



The Commonwealth of Massachusetts
Executive Office of Public Safety

Parole Board

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

EDWARD SIMPSON

W52573

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 23, 2014

DATE OF DECISION: August 19, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, 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 testimony of the inmate at the hearing, and 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. The decision is unanimous.

I. STATEMENT OF THE CASE

Edward Simpson appeared before the Massachusetts Parole Board on January 23, 2014, for a review hearing on the life sentence he is currently serving for burglary as a habitual offender.

In 1990, Simpson was given a ten-year Concord sentence for unarmed robbery. He was paroled from that sentence in 1991, and was on parole six months when he was arrested for unarmed robbery in Cambridge. He was convicted and sentenced to serve six to ten years in prison for unarmed robbery, three to five years for attempted breaking and entering, and a ten to twelve year suspended sentence for burglary. His convictions for unarmed robbery and breaking and entering serve as predicate offenses for Simpson's habitual offender conviction.

He was again paroled in 1995, but his parole was revoked in 1997 when he was arrested for yet another burglary, this time in Brockton. On February 11, 2000, in Plymouth Superior Court, Simpson was found guilty after trial of burglary and being a habitual offender,

and sentenced to serve life in prison. This conviction is the governing offense for which Simpson is now before the Board as a habitual offender.

The facts of the 1997 governing offense are that, on March 21, 1997, Simpson broke into a home on Prospect Street in the city of Brockton. He smashed a window to gain entrance and confronted the resident who had been asleep. Simpson demanded money and then took a wallet from the bedroom nightstand. He left the house through the window that he had smashed and was apprehended by the police after a foot chase where they found the victim's credit cards in the bushes.

The facts of the predicate offenses are that, on November 16, 1991, at approximately 1:00 a.m., Simpson, who was on parole for robbery, broke into the victim's home while she was asleep in bed with her nine-year-old daughter. The victim's husband was away on a business trip. Simpson broke a window to gain entrance to the home and subsequently forced his way into the victim's bedroom. The victim was able to get a good look at Simpson as her hallway was well lit. Simpson grabbed the telephone from the victim and pushed her down on the bed. He went into her closet, took her purse and emptied the contents onto the bed, ripping open her wallet and taking approximately \$250.00. He demanded more money, looked around the room including under the mattress, and fled. Once he left, she called the police.

Incredibly enough, on November 18, 1991, at approximately 2:30 p.m., Simpson attempted to break into the same victim's apartment. An upstairs neighbor called the police when Simpson was observed peering into and trying to open the victim's apartment windows from the outside of the house. Simpson gave a false name and false information when questioned by the police. The upstairs neighbor positively identified Simpson. During a photo array, the victim positively identified Simpson as the person who had broken into her home. She started sobbing when she saw his photo.

II. CRIMINAL AND INSTITUTIONAL HISTORY

Edward Simpson began using marijuana and drinking alcohol at the age of 14, and reports that the majority of his criminal offenses occurred while he was abusing alcohol or cocaine. His criminal history began when he was 12 years old and continued for many years, amassing a nine page criminal record in Massachusetts that culminated in his conviction as a habitual offender on February 11, 2000.

Simpson has served seventeen years of a life sentence. He is serving his second state sentence with three prior commitments to the House of Correction. He has two parole failures. Simpson has incurred 37 disciplinary reports during this incarceration. The most notable involve possession of homebrew, the stalking of a female corrections officer, masturbating in front of a nurse, and concealing medication. Since his last hearing, Simpson received two disciplinary reports for having three to four pounds of sugar in his cell and being observed dumping a plastic bag of what appeared to be fermented juice into the sink. Simpson advised that the sugar was used for baking and denied possessing fermented juice. He noted that he was assisting another inmate with baking a pineapple upside down cake and apple turnovers.

Simpson's program participation has been minimal through most of his incarceration. Since his last hearing, however, he has completed the Correctional Recovery Academy and two phases of Alternatives To Violence.

III. PAROLE HEARING ON JANUARY 23, 1014

Edward Simpson appeared before the Board for a review hearing after being given a two year set back at his initial hearing on January 19, 2012. Simpson was advised by the Board to "maintain good behavior and employment, and participate in rehabilitative programs." Upon questioning by the Board, Simpson stated that he is a "totally different person" since his last hearing. He stated that he has learned "empathy" and does not "look at everything as a game anymore."

Since his last hearing, Simpson completed the Correctional Recovery Academy. He does not participate in AA/NA. He has received two additional disciplinary reports received for items that are commonly utilized to make homebrew. Although Simpson denied he was involved with possessing homebrew, the Board does not believe he is being truthful about the items he possessed. The explanation he presented to the Board differs from the explanation he presented in his appeal of the disciplinary report to the Department of Correction. In light of the significant role drug use played in his maladaptive behavior and his history of disciplinary reports involving possession of homebrew, Simpson continues to have some work to do in order to merit parole and live safely in the community. He evidently did not benefit from the CRA program.

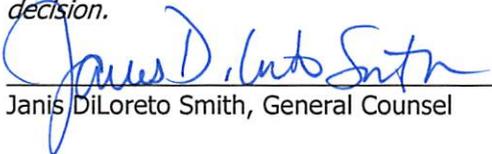
Vera Simpson Alleyne, Simpson's mother, and Maggie Hill, his primary school teacher, testified in support of parole release. Plymouth Assistant District Attorney Matthew Libby testified in opposition to parole release.

IV. DECISION

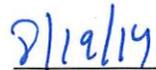
Edward Simpson committed a terrifying burglary while he was on parole for robbery. He also failed on another parole in 1991 when he was first arrested for burglary and robbery. He has a history of committing violent offenses in occupied homes. He continues to accrue disciplinary reports that appear to involve homebrew. Simpson must continue to address his addiction and improve his institutional behavior.

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, the Parole Board finds that Simpson is not a suitable candidate for parole. Accordingly, parole is denied. The review will be in four years, during which time Simpson needs to maintain good behavior and employment and participate in rehabilitative programs.

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