



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Josh Wall
Chairman

DECISION

IN THE MATTER OF

ABDUR NADHEERUL-ISLAM

W-46510

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 30, 2013

DATE OF DECISION: October 7, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, 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 inmate's testimony 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 five years.

I. STATEMENT OF THE CASE

Abdur Nadheerul-Islam¹ is seeking parole from his life sentence for murder in the second degree in the shooting death of Anthony Johnson. This is his third appearance before the Board, having been denied parole in 2003 and 2008.

On May 18, 1989, in Suffolk Superior Court, Nadheerul-Islam pleaded guilty to this murder. He also pleaded guilty to several other crimes, receiving concurrent sentences of four to five years each for possession of a firearm, unarmed burglary, assault and battery with a dangerous weapon, and receiving stolen property. In addition, on September 7, 1990, in Suffolk Superior Court, Nadheerul-Islam pleaded guilty to manslaughter for the shooting death of Joseph Sargent, and was sentenced to a concurrent term of 10 to 12 years.

¹ On January 6, 1999, the inmate changed his name from Paul Lawrence Guild to Abdur Nadheerul-Islam. Nadheerul-Islam has other aliases including Eric Arthur, Daniel Gibb, and Lizard Guild.

On June 30, 1986, Abdur Nadheerul-Islam, age 18, went to his aunt's house, forced open the door to the bedroom of his cousin, a Boston Police officer, and stole his .38 caliber revolver. The officer discovered the theft and reported it to police. Meanwhile, at approximately 10:40 pm that evening, Nadheerul-Islam, who was armed with the stolen gun, joined with two or three of his friends, who were also armed, to "squash one particular beef." Nadheerul-Islam thereafter decided to rob "some unsuspecting drug dealers", and came upon Joseph Sargent, age 29. Mr. Nadheerul-Islam robbed Mr. Sargent and then shot him. Mr. Sargent suffered a gunshot wound to his left abdomen. He was transported to Boston City Hospital and died later that evening. A small amount of crack cocaine was found at the scene.

After the shooting, Boston Police observed Nadheerul-Islam on Marcella Street in Roxbury. A chase ensued and Boston Police observed him discard a gun, which upon further investigation was determined to be the officer's revolver. Nadheerul-Islam was arrested and charged with breaking and entering into the officer's home and unlawfully carrying the stolen revolver. Nadheerul-Islam defaulted on both of these charges.

While on default, Nadheerul-Islam, then age 20, stabbed a man, Brian Taylor, during a fight on Eustis Street in Boston on May 27, 1988. In assaulting Mr. Taylor with the knife, Nadheerul-Islam inflicted serious injuries, which included slicing his face.²

On June 17, 1988, or approximately three weeks after stabbing Brian Taylor, Nadheerul-Islam shot and killed Anthony Johnson, age 21, in front of his home on Everton Street in Dorchester. At approximately 8:00 pm, Nadheerul-Islam was armed with a shotgun, walked up to the gate of Mr. Johnson's driveway and fired two shots. One shot penetrated Mr. Johnson's right thigh. The second shot struck Mr. Johnson's left jaw and penetrated his neck, larynx and carotid artery. Nadheerul-Islam thereafter entered a waiting motor vehicle operated by a co-defendant, William Samuels,³ and fled the area. Mr. Johnson was removed to Boston City Hospital and was pronounced dead later that evening.

On August 20, 1988, Boston Police arrested Nadheerul-Islam for the murder of Mr. Johnson. During the arrest, police recovered from Nadheerul-Islam a .357 Ruger Magnum revolver and eight bags of heroin.

Following his plea of guilty for the second degree murder of Mr. Johnson, Nadheerul-Islam filed a motion to withdraw his guilty plea. After the Appeals Court and the Supreme Judicial Court both denied this request in 2003, Nadheerul-Islam filed a petition for a writ of *habeas corpus* in the United States District Court, which was dismissed in 2004.

II. INSTITUTIONAL HISTORY

According to classification reports, Nadheerul-Islam was in segregation awaiting trial due to his disruptive behavior, and has had numerous lateral transfers, including out of state, due to enemy issues. On January 27, 1998, Nadheerul-Islam was committed to Bridgewater State

² On May 19, 1989, Nadheerul-Islam pleaded guilty to assault and battery with a dangerous weapon in Suffolk Superior Court.

³ Mr. Samuels received a 10 to 20 year sentence for manslaughter and was released from custody on May 3, 2000.

Hospital (BSH) due to being paranoid and delusional. He was diagnosed with Delusional Disorder characterized by thoughts that "female staff and the Department of Correction (DOC) are trying to coerce him into sexual activity." He remained at BSH until April 27, 1999, but was committed on two other occasions, the last admission being on June 7, 2000 due to sexual delusions and assaults on staff that was of a sexual nature. He was discharged from BSH on February 8, 2005 and at that time transferred to NCCI-Gardner.

Nadheerul-Islam has had over 200 disciplinary reports, many of which were for not standing for count. His last disciplinary report was on March 5, 2012, when he refused to be pat searched by a corrections officer. Prior to that, Nadheerul-Islam last received a disciplinary report in 2004. Nadheerul-Islam has had four returns to higher custody for serious disciplinary issues including assaults on corrections officers, fights, and sexual comments and behaviors towards female staff. One of these instances included Nadheerul-Islam grabbing a nurse in a sexual manner.

Nadheerul-Islam participated and completed institutional programming, including the Correctional Recovery Academy (CRA) on March 2, 2007, a Culinary Arts program in June of 2008, as well as the Graduate Maintenance Program of CRA. Since his last parole hearing in 2008, Nadheerul-Islam has completed several programs including Toastmasters International, Alternatives to Violence (Basic and Advanced), Alternatives to Violence (Facilitators Training Course), Alternatives to Violence (Facilitator), Life Long Therapy, and Motivational Enhancement.

III PAROLE HEARING ON JULY 30, 2013

Abdur Nadheerul-Islam appeared for his third parole hearing on the life sentence. Parole was denied in 2003 and 2008. He is 45 years old. Nadheerul-Islam told the Board that "I want everyone here to forgive me for all my transgressions; I seek redemption today." He reported that he is involved with the African American Coalition and the Lifers Group, and he serves as a facilitator for Alternatives to Violence.

Nadheerul-Islam provided considerable information about his criminal conduct, including both homicides he committed. He said he left school in ninth grade "because I was in the streets; I hooked up with an older guy when I was 15 and he wanted to rob a laundromat; I just followed him; he gave me the gun and I had it when police came." When asked by a Board member, he admitted that he fired the gun. The case resulted in juvenile delinquencies for assault with intent to kill and assault with a dangerous weapon. Nadheerul-Islam reported that he started selling drugs after being released from the Department of Youth Services. In 1986 he was charged with assault with intent to kill but the case was dismissed. Nadheerul-Islam explained that "I had a beef with another drug dealer; we were both selling drugs; he was very disrespectful; I had to handle that; I caught up with him and I hurt him; I tried to slash his face with a knife or something."

He reported that he and another man committed robberies together: "we would take drugs from people and sell them; I used a knife or a gun; we were never charged; we did at least five or six robberies for drugs and took their money." In discussing his lifestyle as a drug dealer, Nadheerul-Islam said, "I carried a gun every day; as a young dealer you have people

come into your area and you had to stand up; I was totally out of control; I was fighting people and shooting at people; I intimidated people with guns."

He obtained one of his guns by "breaking into my cousin's house; he was a Boston Police officer; I stole his police revolver because I had a beef I had to settle; I did squash that situation; I had a weapon and they had weapons too; we discussed it and ended it there." Nadheerul-Islam used the police weapon to commit his first homicide. He reported that "I hooked up with some shallow friends; we went to rob some drug dealers; I didn't know Joseph Sargent; he was disrespectful so I shot him in the knee; he ran and I fired again and I hit him in the stomach." That case was not solved until after Nadheerul-Islam committed his second homicide.

Nadheerul-Islam gave the following information about the murder of Anthony Johnson: "he smacked a friend of mine, Denise McCray, at a club and things escalated from there; there were shootings back and forth; I saw him one day when I was driving; I stopped and began to run and I shot him." When asked by a Board member, Nadheerul-Islam said "I wasn't specifically looking for him that day." Given that Anthony Johnson was gunned down in his own driveway, Board Members were skeptical of that claim.

Board Members asked Nadheerul-Islam about his drug use. He reported that "I drank and smoked a lot of marijuana, at least ten joints a day; I started heroin after I came out of DYS; I sold heroin and crack; when I sold crack I smoked it every day; with heroin I sniffed twenty bags a day; I sniffed four or five bags every morning."

In describing his criminal activities and the murder, Nadheerul-Islam did not mention gangs. A Board Member asked Nadheerul-Islam about information that he was a gang member who was involved in violent rivalries with other gangs. Nadheerul-Islam admitted that he was affiliated with Academy Homes and that they had violent disputes with other gangs, including Corbett Street. Nadheerul-Islam said that "I saw these disputes as personal, including the dispute with Anthony Johnson."

Board Members asked Nadheerul-Islam about his poor institutional conduct which has resulted in over 200 disciplinary reports, which is an extraordinary number. Nadheerul-Islam said, "my disciplinary reports are from defiance; none of the reports are violent; I never threatened anyone." He said several times that he knows now that he "exaggerated things that others did to me." Nadheerul-Islam has several disciplinary reports for sexually aggressive language or behavior. He denied the conduct documented in the reports: "I never exposed myself and I never threatened a nurse that I would kill her family." He claimed that some of the sexual reports were unfair because "I was the one being sexually harassed; they were staring at me."

A Board member asked Nadheerul-Islam about his mental health history. He has been committed twice to Bridgewater State Hospital and was diagnosed with Paranoid Delusional Disorder. He admitted that he "had serious problems and needed help," but also admitted that for at least one of the hospitalizations he manipulated his statements and conduct in order to get to Bridgewater. He said "I needed to get out of that situation; it was weighing on me mentally; I did make some decisions in order to get out of there."

Anthony Johnson's sister spoke in opposition to parole. She said she was at home when Nadheerul-Islam murdered her brother. She said, "I heard a boom and looked out the window and saw you shoot a second time; he was already shot and down on the ground when you stood at his feet and blew his face off." Joseph Sargent's son spoke in opposition. He said, "my father was everything to me; I walked those same streets you did but I graduated played sports, graduated high school, and went to college; you made different choices." Suffolk Assistant District Attorney Charles Bartoloni submitted a letter in opposition to parole. Nadheerul-Islam's aunt spoke in support of parole. She said, "we all tried to help Larry, but he was so angry."

IV. DECISION


Abdur Nadheerul-Islam has killed two men, including murdering Anthony Johnson by firing two shotgun blasts at close range. The murders resulted from a lifestyle of drug dealing and frequent violence. Nadheerul-Islam did not commit to rehabilitation in prison and for many years was defiant and incorrigible. He also committed acts which raise issues of sexual deviance. He has two commitments to Bridgewater State Hospital and received a diagnosis of Paranoid Delusional Disorder. Given his history of antisocial behavior, criminal thinking, homicidal conduct, and paranoid delusions, Nadheerul-Islam will need a solid record of committed rehabilitation, pro-social conduct, compliant behavior, and mental stability before he would be considered safe for community supervision.

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." Because Nadheerul-Islam is not rehabilitated, the Board concludes that he would be likely to re-offend if released and that release on parole is incompatible with the welfare of society. Accordingly, parole is denied. The review will be in five years, during which time Nadheerul-Islam should commit to reform by addressing issues of anger, violence, criminal thinking, sexual misconduct, and mental health.

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.



Josh Wall, Chairman



Date