



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

ANDREW SULLIVAN

W46823

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 6, 2012

DATE OF DECISION: December 3, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, 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. STATEMENT OF THE CASE

Andrew Sullivan, age 24, and his co-defendant Paul Washington agreed to stay high throughout the holiday season in late December 1987. 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 January 2, 1988 at 6:30 a.m. they were out of drugs and money after partying all night. Sullivan and Washington took a cab to a drug house where they planned obtain another supply of drugs. Thomas Foy was the cab driver who 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 Thomas Foy once in the neck behind the right ear. The knife blade bent as it penetrated an artery and the brainstem, killing

Mr. Foy. Sullivan took money from Foy and Washington searched the cab for money. They stole \$32 which they used to buy cocaine.

During their three-week holiday drug binge, Sullivan and Washington committed several other robberies in Worcester, including a robbery in which Washington stabbed the victim. That victim survived several stab wounds.

Sullivan pleaded guilty on July 20, 1989 to the second-degree murder of Thomas Foy. Paul Washington also pleaded guilty to second-degree murder and received parole in 2010.

Andrew Sullivan was on parole when he murdered Thomas Foy. He was released on parole in April 1987, but after three new arrests he was returned to custody on a parole revocation in June 1987. He was re-paroled in October 1987, and it was during this re-parole period that he murdered Thomas Foy.

The inmate has many other criminal convictions and commitments. Between 1981 and 1987 Sullivan was convicted of 25 crimes. He received a 10-year Concord sentence in 1982 for an armed burglary. Sullivan was on parole on this sentence when he committed the murder. In May 1986 he was sentenced to serve 2.5 years for assault and battery with a dangerous weapon, assault and battery on a police officer, and receiving stolen property. He also had three convictions for assault and battery with a dangerous weapon and six convictions for breaking and entering. He had three DYS commitments.

II. INSTITUTIONAL HISTORY

Andrew Sullivan has a terrible institutional record. He has 99 disciplinary reports, including 16 since his last parole hearing in 2007. He received 19 disciplinary reports between his first and second parole hearing. His disciplinary history indicates that he has actively consumed drugs and alcohol (homebrew) throughout his incarceration. He has one recent report that shocks the conscience: in July 2009 he arranged for his twenty-year-old daughter to bring heroin to him during a visit; she successfully passed ten grams of heroin to the inmate.

The inmate has five returns to higher custody: for fighting in 1991; for using heroin in 1993; for possession of three shanks in 1995; for possession of marijuana and refusal to give a urine sample in 1995; and accumulating additional disciplinary reports in the Special Management Unit in 2008.

Sullivan improved his program participation in 2012. He has a below average institutional work history but is currently employed as a unit runner.

III. PAROLE HEARING ON NOVEMBER 6, 2012

Andrew Sullivan appeared for his third parole hearing after 25 years of incarceration. In denying parole in 2002 and 2007, the Parole Board noted Sullivan's poor conduct in prison as a significant contributing factor to the decision. Sullivan testified at this hearing that he has had remorse for 25 years, that he is now "completely sober," and that he now has "direction, growth, and support." He cited a relationship with a woman as contributing to his progress.

The inmate gave a candid account of the murder, including the constant drug use in the weeks leading up to the crime. He said that he was getting high in June 1987 on parole and that when he was re-paroled in October 1987, "I started getting high again immediately." He went to drug rehab in December but returned very quickly to drugs. He and Paul Washington robbed cab driver Vito Mercurio on December 19: "Paul stabbed Vito 4 or 5 times; we took \$200 and ran; we bought more drugs." During the next two weeks Sullivan said: "we partied every day in the apartment; alcohol, weed and mushrooms; I robbed two people at a party; I robbed a 24-hour store on Highland Street."

Thomas Foy's daughter and son-in-law spoke in vehement opposition to parole. Worcester Assistant District Attorney Michelle King spoke in opposition to parole. Three people spoke in support of parole: the inmate's sister, his girlfriend, and one of her friends.

IV. DECISION

Andrew Sullivan devoted his young adult life to using drugs and committing crimes in order to obtain drugs. Not surprisingly, that cycle led to the murder of an innocent man, Thomas Foy. Sullivan has continued his antisocial behavior in prison. He has a terrible behavioral record and has received 16 disciplinary reports since his last parole hearing in 2007. In denying parole in 2007, the Parole Board warned Sullivan that continued accumulation of disciplinary reports hindered his prospects at parole. Sullivan did not heed that warning, and his 16 new disciplinary reports signal an inmate who has not reformed his criminal thinking or antisocial behavior. Andrew Sullivan is not rehabilitated: he is likely to re-offend if released and his release is not compatible with the welfare of society. Accordingly, parole is denied. Sullivan has not made a commitment to rehabilitation. Consequently, he has a lot of work to do and reducing the period of review from five years would be counter-productive.

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

Dec. 3, 2012

Date