



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

ANTONIO GENDRAW

W66526

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 2, 2012

DATE OF DECISION: September 9, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, 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 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 four years from the date of the hearing.

I. STATEMENT OF THE CASE

Antonio Gendraw appeared before the Massachusetts Parole Board for an initial parole hearing on his life sentence for second degree murder. Gendraw, who was on probation for a federal firearm offense when he committed the murder, seeks parole to the outstanding federal probation warrant. Once the federal probation matter is resolved, Mr. Gendraw seeks placement at a residential substance abuse treatment program.

On January 7, 1991, Gendraw pleaded guilty to being a felon in possession of a firearm in federal court and was sentenced to serve six years in prison followed by three years of probation. At the time he entered this plea, he was serving a three to five year state sentence for unlawful possession of a firearm. Gendraw was paroled from the state sentence to the from and after federal sentence on September 25, 1991. He was released from the federal sentence in March of 1997 to the three years of probation and

remained on probation for approximately one year until he was arrested for murder. Following his arrest, on December 24, 1997, the United State Marshalls lodged a detainer for a violation of probation.

On May 19, 1999, in Suffolk Superior Court, a jury convicted Gendraw of the second degree murder of 33-year-old Barry Handy. He was sentenced to serve life in prison. On September 3, 2002, the Appeals Court affirmed the conviction. *Commonwealth v. Gendraw*, 55 Mass. App. Ct. 677 (2002). A subsequent post-conviction motion for relief, and the ensuing appeal, was similarly unsuccessful. *Commonwealth v. Gendraw*, 79 Mass. App. Ct. 1112 (2011).

Gendraw considered himself to be a member of the Intervale gang in Dorchester, and Barry Handy was one of the people with whom he used to associate. Gendraw knew that Handy sold cocaine in the same community and viewed him as competition.

On November 10, 1997, Gendraw, age 29, was driving in his girlfriend's car and picked up a friend between 11:00 and 11:30 p.m. The two drove around consuming alcohol and smoking marijuana and decided to rob Handy of his money and cocaine. At approximately 2:00 a.m., Gendraw placed a phone call from a payphone to Handy at his Dorchester residence and arranged to meet to consummate a drug deal. They decided to meet at Bird Street. Handy, who was living with his girlfriend and their two sons, was selling cocaine at night and sleeping during the day. Handy got dressed and left the residence in his car. As Gendraw traveled to Bird Street with his friend, he retrieved a gun that he had stashed in some bushes. They also saw another friend who they knew as "Kool-Aide." They told "Kool-Aide" about their plans, and "Kool-Aide" agreed to join them to rob Barry Handy.

Gendraw parked his car around the corner from Bird Street, where Handy was parked. Gendraw, his friend, and "Kool-Aide" went to Handy's car. Gendraw sat in the front passenger side seat while his two associates sat in the back. The drug deal went awry, and Gendraw shot Barry Handy twice in the chest. In all, Gendraw and one his associates shot Handy six times in the chest, back, leg, and hand. Two different revolvers were fired.

Gendraw, his friend, and "Kool-Aide" ran from the car, but his friend stopped, and returned to the victim's car "to get the stuff." Gendraw and "Kool-Aide" ran to Gendraw's car and returned to Bird Street. Upon arrival, Gendraw observed his friend rummaging through the trunk of the victim's car and the victim crawling over the passenger seat and attempting to exit from the passenger side door. Witnesses reported they saw a man shoot Handy while he was lying on the ground. Gendraw drove past Handy's car and started to make a U-turn. As he was doing so, Gendraw was distracted after he heard two shots, hit a curb, popped a tire, and lost a hub cap. As he pulled back up to Handy's car, Gendraw asked the friend, "Is he dead?", and the friend replied, "yeah."

Gendraw drove away, parked his girlfriend's car on Baker Street, and the group dispersed. As Gendraw was running home, he heard police sirens and threw his gun onto the train tracks. Gendraw slept at his mother's house for a few hours and then went to his girlfriend's house and told her that her car had a flat tire.

Later that morning, Gendraw and his girlfriend walked to the car, but when Gendraw noticed police in the area, they went to his girlfriend's apartment. A few moments later, Boston Police knocked on his girlfriend's door and Gendraw instructed her to tell the police that she had lost her car keys. The girlfriend agreed to go to the station and give them a statement. Gendraw declined to join them without speaking to a lawyer first.

During her interview, the girlfriend lied to police at first, telling them that she had lost her keys. However, after further questioning she admitted lying, and told police that, on the morning of November 10, Gendraw told her that her car had a flat and, if police questioned her, she should tell them that she could not find her car keys and report that her car was stolen.

On November 13, police returned to the girlfriend's home to interview her again. Gendraw was present, answered the door, invited the officers in, and allowed himself to be interviewed in the kitchen. During their interview, Gendraw admitted that he was driving his girlfriend's car on November 10, 1997, that he was with Barry Handy to conduct a drug transaction. Gendraw also told police that he was not the killer and instead told them that there were two shooters – who “jumped out of the bushes wearing masks on their faces” - and that he ran to his girlfriend's car and drove away. This information was used to secure a search warrant for the girlfriend's car.¹ During the search, police found two masks inside. Police arrested Gendraw on November 19, 1997.

Barry Handy was shot three times in the chest, with perforation of the lungs, heart, and spleen, twice in the leg, and once in the wrist. The cause of Mr. Handy's death was multiple gunshot wounds.

III. PAROLE HEARING ON OCTOBER 2, 2012

Antonio Gendraw, now age 44, appeared for his initial parole hearing after serving 15 years of his life sentence. Gendraw provided the following information about his criminal lifestyle: “my mother tried to keep me out of trouble but I chose to sell drugs; I was a member of Intervale; I was there at the beginning of Intervale; I didn't have education; lack of education caused me to be inarticulate so I responded with violence and not words; I always carried a firearm; I shot at people before but I never killed anyone before this.” When a Board Member noted Gendraw's reputation as “the coldest guy out there who could shoot someone” with no concerns, Gendraw said, “that's right, I could shoot someone and sleep well at night.”

¹ On appeal, Gendraw contended that his statement should have been suppressed because was not properly advised of his *Miranda* rights. The Appeals Court disagreed, finding that the interview was non-custodial. *Gendraw*, 55 Mass. App. Ct. at 683-84.

In describing the murder of Barry Handy, Gendraw gave the following information: "I know Barry Handy; he was there at the beginning of Intervale too; Handy in a sense took over Intervale; that was part of the problem, he had something that I wanted; I wanted it back and he didn't want to give it back; I didn't have a falling out with Handy; it was over money and drugs; the plan was to rob him of money and cocaine; that night my gun was hidden in rocks; I shot him twice and I heard two other shots" that were fired by his joint venture.

Gendraw's institutional record includes 18 disciplinary reports. The last report was in 2008. He testified that he disassociated from Intervale in 1999 or 2000 and that he has not used drugs or homebrew in prison. He attends AA/NA. He has completed the Correctional Recovery Academy, Alternatives to Violence (four phases), Thinking Skills (two phases), Jericho Circle, and Restorative Justice. He completed the culinary arts program and said, "I want to cook for work; I love to cook."

Two people spoke in support of parole. Gendraw's mother said her son had changed his behavior. She also remembered that "the way he was on the streets, he wasn't like that at home." True-See Allah, a re-entry specialist in Boston, noted remarkable changes that Gendraw has made and said, "he was rescued by the Department of Correction."

IV. DECISION

Antonio Gendraw was a founder and leader of one of Boston's most infamous and destructive street gangs. He murdered an associate over money and drugs. The criminal justice system, including community supervision, was unable to deter Gendraw from violent criminal activity. In the years preceding the murder, he served a state sentence for possession of a gun and received parole in order to serve a federal sentence for possession of another gun. He was under the supervision of federal probation when he murdered Barry Handy. Given Gendraw's criminal history, there is no possibility of achieving the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – in fifteen years. It will take a longer period of incarceration to meet those goals.

For a person known as "the coldest guy out there," Gendraw has made remarkable progress in reforming his character and conduct. After some disciplinary issues, Gendraw improved his conduct and began to use his time productively at the DOC with commitments made to program participation and improved behavior. Gendraw was able to demonstrate and describe this progress at his parole hearing. He effectively communicated his commitment and plan for rehabilitation.

The standard we apply in assessing candidates 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 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, the Board finds that Mr. Gendraw is not currently a suitable candidate for parole. The review will be in four years, during which Mr. Gendraw should continue with

program participation, employment, sobriety, good conduct, and developing pro-social contacts, thinking and behavior.

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 C. Casey, Chief of Staff

9/9/13
Date