



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

TREAS CARTER

W47624

TYPE OF HEARING: REVIEW HEARING

DATE OF HEARING: April 15, 2014

DATE OF DECISION: September 4, 2014

PARTICIPATING BOARD MEMBERS: Sheila Dupre, Ina Howard-Hogan, Tina Hurley, 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, and the inmate's testimony, 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

Treas Carter seeks parole from a life sentence for second degree murder. If granted parole for the life sentence, Carter would then serve a two and one-half to four year sentence for assault and battery by means of a dangerous weapon. Carter incurred this consecutive sentence for an offense committed against another inmate while he was incarcerated at MCI-Cedar Junction. He is currently serving his life sentence at the Souza Baranowski Correctional Center in Shirley, Massachusetts.

On December 16, 1988, Carter shot Willie Roy Evans, 24 years old, killing him to preserve a lucrative drug business. Carter had been operating a "crack house" at an apartment located at Elm Hill Avenue in the Mattapan section of Boston for approximately two years. Carter had three females, ranging in age from 15 to 18, working from the apartment as his

dealers. During a trip to New York City to pick up drugs for distribution, Carter was arrested for a shooting incident. He was sentenced to a short term at Rikers Island in New York.

Upon his release Carter, who was also known as "Chilly," returned to his crack house. He discovered some irregularities in the amount of money and drugs that were left in the apartment. During an argument with his three female dealers about their skimming his goods, they alleged that there were two men down the street who were going to "rip him off." The female dealers directed Carter to the victims, Willie Roy Evans and his cousin, Ricky Evans. With the help of two other men, Carter forced the two victims into his drug dealing apartment at gunpoint, locked the door, and asked one of the female dealers to confirm that they were the men who planned to rob him.

A loud argument ensued and the victims denied the accusation. Carter, who was already brandishing a handgun, walked behind Willie Roy Evans, pointed the gun to the back of his head, and fired. Willie immediately collapsed to the floor. The round entered through the left side of Willie's neck and severed his spinal column. The autopsy determined that, as a result of Carter's single gunshot, Willie suffered from traumatic heart arrest due to significant blood loss. Emergency responders detected no signs of life while at the scene, and Willie was later pronounced dead at Boston City Hospital.

After shooting Willie, Carter walked over to Ricky Evans and pointed the gun at his face. Ricky placed both hands in front of his face. Carter fired. The bullet passed through Ricky's hand but was deflected by a bone. The bullet angled away from Ricky's face and tore off the top of his ear. Ricky dove to the floor and "played possum." Carter and his two associates fled. The two other perpetrators, who were described by witnesses as 18 year old males, were never positively identified. Carter was subsequently arrested for this murder and extradited from New York.

On December 20, 1989, in Suffolk Superior Court, Carter pleaded guilty to second degree murder and was sentenced to life in prison, making him parole eligible after serving fifteen years. Carter also received sentences of 10 to 15 years each for armed assault with intent to murder and kidnapping, which were to be served concurrently with the life sentence.

Additionally, on April 12, 1992, Carter was convicted in Norfolk Superior Court of assault and battery by means of a dangerous weapon on an inmate. On May 16, 1991, Carter assaulted the inmate by striking him in the head with a sap-type weapon.¹ The inmate suffered from a two inch gash to the right side of his forehead, causing him to bleed profusely and requiring sutures to close. Consequently, Carter received a two and one half to four year sentence to be served from and after his life sentence.

II. CRIMINAL & INSTITUTIONAL HISTORY

Before murdering Willie Ray Evans, Carter's criminal history commenced in New York City in 1984, having been arrested on five occasions in a five year period. His offenses included possession of narcotics, possession of a firearm, grand larceny, assault, and robbery. Carter received a commitment to Rikers Island on July 6, 1988 for grand larceny over \$3000. After completing that sentence, Carter returned to Boston and murdered Willie Ray Evans.

¹ Carter took off his right sock, filled it with several rocks, and tied a knot at the end of it.

Carter's overall adjustment has been very poor, as he has amassed over 150 disciplinary reports. He has a history of assaultive and abusive behavior, resulting in two returns to higher custody and placements in the Segregation and the Disciplinary Detention Units (DSU or DDU). One of his placements was the result of previous attacks on the inmate against whom he was later found guilty of assault, as described above, coupled with an assault on a second inmate whom he attacked with boiling water. While in the DSU placement between 1991 and 1992, Carter received numerous disciplinary reports for infractions including obscene and threatening language, assault on staff - which included his slashing the forearm of a Correctional Officer - and attempting to burn an inmate out of a cell.

Carter's poor institutional behavior has not been limited to the earlier periods of his incarceration. In fact, since his last hearing held on April 14, 2009, Carter accrued six disciplinary infractions for several offenses including fighting, threatening a nurse, and possession of contraband. He was subsequently transferred to maximum security at Souza-Baranowski on February 28, 2013. On November 20, 2013, Carter provided false information to investigators as well as medical staff by reporting that he had been physically and sexually assaulted.

Carter has been largely uninvolved with programming during his incarceration. He did receive his GED while at MCI Norfolk and attended Alcoholics and Narcotics Anonymous. Carter did participate in the Correctional Recovery Academy but failed to complete the program due to a transfer necessitated by a disciplinary report. His institutional work has been sporadic, having worked in the kitchen and as a unit runner. Carter is currently employed in the law library.

III. PAROLE HEARING ON APRIL 15, 2014

Treas Carter appeared before the Massachusetts Parole Board on April 15, 2014, for a review hearing. This is Carter's third appearance before the Board, having been denied parole with five year reviews in 2004 and 2009. Carter seeks to be paroled to his home and after sentence of two and one-half to four years. Eventually, Carter would like to be paroled to live in New York where he has family. He has been offered employment doing desk work at a furniture business owned by a friend and would reside with his sister until he has enough savings to support himself.

Carter was represented by Michael Delgado, a student attorney from Harvard Law School, who provided an opening statement outlining Carter's pathway to crime including the neighborhood he grew up in and the poor choices he has made in the past. Mr. Delgado attributed Carter's improved disciplinary record to age, maturity and perspective. In addition, he summarized Carter's parole plan to include a support network to aid in his reintegration.

Carter has been incarcerated for the past 25 years and, as in previous hearings, the Board expressed its continued concern with his inability to conform his behavior to that of society, evidenced by a life long history of violent and reckless behavior. In addition, despite his lengthy incarceration, Carter has yet to embark on the process of rehabilitation through treatment and programming.

A previous Board described the murder as "execution style." Carter's version that the murder was not execution style is inconsistent with the record. Carter said, "They robbed me once before. They pulled guns on the girls and got \$15,000. They came to rob me again. We seen them in the hallway and we took them, kidnapped them to our apartment. I wanted the girl to ID them and she did. Willie Evans started reaching so I shot him in the neck. It was in self-defense. Then Ricky reaches for his firearm and I fired at him and blew his ear off. I went to Brooklyn and was arrested three months later." A Board Member noted that there was no gun recovered from the scene or from the body of the deceased. Carter responded, "They were armed. They were both reaching. I never found out if they had guns. To me, if you're reaching, you're armed."

Carter reported that he is a "facilitator at NA/AA and I did the CRA." He reported that he obtained his GED and "learned welding." He said, "I have a reputation in prison. I get respect. I give one-on-one fights and I was winning all the fights. One of the fights was because the guy had stabbed me before. I threw boiling water on a guard; he had spit on me. I know it's not good for me to be in maximum security."

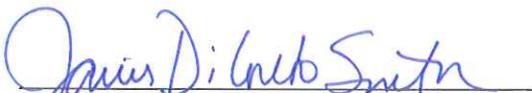
Suffolk Assistant District Attorney Charles Bartoloni strongly opposed Carter's petition for parole, highlighting his continued poor institutional adjustment.

IV. DECISION

Treas Carter came from New York City to Boston to operate a crack cocaine business. He maintained the business with violence, including the murder of Willie Evans. He has continued with violence in prison. He has not committed to reform. He has 150 disciplinary reports, which include many violent acts. He is classified to maximum security. He 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. Carter is not a suitable candidate for parole because he is not rehabilitated. The period of review will be five years, during which time Mr. Carter should improve his conduct and participate in rehabilitative programs to address issues of anger, violence, anti-social behavior, criminal thinking, and lack of empathy.

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.


Janis DiLoreto Smith, General Counsel

9/4/14
Date