



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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Chairman

DECISION

IN THE MATTER OF

JERRY ADREY

W34787

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: October 10, 2013

DATE OF DECISION: November 1, 2013

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate, and the views of the public as expressed at the hearing or in written submissions to the board, we conclude by a 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 December 11, 1974, in Essex Superior Court, Jerry Adrey was convicted by a jury of murder in the second degree. The sentenced was ordered to be served forthwith as the subject was already serving a sentence for robbery of six years to six years and one day. The victim of the murder was Ronald Fregeau, age 27.

On the evening of December 3, 1973, Jerry Adrey, along with Roy Weisenborn, Robert Burns, Nancy Emory, and another individual (unknown) went to Mr. Fregeau's apartment in Lawrence because Mr. Adrey needed to retrieve some clothing and his identification from Mr. Fregeau's residence. Ms. Emory agreed to go up to Mr. Fregeau's apartment, and upon her return, she reported to the group that Mr. Fregeau said he wanted to cut Mr. Adrey's throat.

Several minutes later, Mr. Fregeau appeared at the edge of the parking lot calling for Mr. Adrey to "come here." Mr. Adrey instructed Mr. Weisenborn to roll down the driver's side window and, when that was done, leaned across Mr. Weisenborn and fired multiple shots at Ronald Fregeau. A police officer who was on foot patrol at the housing complex responded to the scene after hearing gun shots. He found Mr. Fregeau lying on his back and bleeding profusely from the head. Mr. Fregeau was taken to Lawrence General Hospital, where he died on December 4, 1973, from a bullet wound to his brain. An autopsy by the medical examiner disclosed a grazing bullet wound to the scalp and a second, penetrating wound caused by a .22 caliber bullet that entered, and was recovered from, the skull. Both bullets entered the victim in the area of the right temple. On December 7, police obtained a .22 caliber revolver from underneath Mr. Adrey, who was lying on a bed when awakened by the police in his apartment. Ballistic examination of this revolver could not definitively link the gun to the murder.

Following his arrest for murder Mr. Adrey initially denied knowing Mr. Fregeau. He then admitted knowing Mr. Fregeau as well as having visited his apartment because he left some of his possessions there. The defendant further asked the arresting officer to shoot him, and stated he was "a waste" and would "never spend his life in jail."

Although there were some discrepancies in the testimony among the occupants of the vehicle, witnesses furnished corroborating details supporting the key fact of the case that Mr. Adrey shot Ronald Fregeau.

Mr. Adrey appealed his conviction, which was affirmed by the Massachusetts Supreme Judicial Court. Subsequently, Mr. Adrey filed a motion for a new trial which was denied by the Superior Court. The Supreme Judicial Court thereafter affirmed the lower court's decision. *Commonwealth v. Adrey*, 397 Mass. 751 (1986).

II. PAROLE HISTORY

Jerry Adrey first appeared before the Board on October 24, 1989. At that time, the Board granted him a parole. Overall, Mr. Adrey appeared to maintain a fair adjustment on parole. On two occasions, parole violation reports were written, however both ultimately resulted in final warnings by the Board. The violations included drug use and association with persons known to have a criminal record. Mr. Adrey was allowed to remain in the community with added supports to address his addiction. Despite such treatment, Mr. Adrey continued to struggle with his sobriety and was issued an additional violation in 2001 for continued positive drug tests, despite also being on methadone maintenance at that time.

In 2001, a restraining order was issued against Mr. Adrey. The petitioner alleged that Mr. Adrey threatened her son, and she reported to the court that she was in fear of him because he carried guns. Mr. Adrey denied both allegations. During this period, Mr. Adrey appeared to be struggling with his addiction, health issues, employment, and instability in his relationships. Mr. Adrey was still afforded added supports through parole and he was permitted to remain in the community.

On April 15, 2007, a parole violation report was written based on a Lawrence Police Department search of Mr. Adrey's home. The report alleged a number of violations related to drug dealing. On April 13, 2007, Lawrence police obtained a search warrant for Mr. Adrey's residence as result of information received from informant and a controlled drug buy at his residence. According to the police report, police gained access by another male party who stated he was a friend of Mr. Adrey's visiting from Florida for the week. During the course of a search, a loaded .357 firearm was discovered, along with heroin, cocaine, marijuana and .25 caliber rounds. As a result of the items found in the search, Mr. Adrey was arrested and issued multiple parole violations consisting of drug activities at his home, and a failure to notify his parole officer of a change in residence, as Mr. Adrey was found to also be residing with a girlfriend at her apartment. On April 17, 2007, the Board voted to provisionally revoke Mr. Adrey's parole, and on April 19, 2007, Mr. Adrey was returned to custody.

On May 19, 2008, all charges which resulted from the Lawrence Police Department search of Mr. Adrey's home were nolle prossed in Essex Superior Court. Nonetheless, on July 1, 2008, the Parole Board voted to affirm the revocation and have Mr. Adrey placed on the next available list for a full Board hearing. He met with the full board on September 16, 2008 and was denied parole with a maximum five-year review.

According to Assistant District Attorney Mike Patton of Essex County, Mr. Adrey's case was nolle prossed because a Superior Court judge suppressed the physical evidence on the grounds that a five-day delay from the time of the controlled buy in Mr. Adrey's apartment and the execution of the warrant rendered stale the information on which the warrant was based. The Commonwealth did not appeal, reportedly because the subject is serving a life sentence.

III. PAROLE HEARING ON OCTOBER 10, 2013

Jerry Adrey offered little testimony to support a positive parole. He does not believe that his behavior on parole warranted a return to custody, and denies any involvement with the most recent allegations. He insisted that he allowed someone to live with him at the time, and that individual may have been in possession of illegal drugs. Mr. Adrey was in possession of \$2,608.00 at time of arrest.

Despite evidence to the contrary, Mr. Adrey also insisted that his living arrangements were always known to his parole officer. Mr. Adrey believes his overall adjustment on parole was positive and minimized his use of substances and other concerns raised by the Board.

In general, Mr. Adrey presented as oppositional and disinterested in responding to Board Members' questions. Concerning the governing offense, Mr. Adrey made several confusing statements regarding his culpability and it is unclear what role Mr. Adrey believes he played in the murder.

Mr. Adrey has not engaged in any meaningful programming since his return to custody, and stated that due to his chronic health issues he has been relegated to the infirmary where he receives substandard care. Mr. Adrey does suffer from numerous medical issues, including cirrhosis of the liver and hepatitis C. He stated that he is in chronic pain and expects to die from his medical issues in the near future. Although there is confirmation of his medical illnesses, there is no documentation to support that Mr. Adrey's prognosis is as he states.

Mr. Adrey acknowledges committing some serious disciplinary infractions since his return to custody and denies others. In 2012 Mr. Adrey was found with a large quantity of methadone and one benzodiazepine pill. He justified his behavior insisting that he is not receiving appropriate medical care thus he had to treat his own pain. Mr. Adrey also stated he would repeat the behavior again if the opportunity presented itself. During the course of the hearing, Mr. Adrey focused primarily on his health issues and what he considered to be poor medical care. He based his rationale for parole release primarily on his need for appropriate medical care and the fact that he did not expect to live more than a year or two due to his health issues. Mr. Adrey did not present a specific parole plan that would address his medical, substance abuse, and daily living needs.

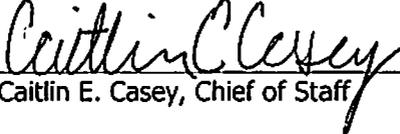
Mr. Adrey's nephew spoke in support of his parole release, and stated that despite his own disabilities and need to care for Mr. Adrey's mother, he would do his best to assist him with his re-entry needs. The Essex County District Attorney's office submitted a letter of opposition to Mr. Adrey's parole and ADA Catherine Semel was in attendance, citing the numerous parole violations over his period of release, poor institutional adjustment, and risk to re-offend if he were released.

IV. DECISION

Jerry Adrey presented with little insight into his performance on parole, his adjustment in prison, or his re-entry needs. Mr. Adrey made it clear that he would address his pain management needs by any means he felt was necessary. This would include the use of illicit substances in the prison. There is no evidence to support that Mr. Adrey is receiving substandard medical care at this time. Mr. Adrey would likely conduct himself in the same manner if he were released to the community, as his understanding of his medical needs and pain management appear to be different from that of medical professionals. The difference has led Mr. Adrey to take matters into his own hands, placing him again at risk for continued substance abuse. He minimized his history of addiction and lacked credibility concerning his most recent conduct on parole. That said, because of Mr. Adrey's oppositional presentation, there are many more questions than answers regarding his overall conduct on parole, intentions in the future, and what his level of compliance for future parole conditions and medical needs would be. Additionally, he has a lack of supports to assist with his successful re-entry.

The standard 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 an 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, the Parole Board concludes that Mr. Adrey is not a suitable candidate for parole at this time. The Parole Board, by a unanimous decision, denies Mr. Adrey's petition for parole with a review in five years. He is encouraged to comply with his medical care, participate in any available programs, and establish a reasonable parole release plan that would address all of his needs.

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, Chief of Staff

11/1/13
Date