



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

WILLIAM LAPAGE

W62025

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 26, 2013

DATE OF DECISION: August 19, 2014

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 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

This is William LaPage's first appearance before the Board, having postponed his initial hearing due to a pending appeal and the Board's postponement of the re-scheduled hearing as LaPage was unavailable for medical reasons.

On January 29, 1997, a jury in Suffolk Superior Court convicted LaPage of murder in the first degree. LaPage appealed the denial of his motion for a new trial and filed a direct appeal. The matters were heard together and the Court reversed the conviction, set aside the jury verdict and remanded the case for a new trial. On March 23, 2005, a Suffolk Superior Court jury found LaPage guilty of second degree murder and he was sentenced to life imprisonment.

On February 24, 1995, after a night of drinking and smoking crack cocaine at the victim, Sharilee Banks' apartment, LaPage noticed 45 cents was missing from his coat pocket. He confronted Ms. Banks about the missing money and she said she did not know where it was.

LaPage complained that she was "like the Bermuda Triangle"; every time he visited her, he would discover something missing from his pockets. He again asked her for the money and Ms. Banks said she needed it to take a taxicab to her credit union. This angered LaPage and he told her that he "had no intention of letting her use my last 45 cents to pedal her fat ass around in a taxicab." In response, Ms. Banks hit LaPage on the side of the head. He hit her back and a fist fight ensued. LaPage pinned her down on the bed by the shoulders and was "yelling at her." Ms. Banks bit him on the thumb, jumped up and ran away.

Ms. Banks ran a few steps to the kitchen. LaPage "ran after her as best [he] could," taking his paring knife from his back pocket as he went. LaPage approached Ms. Banks and she fought back, as evidenced by the defensive wounds to her hands. Witnesses heard the struggle in the apartment and heard screams of "Get away from me!" and "Leave me alone!" LaPage stabbed Ms. Banks in the chest and as he pulled his knife from inside her in an arcing motion, he cut her cheek. She continued to struggle with LaPage. At this point, LaPage was enraged and saw a long blade on the counter. He grabbed the knife, "exploded" and started stabbing Ms. Banks until the knife became lodged in her neck and she slumped to the floor. He knew she was dead. He pulled the knife from her body, cleaned it and placed all the kitchen knives in his travel bag. LaPage, with a bite mark on his thumb and a few minor scratches, was found staring at Ms. Banks when the police arrived and arrested him. Ms. Banks was 33 years old.

II. CRIMINAL AND INSTITUTIONAL HISTORY

William LaPage, now 61 years old, has a limited criminal history prior to the murder of Ms. Banks. However, the history includes violent crimes. In 1984, he was placed on probation for failing to pay support for his four children. In 1991, his charges of rape and assault and battery were dismissed after the victim refused to cooperate with the prosecution. The 1992 charge of assault and battery with a dangerous weapon was dismissed and he was placed on probation for a 1993 assault and battery with a dangerous weapon. He discussed these violent incidents at the hearing.

His institutional adjustment has been good. He did not present a management issue and maintained employment while held on bail awaiting his two trials. He has incurred one formal disciplinary report during his eighteen years of incarceration for quitting his job in the Print Shop in 2002. He has maintained employment since being sentenced and currently works as a janitor as he has for the past seven years. LaPage has participated in programs related to violence reduction such as the three phases of Alternatives to Violence (ATV), Active Listening, and Problem Solving. He has completed programs that address his substance abuse issues such as Correctional Recovery Academy (CRA), Men in Recovery and AA/NA. LaPage has also sought to address his emotional issues with programs such as Emotional Awareness and Jericho Circle. Additionally, he has taken classes and training in areas of self-improvement like Introduction to the Workplace, Reentry Services, and Law Clerk Training. LaPage enrolled in Boston University in the spring of 2006 and graduated Cum Laude in the Bachelor of Liberal Studies in the spring of 2009. He has continued to audit classes in 2009, 2011 and 2012.

II. PAROLE HEARING ON JULY 23, 2013 AND SEPTEMBER 26, 2013

William LaPage appeared before the Board for his initial hearing on July 23, 2013. One hour into the hearing, an unrelated emergency arose for a Board Member and the hearing had to be suspended. The hearing resumed on September 26, 2013.

At his initial hearing in July, LaPage made an opening statement which included an apology to the victim and her family. A Board Member began questioning LaPage about his current appeal before the Supreme Court and LaPage said that he is unhappy with his sentence and that he "should have gotten manslaughter because it was in self-defense." He went on to say that he had no malice at the time of the killing and felt that "both trials were tainted." These are the issues presented in his current appeal.

LaPage was asked to describe the crime and what precipitated the violent attack of Ms. Banks. LaPage stated that the argument started in the early morning on February 25, 1995 after a night of moderate drinking and cocaine use. He described waking up early and getting ready to leave when he grabbed his coat and remembered that Ms. Banks took 45 cents from him the night before. He wanted it back from her and asked her for it. He said Ms. Banks started giving different stories, first saying she didn't know where it was. He then called her the "Bermuda Triangle." Before continuing, LaPage told the Board that he had been "harboring bad feelings towards her lately because it seemed like every time we were together things disappeared." He continued on, saying that Ms. Banks said she needed the money to take a cab to her credit union and she would pay him back then. LaPage admitted commenting to Ms. Banks that he "was not giving her [his] last 45 cents so she could go pedal her fat ass around in a taxi." At this, Ms. Banks hit LaPage. This enraged him and he punched her back. He described pinning her shoulders down to the bed with his hands when she turned her head, bit him and jumped up. He explained that because of the small size of the apartment, it only took a couple of steps before she was through the door where there were a pack of three knives on the counter. He said Ms. Banks grabbed one of the knives and he thought, "Oh Shit!" He got up and started to chase her. On his way towards her, he pulled a paring knife from his pocket and raised it to her. Both parties held each other away as they "were locked together" by holding the other's forearms. LaPage claims that as they moved across the floor struggling, his hand dropped down and she stepped into the knife. He denies pushing the knife into her and stated that he withdrew the knife in an arc and it sliced her face. He said it "freaked me out" and he threw down his knife, yelled to her, "You're cut, you're cut. Drop the knife!" He said she refused to drop the knife and kept stabbing at him and calling out to the landlady. He recalled pushing her against the window, seeing the larger knife out of the corner of his eye, picking up the knife and stabbing her with it multiple times. He then described how he took the knife out of her neck when she was on the floor, cleaned all the knives and put them in his duffle bag. LaPage then claimed that he "spaced out" and just stood there staring at the body until he was jostled by a police officer.

LaPage has a limited criminal history prior to the murder of Ms. Banks, but it involved violence. He answered questions about his history of violent attacks on women, offering that "there was also quite a bit of violence against men." Before describing the attacks on other women, LaPage told the Board that he was verbally abusive to his wife and on the way to marriage counseling one time [he] threatened to cut her." His marriage of eight years ended in divorce partly because he "was verbally abusive and becoming more violent." After that, he

only dated women in what he described as "drugs-for-sex relationships with prostitutes and drug addicts."

He then told the Board about Cheryl, his "last real girlfriend." He said that he caught her stealing his quart of beer and grabbed her by the throat and threw her up against the wall. He claims she talked him down and they ended up spending the night together romantically. He stated when he woke up in the morning, he was arrested by the police for rape and assault and battery. Those charges were dismissed. LaPage then described an incident with a woman named Jane who he met on a bus and started doing drugs with. He said Jane would come by his house and use it for her prostitution business and to get high. He would get upset because she would get high and not share with him. He made his disapproval clear to her, but her actions continued. He stated that after a couple of days he "had had it." He said one night Jane came by the house and was in the bathroom "hitting the pipe." He said he waited outside the door and hit her in the head with a rubber mallet when she came out. He believed her head cracked open, but she spent the night and went to the police the next day. This resulted in two years of probation for assault and battery with a dangerous weapon.

When commenting on his 18 years of incarceration, LaPage described himself as the model inmate adding, "I'm not looking for trouble. I mind my own business. I try to improve myself every opportunity I get." He told the Board that he has gained insight into his anger and his addictions through the CRA and the three phases of ATV. He said that he used to "suppress his anger and push it down," but now, with the help of the programs, is able to address the anger he feels and talk about it, "not allowing the pressure to build up anymore." He admitted that he still gets angry sometimes, but he can control it.

When asked about his substance abuse prior to incarceration, he admitted that he experienced blackouts regularly but denied ever having been told of a violent act committed while in a blackout. LaPage said he started drinking a little before going into the Navy in 1969, but began drinking heavily after that. He started using other drugs while in the service and eventually received a drug exemption discharge. After the Navy he continued to drink heavily experiencing blackouts on occasion. Between 1979 and 1982, he remained sober after becoming a Born Again Christian. Citing the loss of his job of six years at the Bethlehem Shipyard, the separation from his wife and a serious injury sustained from a fall at work, he described 1982 as the worst year of his life. He started drinking again and by 1987 was smoking crack cocaine. He experienced times of sobriety after that, but always went back to alcohol and cocaine using heavily the morning of the murder. While incarcerated, LaPage has sought to address his substance abuse issues using what he described as "a three-tier system of AA, NA and church." He explained that he has participated in the CRA and Men in Recovery programs, but needs to attend the other parts of his "system" as continued maintenance. He last used any drugs or alcohol on June 25, 2013. LaPage was prescribed pain medication after his hip surgery in 2013 and he found that the narcotics "brought about thoughts of anger." He met with his doctors and has stopped taking all pain medication.

LaPage described his parole plan as including the Soldier On program in Leeds, Massachusetts which he says provides classes, food, clothing, stable residency and offers rehabilitative programs. He said that he needs to set up a support network that does not exist for him right now. He stated that he believed he was worthy of release as he has worked in

construction and managed a retail store prior to incarceration. He felt he would not reoffend because he "knows how to use [his] skills with people and knows how to get along."

LaPage was questioned about his psychological evaluation that was prepared on his behalf for the second trial. He explained that the evaluation was to demonstrate to the jury that he acted out of rage but had no malice at the time of the murder. A Board Member pointed out that the report indicated that he had "intermittent explosive disorder" and that it indicated that he was a dangerous person who may act impulsively in a disproportionate manner to an unprovoked situation.

Other Board Members expressed concern that throughout the hearing, LaPage engaged in minimization of his role in the murder and blamed everyone else for his problems. Specifically, LaPage described his mother as causing his emotional issues because "she was a coward and would hide behind me and use me as a shield when she would get beaten by her husband." He blamed his wife for his unhappiness in the marriage saying "she got pregnant, so I had to marry her and then she never did anything. She was lazy, dirty and didn't do anything." Board Members reminded him that he blamed Jane for getting him in trouble because she kept using his house for her business or to get high. He blamed Cheryl for stealing his beer, stating "I have always hated thieves; it is one thing I cannot tolerate." Similarly, his 1992 charge of assault and battery with a dangerous weapon involved him beating a young man that participated in stealing a cable box LaPage was trying to sell for drug money. He placed the same blame on Ms. Banks the night he killed her for stealing 45 cents from him and then blamed her further for "stepping into the knife" stating that he "did not push it into her."

Stephanie Shanks, the victim's sister, spoke in opposition to parole. Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition to LaPage's parole. ADA Bartoloni brought to the Board's attention that there was no evidence that Ms. Banks ever had a knife, as LaPage is the only one that says that. He also explained that the medical evidence suggested Ms. Banks had "fought for her life as evidenced by the defensive wounds on her hands."

IV. DECISION

William LaPage stabbed and killed Sharilee Banks during an argument over 45 cents. He did not begin to participate in any rehabilitative programming until 2005. Prior to that, he blamed cocaine and alcohol for his situation and felt that he did not need programming because he already hated and began to reject drugs and alcohol. Once he received a second degree sentence and a possibility of parole, he said that he started thinking differently about drugs and alcohol in a concerning way and sought programs to address his concerns. He has since participated in some programs, has maintained employment and has continued to have good institutional conduct. He has not engaged in programs to address his long history of violence against women. Despite LaPage's effort to change his attitude and general behavior since 2005, he has not had sufficient time to complete the rehabilitation necessary to live in the community. He continues to minimize his actions the night of the murder and continues to place blame on all his victims. He fails to recognize that he has issues dealing with women and has regularly reverted to violence in his relationships with women.

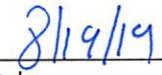
The standard for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board members shall only grant a parole permit if they are of the opinion that there is a

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 William LaPage is not suitable for parole because he needs additional time for rehabilitation. The period of review will be five years from the date of the hearing. During this time, LaPage should continue to invest in rehabilitative programming, specifically to address his history of violence against women, and maintain employment and his good conduct.

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



Date