means to threaten others. Mr. Cole's criminal record includes prior acts of violence, breaking and entering and other drug related offenses. Mr. Cole admits that he was a violent, careless person for a very long time, but says he was a different person with his family. Members of Mr. Cole's extended family, including the mother of one of his two children, and his siblings testified at the hearing, and corroborated his claims that he tried to care for family members and guide them in a positive direction while at the same time he was engaged in a lifestyle of criminal behavior. Mr. Cole has also established additional positive supports since entering prison, including through the Street Safe Coalition in Boston. He has begun to explore future positive parole plans, and appears to have a support system that would be willing to assist him should he be afforded the opportunity at some point to re-enter the community.

The Board recognized the precipitating factors that led Mr. Cole to a life of crime, as well as the loyalty he showed his siblings and family in his efforts to provide for them. That said, Mr. Cole displayed little insight into the significant devastation his drug dealing and violence had on his community. Mr. Cole was also not entirely forthcoming about his responsibility for shooting Mr. Rosa and injuring others, but ultimately agreed that despite arguments about ballistics and who may have shot first, his actions were directly responsible for the death and injury to the victims, and his lifestyle and years of criminal behavior provided a foundation for all of the events of that evening to happen. Mr. Cole has not always maintained a position of accepting responsibility, and has in fact, spent many years claiming he was acting in self-defense, thus dismissing and minimizing not only his actions on the day of the murder, but for his long history of criminal acts that contributed to the victimization of many other people in his community.

It is also clear based on Mr. Cole's poor institutional behavior and responses to the Board's questions regarding his continued violence and anti-social acts within the prison system, that he still struggles with rationalizing and defending his behavior, versus gaining an understanding of why he is involved with such incidents and how he can change his thinking and behavior to reflect and demonstrate that he is gaining from his investment in rehabilitation. Specifically, while Mr. Cole may admit to committing institutional infractions, he explains his disciplinary reports as resulting from his efforts to help someone else. This continues his pattern of failing to recognize or excusing his antisocial behavior. He frequently portrayed himself as not having any choices other than to deal drugs, commit crimes, and act negatively in prison.

The Board conducted a lengthy inquiry into Mr. Cole's lifestyle and his development in prison. He has no prior period of productive citizenship in which to draw from, thus he is confronted with the difficult task of growing up in prison. The Board acknowledges the positive supports he has maintained and gained during his incarceration, as well as his recent efforts to fully engage in positive development to enable him to potentially reintegrate into society with the developmental tools, education, and occupational skills that he would need to succeed and

contribute to society. The Board also considered the opposition provided by the victim's family and the Middlesex District Attorney.

IV. DECISION

Anthony Cole was a destructive influence in his community for many years. He was an active drug dealer who carried a gun and resorted to violence when necessary. Mr. Cole should be a promising candidate for rehabilitation because of the motivation, guidance, and support resulting from his family ties and commitments. Mr. Cole, however, has continued in prison with violence and other negative behaviors. He has 47 disciplinary reports with three returns to higher custody. He was disciplined for fighting five times between 2001 and 2008. Mr. Cole's institutional conduct is evidence that he is not rehabilitated. He would be likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, parole is denied.

Mr. Cole is encouraged to continue to take a personal inventory of his past and current behaviors, thinking, and decision making that has led him to commit such offenses, and be more objective and insightful about his own motivations for antisocial behavior. He is encouraged to invest in his rehabilitation and to demonstrate that he has internalized the necessary cognitive and occupational skills as well as character development that will enable him to successfully transition back into society.

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.



Timothy V. Dooling, General Counsel

12/27/12

Date