



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

CALVIN GRAY

W44270

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 8, 2011

DATE OF DECISION: June 26, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. INTRODUCTION

Mr. Gray appeared before the Massachusetts Parole Board on September 8, 2011. This is his third appearance before the Board with no prior paroles. After careful consideration of all relevant facts, including the nature of the underlying offense, his current mental health status, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional department, and his level of engagement with rehabilitative programming while incarcerated, we conclude that he is not a suitable candidate for parole at this time.

II. STATEMENT OF FACTS

On September 16, 1986, the inmate shot and killed his neighbor, Richard Kelly. At approximately the same time, he also shot and wounded another neighbor, Daniel Lanigan. He shot at, but fortunately missed, a third neighbor, Carol Allen. All of the victims lived in the same apartment building as the inmate. The shootings occurred after Lanigan and Kelly had

asked the inmate to lower the volume of his television. Kelly was shot as he stood in the inmate's doorway, while Lanigan was shot as he walked back to his own apartment. Allen was attacked as she stood in the common hallway. According to the inmate, he "flipped out" and "had no control of what he was doing." The inmate turned himself in to police about an hour after the shootings, stating that "I don't feel sorry for the people because, you know, I kn[e]w it was going to happen; I kn[e]w it was going to occur."

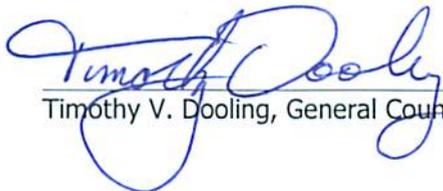
As reflected in the circumstances of the offense, the inmate has been diagnosed with significant mental health impairments, including a primary diagnosis of schizophrenia, chronic paranoid type. As a result of his mental health issues, the inmate has been civilly committed to Bridgewater State Hospital since April 26, 1995. His mental illness, to date, has shown no sign of remission. According to clinicians, he continues to exhibit compulsive behaviors, paranoid delusions, command hallucinations (including commands to harm others), aggression, cognitive dysfunction, and poor insight.

Doubtless as a result of mental health issues, the inmate has proven to be a significant management issue while incarcerated. He has incurred approximately thirty disciplinary reports, including multiple instances of assaultive conduct. To his credit, he has engaged in a number of rehabilitative programs, including violence prevention, stress management, and the chronic mental illness group. Unfortunately, the inmate's program work has not translated into significantly improved institutional decorum.

III. DECISION

The standard we apply in assessing candidates for parole is set out in 120 CMR 300.04, which provides that "[p]arole 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, we find no basis for concluding that the inmate is a suitable candidate for parole. His current mental health issues create a distinct possibility that, if released, the inmate would pose a significant danger both to himself and others. The clinical staff at Bridgewater State Hospital have indicated that the inmate would benefit from continued treatment in that secure facility. We concur with their assessment. It is our sincere hope that inmate will benefit from his treatment. He may apply for parole consideration again in not less than five years from the date of his last hearing.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Timothy V. Dooling, General Counsel



Date