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DECISION

IN THE MATTER OF

ABDUL MAHDI

W31736

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 29, 2014

DATE OF DECISION: December 2, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley

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, 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 from the date of this hearing.

I. STATEMENT OF THE CASE

The facts of the case have been developed by reference to *Commonwealth v. Abdul J. Mahdi*, 388 Mass. 679 (1983), a decision by the Massachusetts Supreme Judicial Court (SJC) and related police reports and official summaries.

On May 28, 1968, Abdul J. Mahdi, was found guilty by a jury in the Hampden Superior Court of murder in the first degree, assault with intent to murder by means of a dangerous weapon, and two counts of armed robbery. These convictions were related to the murder of the victim, Ernest Ladner, Jr. He was sentenced to life imprisonment on the first degree murder conviction, rendering him ineligible for parole. In addition, Mahdi was sentenced for eighteen to twenty years on the assault conviction and eighteen to twenty years on the armed robbery conviction. The latter two sentences were to take effect concurrently, but from and after the sentence on the murder conviction.

Mahdi successfully appealed his convictions, as the SJC concluded that the prosecutor's "exploitation of the defendant's exercise of his Miranda rights, coupled with the improper questions and argument on the Muslim religion, must be deemed harmful error," and further concluded there was a "substantial risk of a miscarriage of justice." *Mahdi*, 388 Mass. at 699.¹ Accordingly, the SJC reversed the judgments and set aside the verdicts.

Most of the witnesses to the 1968 murder of Mr. Ladner Jr. were still available and called to trial and the Commonwealth was prepared to try the case. However, after some negotiations, Mahdi tendered guilty pleas to murder in the second degree, armed assault with intent to murder, and two counts of armed robbery. In addition to a life sentence for the murder, Mahdi was sentenced to concurrent eighteen to twenty year sentences on the remaining charges associated with the robbery and murder of the Ladners. Consequently, Mahdi became parole eligible.

In addition to the murder of Ernest Ladner, Jr., on January 25, 1971, Mahdi pleaded guilty in Hampden Superior Court to armed robbery, assault and battery with a dangerous weapon, and assault with intent to murder, for his role in these crimes committed against Michael J. Visconti. For these convictions, Mahdi received concurrent sentences of 40 to 50 years, five to ten years, and five to ten years, respectively.

Finally, during the course of the trial for the crimes against Mr. Visconti, Mahdi testified and admitted that on December 19, 1967, he shot Paul Beaupre, an off-duty police officer for the Town of Bloomfield, Connecticut. The State of Connecticut did not prosecute Mahdi for this killing, as he was sentenced to life imprisonment in Massachusetts.

A. Armed Robbery and Shooting of Michael J. Visconti

On December 16, 1967, Mahdi, then age 37, slugged and shot Michael J. Visconti, 33 years old, at a Springfield Motor Lodge where he was employed as a night clerk. Mahdi, who was assisted by an associate, walked behind the counter, pointed a revolver at Visconti, and demanded cash from the register. Mahdi and his associate stole approximately \$62. Mahdi then demanded Mr. Visconti to lie on the floor face down, which he did, removed his wallet which contained \$10, and then shot Mr. Visconti in the head. Mr. Visconti survived the shooting, but suffered a head laceration and had to have a bullet removed from the back of his head.

B. Shooting & Killing of Officer Paul Beaupre

At the trial for the armed robbery and shooting of Michael J. Visconti, Mahdi testified as a witness called by the prosecution against two codefendants. During his testimony, Mahdi admitted that he shot Officer Paul Beaupre on December 19, 1967. According to his obituary, Paul Beaupre was an officer with the Town of Bloomfield, Connecticut. Officer Beaupre had

¹ Mahdi had been a member of the Muslim mosque in Springfield, and his defense counsel raised an insanity defense, contending in part that Mahdi was under stress because of fear of excommunication from his religious group. The SJC found that the prosecutor engaged in prejudicial questioning and comments in his closing arguments, as the prosecutor characterized Mahdi's religious tenets as "hateful." *Mahdi*, 388 Mass. at 690-692. The SJC also found that the prosecutor asked improper questions and closing comments about Mahdi's silence after his arrest. *Mahdi*, 388 Mass. at 694-699.

served with the Bloomfield Police Department for 11 years, and was survived by his wife and three children. Police reports indicate that Mahdi was under indictment for the murder of Officer Beaupre. According to an opposition letter submitted to the Board by Connecticut's Office of the State Attorney, the Connecticut bench warrant for his arrest was withdrawn in large measure because Mahdi received a life sentence.

C. Armed Robbery, Shooting of Ernest Ladner, Sr., and Murder of Ernest Ladner, Jr.

On the evening of December 29, 1967, Mahdi was asked to travel to New York City with two associates, Odris Hastings and Arthur Hurston, Jr., to pick up religious newspapers. After obtaining money from the mosque for gasoline, Mahdi instead used these funds to purchase a gun and a blackjack which he carried around intermittently for the next three days.

Early in the day on January 1, 1968, Mahdi picked up Hastings and Hurston. Mahdi claimed that he needed to buy a few grocery items for his family. Mahdi drove to the Knox Street Market operated by Ernest Ladner, Sr., then age 58, and his son Ernest Ladner, Jr., then age 33, because he knew it would be open. Mr. Ladner, Sr. knew Mahdi well because Mahdi was a former neighborhood resident, a regular customer of the store, and had once painted the store.

Inside the store, Hastings and Hurston bought some fruit from Mr. Ladner, Sr. at the front counter, while Mahdi went to the rear. Mahdi then returned to the front of the store with Mr. Ladner, Jr., holding a gun, and demanded money. After taking approximately \$180 from Mr. Ladner, Sr., Mahdi directed him and his son into the store refrigerator and ordered them to stay there. About ten minutes later, Mahdi returned and told them that he would have to kill them. Mahdi shot both of the Ladners. Mr. Ladner, Jr. was immediately killed by a single gunshot. Mr. Ladner, Sr., who witnessed his son plead for their lives, survived three gunshot wounds.

Mahdi then drove aimlessly around Springfield for twenty to thirty minutes and eventually drove to Albany. Once in Albany, they sold religious papers. Upon returning to Springfield, Mahdi dropped Hastings and Hurston at their respective homes and returned to his own home. Mahdi was arrested on January 2, 1968, after Mr. Ladner, Sr. identified him.

II. PAROLE HISTORY

Following his plea agreement in light of the SJC's 1983 decision, Mahdi became parole eligible on February 3, 1996. Mahdi has not been released on parole, having been denied following Board hearings in 1996, 1999, 2004, and 2009.² Previous Boards denied parole due to Mahdi's poor institutional record, which included spending many years in maximum security with continued, repetitive violent behavior; his lack of remorse or victim empathy; and his lack of any program participation since 1985.

² Mahdi waived his 2009 parole hearing.

III. CRIMINAL & INSTITUTIONAL HISTORY

Mahdi has no juvenile record and his adult criminal history in Massachusetts consists of charges related to the governing cases. His Connecticut history includes four motor vehicle charges relating back to 1961 and a single count of defrauding the gas company in 1961.

IV. PAROLE HEARING ON JULY 29, 2014

This was Mahdi's fifth appearance before the board. He most recently saw the Board in 2004 and received a parole denial with a review in five years. Records show he waived his hearing in 2009. Mahdi does not recall seeing the Parole Board in 2004, however, and denied waiving his hearing in 2009. Mahdi has consistently received five year reviews. The Parole Board has highlighted their concerns with the nature of his offenses and his failure to invest in rehabilitation.

Mahdi was represented by Attorney David Rountree. Mahdi is currently 83 years old. He provided a detailed history of his life, his conversion to the Muslim faith in 1955, and how his faith and race played a role in both his offenses and his sentencing. Mahdi noted a period of significant racial tension and given his race, as well as being a member of the Nation of Islam, feels that he received excessive and disproportionate sentences for the crimes he did commit.

Mahdi reports a three week period in his life in which he did participate in antisocial behaviors, but stated that was not indicative of whom he was, but rather a series of stressors and life events that he was not prepared for. Among many life stressors, he stated that because of his race, he was removed from his expertise within the Naval Aviation unit, despite his competence. Realizing that he would never be able to reach his potential and occupation of choice, Mahdi stated he became increasingly frustrated. Mahdi also discussed (as being particularly stressful) his membership with the Nation of Islam and his affiliation with other members who he thought were upstanding citizens, but later found out they were "working for the FBI to set me up." Mahdi described a relationship with Malcolm X and Mohammad Ali and how they also contributed to an ultimate feeling of betrayal. The history Mahdi provided was confusing and somewhat convoluted at times and it remained unclear if the facts he presented were credible. Many Board Members commented on having difficulty following the relevance and logic of his testimony, and viewed some of his testimony as being incredulous. Mahdi's overall contention appeared to be that he was used by the Nation of Islam and FBI and the stressors he was experiencing at that time in his life created a scenario where he became uncharacteristically unstable in all areas of his life. He insisted that his sentence structure does not equate with his role in the offenses and the circumstances that led to the commission of the crimes were not considered.

Despite questions to assist with clarifying his role in the offenses, the precipitants to the offenses, and how he has been rehabilitated, Mahdi appeared focused on issues regarding his own history of maltreatment by the judicial system. Mahdi also fails to see any value in formal programming. He stated that he has focused his efforts on helping other inmates with their legal matters. He stated early in his incarceration he taught many programs that he was allowed to set up, stating "those were more fruitful." Mahdi stated that the DOC terminated many programs due to concerns that what he was teaching could be used for malice. For

example, his knowledge about chemistry was viewed as a risk to the inmate population should someone want to make a bomb. He also stated that he was previously allowed to teach about flying helicopters, but after an attempt by Illinois prisoners to escape via a helicopter, he was forbidden to continue that program as well. Mahdi stated he has helped many inmates over his lengthy period of incarceration.

Mahdi stated that he continues to have the support of family and members of the Nation of Islam. He stated that he can live with his daughter and believes that his commitment to his faith will serve as significant source of support as well. Speaking in support of Mahdi's release was his daughter Keturah Mahdi. She was 10 years old when her father was incarcerated and has offered her commitment to helping her father transition on parole.

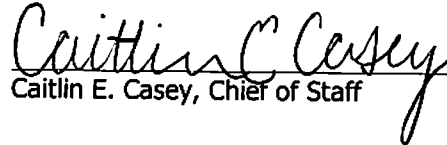
Dianne Dillon of the Hampden County District Attorney's Office spoke in opposition to Mahdi's parole. Assistant District Attorney Dillon provided details of Mahdi's offenses to clarify any discrepancies that were presented at the hearing. ADA Dillon also provided detailed facts regarding Mahdi's relationship to the Ladner family and the lasting impact the murder has had on their lives. In addition, ADA Dillon provided prior testimony that Mahdi has offered as reasons for the murders, including insisting that he was in a dissociative state at the time and thus does not recall his actions and accusing a member of the Ladner family of inappropriate behavior, thus justifying the murder. ADA Dillon conveyed that over the years Mahdi has provided erroneous and varying accounts of his crimes, and has presented no evidence of rehabilitation. It should be noted that two members of the Ladner family were present for the hearing and are opposed to Mahdi's parole.

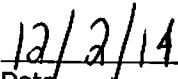
V. DECISION

Mahdi is serving time for murdering one individual and attempting to murder two other individuals during the commission of armed robberies. He has been incarcerated for 47 years, yet he has little to substantiate any type of rehabilitation. Mahdi has chosen his own path and while he does not display behavioral issues within the institution, he also has resisted recommendations for formal and measurable rehabilitation. Mahdi has also provided numerous varying stories and insights as to why he committed his offenses. He has not been able to convince the Parole Board that he has an appreciation for his offenses, why he committed them, or how he now meets the legal standard for parole. Instead, Mahdi has spent many years with what he considers to be productive activity in terms of preparing him for re-entry into the community. However, he has consistently been advised otherwise by the Parole Board and institutional staff.

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, it is the unanimous decision of the Parole Board that Mahdi is not suitable for parole. He will be eligible for a review hearing in four years. The Parole Board encourages Mahdi to accept recommendations for rehabilitation.

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.


Caitlin E. Casey, Chief of Staff


Date