



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Mary Elizabeth Heffernan  
Secretary

Telephone # (508) 650-4500  
Facsimile # (508) 650-4599

Josh Wall  
Chairman

**RECORD OF DECISION**

**IN THE MATTER OF**

**PAUL O'NEIL**

**W37105**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** December 15, 2011

**DATE OF DECISION:** March 29, 2012

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

**DECISION OF THE BOARD:** Denied with a review in 5 years. The decision is unanimous.

**I. INTRODUCTION**

Paul O'Neil appeared before the Massachusetts Parole Board on December 15, 2011. At the inmate's own request (made at the conclusion of his hearing), his parole is denied. We note that independent of the inmate's request, after careful consideration of all relevant facts, including the nature of the underlying offense, the circumstances surrounding his parole violations, 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, his parole history and his level of engagement with rehabilitative programming while incarcerated, we conclude that he is not a suitable candidate for parole at this time in any event.

**II. STATEMENT OF FACTS**

On December 11, 1978, while on parole from convictions for breaking and entering in the nighttime and larceny, the inmate became involved in a violent confrontation with Armando Robin. After a brief struggle, the inmate fatally stabbed Robin once in the chest. Although the

inmate initially fled, he turned himself into police several days later. He was ultimately convicted of second-degree murder.

In 1990, while incarcerated for the murder conviction, the inmate escaped. He was apprehended four days later and found to be in possession of a firearm. He was subsequently convicted of both escape and unlawful possession of a firearm for which he received multiple from and after sentences.

Despite his lengthy criminal history, including crimes committed during both of his separate paroles, the inmate was paroled again in 2005. However, after only a few months, he violated the conditions of his parole by leaving the long-term residential program to which he had been committed by the terms of his release. After going whereabouts unknown for two days, he was apprehended by police and found to be in possession of heroin. He was returned to custody and later convicted of possession of illegal drugs. At a hearing in 2007, parole was denied and a five year review was set.

In addition to having a poor parole history, the inmate also has proven to be a significant management issue while incarcerated. Since his escape (his adjustment was above average before that time), he has incurred more than twenty disciplinary reports for a range of serious infractions including possession of a weapon. Further, after his most recent return to custody, he had to be held in protective custody due to a conflict with members of the Latin Kings STG. Apparently, the inmate had promised to facilitate the importation of illegal drugs into the institution while on his most recent parole, a promise that he did not keep.

### 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. During previous paroles he has committed both technical violations and multiple serious criminal offenses, including the murder for which he is currently incarcerated. He has escaped from custody. Finally, he has conspired with gang members to use a parole opportunity for the purpose of introducing illegal drugs into prison. Indeed, it is difficult to conceive of a candidate less suited for a further parole opportunity. In any event, the inmate withdrew his request for parole and asked for a review at the latest possible date – five years from the date of his last hearing. We conclude that it is appropriate to grant that request.

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

  
Caitlin E. Casey, Chief of Staff

3/29/12  
Date