



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**AMENDED DECISION**

**IN THE MATTER OF**

**EDWARD WHITE**

**W39072**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** March 20, 2012

**DATE OF DECISION:** May 13, 2013<sup>1</sup>

**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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

Edward White appeared before the Massachusetts Parole Board on March 20, 2012, following his fourth parole violation. Mr. White was first paroled on April 30, 2001. His parole was revoked and he was returned to custody on September 13, 2002, after he was arrested for breaking and entering and larceny over \$250. In addition, heroin was present where he was located. The charges were dismissed for lack of prosecution in 2003 in Framingham District Court. In March 2003, the revocation, however, was affirmed and Mr. White was scheduled for a hearing before the full Board. He was paroled again in September 2003, this time to a long-term residential program. After just 19 months, Mr. White's parole was provisionally revoked because of a new arrest for operating a motor vehicle while under the influence of drugs, possession of a class E substance, and negligent operation. Parole was also revoked because he had associated with someone who had a criminal record. He pleaded guilty to these

<sup>1</sup> This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

offenses. The parole revocation was affirmed, but Mr. White was re-paroled to another long-term residential program on October 26, 2006. He was arrested in February 2008, for resisting arrest, assault and battery on a police officer, and intimidation. He was convicted of resisting arrest. The intimidation charge was dismissed and he was acquitted of assault and battery on a police officer. Revocation proceedings began as a result of the new charges. The Board did not affirm the revocation and Mr. White was released from custody. He was taken back into custody on March 3, 2011, and revocation proceedings began again when his parole officer was informed that he had been receiving cell phone calls from a known felon. Once he was taken into custody, he tested positive for cocaine and opiates. The Board affirmed the revocation, Mr. White's fourth, on May 25, 2011.

On July 7, 1982, in Suffolk Superior Court, Edward White pleaded guilty to second-degree murder and was sentenced to serve life in prison. That same day, he also pleaded guilty to three counts of armed robbery, for which he was sentenced to serve 15 to 20 years. Those sentences ran concurrent with each other and concurrent with the life sentence.

On June 27, 1981, Edward White and his co-defendants, Martin McCauley and Joseph Barry, robbed the Casa Romero restaurant on Gloucester Street in Boston and killed the manager, Carlos Madariaga.<sup>2</sup> In the spring of 1981, Mr. McCauley and Mr. White had discussed robbing the restaurant and had made several dry runs. The night of June 26-June 27, 1981, Mr. McCauley and Mr. White met Mr. Barry, retrieved two guns, wiped them with a cloth to remove fingerprints, and put them in a bag. They used Mr. Barry's van to travel to the restaurant. Mr. White and Mr. McCauley each had one of the guns.

Casa Romero was at one end of an alley running between Gloucester and Hereford Streets. Mr. White and Mr. McCauley directed Mr. Barry to the Hereford Street end of the alley and instructed him to wait. Mr. White and Mr. McCauley left the van, walked down the alley to the restaurant and, after waiting for the last patrons to leave, entered the restaurant. Mr. White held two employees at gunpoint and took their money, while Mr. McCauley took the restaurant receipts from a third employee. The pair herded the three employees out of the restaurant and into the alley where Mr. McCauley put his gun to the victim's head and shot him between the eyes. The men fled the scene. Mr. White was arrested in February 1982, gave a statement to police, and admitted his role in the crime.

## **II. PAROLE HEARING ON MARCH 20, 2012**

Edward White seeks his fifth release from custody in 12 years. He has a remarkable record of violating parole due to his involvement with drugs, but quickly receiving a re-parole with the hope that he would do better at avoiding drug involvement and following all the conditions of parole. Mr. White took the position at this hearing that he was blameless not only in this parole violation, but also in the three previous violations. He offered explanations that

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<sup>2</sup> Martin McCauley was tried and convicted of first-degree murder, armed robbery, and unlawful possession of a firearm. *Commonwealth v. McCauley*, 391 Mass. 697 (1984). Joseph Barry, was tried on charges of first-degree murder and armed robbery. He was convicted of armed robbery and acquitted of murder. *Commonwealth v. Barry*, 397 Mass. 718 (1986). Edward White testified at Barry's trial as a witness for the Commonwealth.

cast him as the victim of circumstances, usually because he was just trying to help someone in need who brought drugs into his environment without his knowledge.

This violation began with an association with a known felon, which resulted in arrest on a parole violation warrant and positive drug test for cocaine use upon admission to MCI – Cedar Junction. Mr. White said the felon would call him on the phone, but “I never spoke to him; I saw him on July 29 at the Frog Pond in Boston and we nodded at each other.” Mr. White had previously admitted to parole that he spoke with the felon by phone, but said it happened only once. Mr. White denied using cocaine and opiates and said that if he had used, “I would never give a dirty urine, I would refuse the test or fudge the urine.” It is unclear why he thought this admission to criminal thinking was an effective argument for re-parole. Board Members concluded that Mr. White was not candid about his drug use or his association with the felon.

In discussing his first parole violation (in 2001), he said that the heroin and beer found in his apartment belonged to another person staying in his apartment. When confronted with the fact that at other times Mr. White had admitted to parole that the beer belonged to him, he still continued to insist that neither the heroin nor the beer were his. He also claimed that if his car was involved in criminal activity, it was because “I let someone use my vehicle.”

A Board Member asked Mr. White about his mental health. Mr. White said his mental health is good. The Board Member asked Mr. White follow-up questions because Mr. White receives federal disability benefits. Mr. White said he has anxiety and post-traumatic stress disorder from being in prison. He refused to acknowledge that he had a role in seeking the disability benefits; he said, “they sent me a letter” as if he did not initiate or cooperate in the application. Mr. White has created a confusing situation because he reports to the Parole Board that his mental health is good, but evidently he has given conflicting information to a mental health professional who evaluated him. Board Members concluded that Mr. White was intentionally misleading in discussing his mental health issues at the hearing.

### **III. DECISION**

This was not a good hearing for Edward White. He has a serious drug problem that has caused four parole violations. Most recently, he tested positive for cocaine and opiates. Rather than discuss his overpowering addiction and how it directed and undermined his life in the community, Mr. White showed deceit and denial in his answers. He repeatedly displayed criminal thinking in his violations and at his hearing. He is not rehabilitated. A drug addict with frequent relapses who is habitually dishonest and relies on criminal thinking cannot be supervised in the community.

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. White is not a suitable candidate for parole. Accordingly, parole is denied, with a review in three years.

*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.*

*Josh Wall*

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Josh Wall, Chairman

*May 14, 2013*

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Date