



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

**ERALD STREET
W65741**

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 14, 2013

DATE OF DECISION: February 14, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Shelia 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, 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 15, 1998, in Hampden Superior Court, Erald Street pleaded guilty to two counts of rape of a child, two counts of assault with intent to rape a child, two counts of assault and battery, and one count of breaking and entering in the daytime. He was sentenced to serve two concurrent terms of life in prison for the rapes, along with concurrent sentences of three to five years for breaking and entering, and eight to twelve years for assault with intent to rape. The assault and battery charges were placed on file with Street's consent. In 2009, Street filed a motion for a new trial, claiming that the evidence of digital rape presented to the Grand Jury was insufficient to return an indictment. The motion was denied and the Appeals Court affirmed the denial in 2010 in an unpublished opinion.

On May 21, 1998, in Springfield, the 13-year-old victim was on her way to school when she realized that she had forgotten her bus pass.¹ She went back to her house, leaving her

¹ The identity of a victim of sexual assault is withheld. G.L. c. 265, § 24C.

keys in the door while she went upstairs to retrieve it. When she came back downstairs, Street, who she had seen on her way to the bus stop, was in her house. He came up from behind her and placed his hand over her mouth, asking if anyone was home. She replied, "No," and he forced her down to the basement and commanded that she remove her clothes. Afraid for her life, she complied. She was screaming and he told her that he would cut her throat if she was not quiet. He tied his belt around her mouth to stifle her and, when that did not work, he tied her bra around her mouth.

Street demanded that she get down on the floor on all fours and repeatedly tried to anally rape her. When he could not, he made her hold his penis. He then made her lie on the floor and attempted to penetrate her vaginally but, again, was not able to do so and, instead, raped her digitally. Finally, he made her get on her knees and perform oral sex on him until he ejaculated on her face. When he was finished, he got dressed and went upstairs, telling the victim to stay in the basement or he would come back and rape her again.

The victim ran to a neighbor's house and called for help. She was taken to an area hospital where a rape kit was done. Abrasions were observed in the vaginal area and seminal fluid was detected. In addition, sperm cells were present on the victim's bra and other clothing items, including the belt that Street had used to keep her quiet during the attack.

II. PAROLE HEARING ON MAY 14, 2013

Erald Street appeared for his initial parole hearing on the two concurrent life sentences he is serving for forcibly raping a 13-year-old girl. Street provided the following information: "I was 38 when I committed the crimes; I was a selfish person; I lived for myself, my own desires, I wanted to do what I wanted to do; at age 24 I went to drugs; it was cocaine and then crack; I used drugs whenever I had the money; for 15 years I led a sexual, immoral life with prostitutes and girls who were drug addicts; on that day I was smoking crack the whole time; I was totally messed up; I didn't have the capacity to make proper decisions."

In describing the crime, Street said, "I was drinking and smoking marijuana at a strip club; I kept drinking through the day and night with my brother; I went to Springfield by myself to look for crack and girls; I rented my car to a person who was supposed to get more crack; I was smoking crack the whole time; I was totally messed up; I went into the house thinking it was a house with drug dealers; I don't dispute what the victim said; I wasn't seeing her as a child; I couldn't reason in that condition; I seen her as a woman and not a child."

Street has not participated in sex offender treatment or substance abuse treatment. A Board Member asked, "Do you have any maladaptive symptoms that need treatment?" Street said, "No." He reported that "in 1998 I received what God promised; Jesus changed my nature." He said he did not "need substance abuse treatment because God delivered me from that." Board Members attempted many times to discuss with Street his religious beliefs and how they have helped him with rehabilitation. Street took an obtuse and stubborn approach which prevented dialogue on the issue. Every time a Board Member asked Street to discuss religion or explain how his religious activities assisted his reform, he refused to answer and said, "I am not religious, I have a personal relationship with Jesus Christ." No matter how Board Members asked the questions about religious beliefs and rehabilitation, Street objected to the words of the question and refused to provide helpful information. He claimed that he could

not continue in sex offender treatment because the treatment counselor prohibited him from mentioning God. After seeing Street's obstinacy in action, Board Members concluded that he was misinterpreting or misrepresenting what happened in sex offender treatment.

Board Members asked Street about his recent motion for new trial, which disputed the account of the victim.

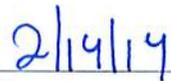
III. DECISION

Erald Street brutally raped a 13-year-old girl and threatened to kill her. He has not participated in any sex offender programming to address the underlying causes of his actions. Despite his problems with addiction, which he claims precipitated the rape, he has not taken part in any substance abuse treatment. He was not candid or forthcoming with the Board when questioned about his rehabilitative efforts, or lack thereof. The Board encourages him to engage in programming to address these needs and help him to gain insight into the nature of and reasons for his offenses.

The standard for parole as 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 this standard, the Board concludes that Mr. Street is not suitable for parole because he is not rehabilitated. The review will be 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.


James DiLoreto Noble, General Counsel


Date