



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

CARLO SINISCALCHI

W62992

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 1, 2012

DATE OF DECISION: May 3, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, 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, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate’s criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF FACTS

Carlo Siniscalchi appeared before the Parole Board on May 1, 2012, for an initial hearing. After a jury trial in July 1997, he was convicted of second-degree murder and sentenced to serve life in prison.¹ He was also convicted of unlawful possession of a firearm and breaking and entering, for which he was sentenced to serve concurrent four to five and 12-15 year prison terms, respectively.²

¹ Mr. Siniscalchi’s co-defendants are Emmanuel “John” Baladinakis, who pleaded guilty to second-degree murder, and Emmanuel “Mano” Mavredakis, who was initially convicted after trial of first-degree murder, but the conviction was later overturned and he pleaded guilty to manslaughter.

² Mr. Siniscalchi was also convicted of armed robbery. The trial judge, however, dismissed that charge along with the firearm and breaking and entering charges. The Appeals Court, however, reinstated the latter charges and affirmed the murder conviction. *Commonwealth v. Siniscalchi*, 48 Mass. App. Ct. 1121 (2000). Subsequently, he filed a motion for a new trial. The court denied the motion, and the

On August 11, 1995, Carlo Siniscalchi, Emmanuel Mavredakis, and John Baladinakis plotted a robbery at a Kentucky Fried Chicken in West Springfield during which the manager, 35-year-old Thomas Henson, was shot and killed. Mr. Baladinakis' brother, Eddie, worked at the restaurant and had keys to get in, though he declined to participate in the crime. Prior to leaving for the restaurant, Mr. Siniscalchi supplied Mr. Baladinakis with a .38 caliber firearm (Eddie Baladinakis had given it to him in the weeks prior to the incident). He drove to the restaurant and waited in the car while Mr. Baladinakis and Mr. Mavredakis went inside to look for a safe. They found the safe open and, shortly thereafter, the victim walked back into the restaurant after having made a night deposit. Either Mr. Baladinakis or Mr. Mavredakis shot Mr. Henson five times, killing him.³ Mr. Henson was shot twice in the head, twice in the torso, and once in the arm. They emptied the safe and the cash register, stealing approximately \$1,000 from the restaurant. After they were finished, Mr. Siniscalchi picked up the other men, drove them to Mr. Mavredakis' house, took a portion of the proceeds, and helped devise a plan to cover-up the crime.

The next day, officers from the West Springfield Police Department discovered Mr. Henson's body. Upon further investigation, the store was found to be in the exact manner in which the store manager would have left it when securing the building at the end of the shift. There was no sign of forced entry. Instead, the appropriate lights were turned off or on and the doors were locked or, where applicable, chained. Between August 12 and August 13, Carlo Siniscalchi, John Baladinakis and Emmanuel Mavredakis each gave multiple oral and written statements to the police about the incident before being charged with the murder.

II. INSTITUTIONAL ADJUSTMENT

Mr. Siniscalchi was 21 years old at the time of the offense. He is currently 38 years old and serving his first incarceration of any kind. Throughout his incarceration Mr. Siniscalchi has received sixteen disciplinary reports. He has several prior placements in segregation. He is not employed and is not currently in any programs.

Mr. Siniscalchi is currently incarcerated at MCI – Shirley. For institutional programming he has completed Smart Recovery, Men's Work, Emotional Awareness, Four Agreements and several phases of Alternatives to Violence. Mr. Siniscalchi earned educational certificates in Wheelchair Repair and Computer Skills and participated in GED classes, Book Discussion Group and Building Trades 1. Currently, he is on the wait list for several programs. The last grade he completed was the eleventh grade.

At the time of his arrest, Mr. Siniscalchi was unemployed, although he reports working for short periods of time at Milton Bradley and pizza shops. He reports those six months prior to the crime he was hanging around, unemployed, and living off his mother. During his incarceration, he has held a few jobs, including maintenance and a unit runner.

Appeals Court upheld that decision in an unpublished opinion. *Commonwealth v. Siniscalchi*, 71 Mass. App. Ct. 1105 (2008).

³ Mr. Baladinakis and Mr. Mavredakis each maintain that it was the other who shot the victim.

Mr. Siniscalchi is not an open mental health case and describes his mental health status as good. He had a suicide attempt while incarcerated at the Hampden County House of Correction which led to psychiatric services. He feels he is no longer in need of mental health services. He reports no substance abuse issues.

Although Mr. Siniscalchi denies any affiliation with them, he is a suspected member of the "White Supremacists" and "Los Solidos" security threat groups.

III. PAROLE HEARING ON MAY 1, 2012

This is Mr. Siniscalchi's first appearance before the Parole Board. In May 2010, Mr. Siniscalchi requested his initial parole hearing be postponed as he was appealing his case for the second time. He said he was trying to overturn the conviction because "I didn't want to do a life sentence." In March 2012, he requested his initial hearing and was placed on the next available list.

Mr. Siniscalchi made an opening statement. Mr. Siniscalchi admits to his participation in the murder of Thomas Henson on August 12, 1995. He seeks a parole to a long term residential program and would like to live close to Springfield or Boston. Mr. Siniscalchi has strong family support and maintains contact with them. He is not sure where he would find work, but is confident his family would help him find something. In 1990, his father "shot my aunt's husband when I was 16." His father was convicted of second degree murder; he received parole in 2005 and was deported to Italy.

In describing the murder, Mr. Siniscalchi gave the following information: "I was with Eddie and we picked up John at KFC; we went to Fat Cats, that's where we planned the robbery; I drove us in my car to KFC; I gave the gun to John; the gun was registered in Eddie's name, but he bought it for me; John had a key; I saw Tom [the victim] returning so I left; I returned and picked them up; I don't remember who said what in the car; we all took money; I put ammo in a sewage drain near my house."

Mr. Siniscalchi described his institutional behavior as "steady" because he has not received any violent disciplinary reports. A Board Member asked him about a disciplinary report he received July 11, 1998 where he arranged rocks into a swastika formation. He claimed he was "just goofing off." The Board Member also asked Mr. Siniscalchi about his tattoos, some of which he received during his incarceration. He described some of them as demonic faces. He obtained a swastika tattoo on his chest at age 17 and explained it symbolizes his "whiteness and that is what I am proud to be." He was asked what he believes his tattoos symbolize to others. He responded that it "means racial pride to me, but I know to others it means hate." He considers himself "nothing but a person who wants to fit in with white guys." He was asked how he learned these views; he stated that it was from growing up in school and not getting along with people of other races. He denied learning it at home as nothing like that was portrayed in his home. He said he prefers "a whiter environment; its cleaner living with your own." In addition to the swastika, he has other tattoos connected to white supremacy (DD 15), but he said that was coincidental and he did not intend a racial message with DD 15. Board Members concluded that the other tattoos, which are on his legs, do express white supremacy themes.

He received a 2007 disciplinary report for an incident in the chow hall where he threw items at staff and put on a demonstration of insolence. He denied having any anger towards institutional staff, but admits to throwing the food on the floor because he did not like what they served. He is currently housed in general population; however, two months ago he was in special management unit (SMU) for approximately 92 days. He states he was seeking a transfer to another prison so he tried to move through SMU.

The Board questioned him regarding his treatment and programming, which dates back to 2005. A Board Member noted that there are no programs for the first eight years. Mr. Siniscalchi conveyed that the Alternatives to Violence Programs were the most helpful as they targeted a variety of areas, including giving him the awareness to admit that he was an active participant in the murder. Prior to the programs, it never "popped into my head that I helped plan it and I provided the gun." He admitted the first time he told anyone of his involvement with the murder was when he started putting together his parole packet.

Mr. Siniscalchi was asked of his contact with his co-defendant Emmanuel "John" Baladinakis. He stated he has maintained contact with John throughout the years; however, the last time he had contact with John was about six months before via a letter. He no longer has contact with John. They were imprisoned together in 1998 at Norfolk.

The Board asked Mr. Siniscalchi about his intentional bad conduct that he used to insure that he would not be transferred to another institution. The inmate agreed that his behaviors seem immature and manipulative and did not show a commitment to rehabilitation. Mr. Siniscalchi acknowledged the Board's concern stating, "All the time I've been there I really could have utilized my time a lot better, I really could have done a lot better than what it is now."

Hampden County Assistant District Attorney Dianne Dillon and several members of the victim's family testified in opposition of parole. Four family members of Mr. Siniscalchi had attended in support of parole.

IV. DECISION

Carlo Siniscalchi was convicted of second degree murder for his part as the driver in an armed robbery, in which his co-defendant shot the victim. Rather than committing himself to rehabilitation in prison, Mr. Siniscalchi has committed himself to white supremacy and engaged in negative behaviors that undermine his program work. Mr. Siniscalchi is not rehabilitated.

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. Siniscalchi is not a suitable candidate for parole. Accordingly, parole is denied, with a review in five years.

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.

Josh Wall

Josh Wall, Chairman

May 3, 2013

Date