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Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

AMANDA DACOSTA

F80170

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 20, 2016

DATE OF DECISION: March 13, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long-term residential program, with special conditions, after successful adjustment to six months in lower security.

I. STATEMENT OF THE CASE

On July 16, 2002, in Bristol Superior Court, Amanda DaCosta pled guilty to the second degree murder of Jeffrey Smith. Ms. DaCosta was sentenced to life in prison with the possibility of parole for the murder of Mr. Smith.

In the early hours of October 11, 2001, 22-year-old Amanda DaCosta stabbed her 38-year-old boyfriend, Jeffrey Smith, in the chest. The stabbing took place in Taunton, at the home of one of Mr. Smith's ex-girlfriends. Mr. Smith was transported to Morton Hospital for treatment and, subsequently, died as a result of the stabbing.

II. PAROLE HEARING ON SEPTEMBER 20, 2016

Ms. DaCosta, now 37-years-old, appeared before the Parole Board for her initial hearing on September 20, 2016, and was represented by Attorney Joseph F. Krowski. In her opening statement to the Board, Ms. DaCosta apologized and expressed remorse for taking the life of Jeffrey Smith. When asked to describe her childhood, Ms. DaCosta said that she was happy and part of a loving family. They frequently attended church and were "always there for one another." When she was in seventh grade, she was diagnosed with a learning disability (pertaining to comprehension) and was placed in special education classes. Ms. DaCosta also said that, at age 16, she began using marijuana and, at age 20, she began drinking alcohol. At age 21, Ms. DaCosta began experimenting with cocaine.

During the course of the hearing, Ms. DaCosta spoke about her relationship with Mr. Smith. She said that their relationship started off "good." She became close with Mr. Smith's family and began living with them. However, the relationship became abusive after they had been together about five months. Ms. DaCosta said that Mr. Smith was an alcoholic, who would come home angry and blame her for "everything." According to Ms. DaCosta, Mr. Smith discouraged her from speaking with her family, and she needed to get his permission before hanging out with her friends. When asked to provide specific instances of the abuse she experienced with Mr. Smith, Ms. DaCosta stated, "I was forced to watch him have sex with other girls. I was punished; I couldn't go out of the house." Ms. DaCosta said that Mr. Smith would leave the house to have sex with one of the mothers of his children because he knew it would upset her (Ms. DaCosta). She began self-harming while she was with Mr. Smith and, in addition to cutting herself, Ms. DaCosta had an incident where she intentionally banged her head on the basement floor. When asked how often she would self-harm, Ms. DaCosta replied, "Every time we got into a fight, an argument. I would sometimes pray to God that he would just take my life." When asked why she believes she stayed with Mr. Smith, Ms. DaCosta stated, "I wanted to change him."

Ms. DaCosta discussed the events leading up to Mr. Smith's murder. Mr. Smith had 10 children with seven different mothers. Although she had a good relationship with the children, she did not get along with one of the mothers named "Shannon." Mr. Smith would "go back and forth" between Ms. DaCosta and Shannon. During the afternoon of the day before the murder, Mr. Smith was drunk and became angry with her. Mr. Smith told Ms. DaCosta that he did not love her and wanted her out of his house in order to be with Shannon. Shannon then told Ms. DaCosta (by phone) that she could stay at her house. Since Ms. DaCosta was afraid that her family would not want her home because of all that she had put them through, she agreed to go to Shannon's house. At around midnight, when Ms. DaCosta was hanging out with Shannon, they discussed how Mr. Smith was "playing games" with each of them. After the conversation with Shannon ended, Ms. DaCosta said that she was going to sleep. At some point, Mr. Smith returned. He went into Shannon's room and the two began to have sex. Ms. DaCosta became "upset and frustrated" and went to the kitchen to get a knife. She then went into the bedroom and, after some discussion with Mr. Smith, proceeded to stab him. A Board Member asked Ms. DaCosta why her level of frustration and hurt escalated to such a level of rage that night. She replied, "I was just tired...I was tired of putting up with this crap and I did, and I did for two years and I was just tired of it."

During her incarceration, Ms. DaCosta participated in many programs, including those that focused on anger management and mental health. When asked which programs specifically addressed the reasons behind her incarceration, Ms. DaCosta identified Anger Management, Co-dependency, and Domestic Violence. Ms. DaCosta said that she used to act on impulse, but has since learned coping skills. If she gets to the point where she is very angry, Ms. DaCosta will go for a walk, listen to her radio, read a book, or call someone. Ms. DaCosta is presently in the dog program and participates in Pathways. She sees a psychiatrist and meets with someone from the mental health department once a month.

Ms. DaCosta had many supporters in attendance at her hearing. Ms. DaCosta's mother and cousin provided oral testimony in support of parole, and support letters were read, as well. The Board considered oral testimony from Mr. Smith's sister, who indicated that she does not oppose Ms. DaCosta's parole and stated that she and her mother (who passed away) have forgiven Ms. DaCosta. After Mr. Smith's oldest son spoke about his father, and the impact of his father's death, he indicated that he is ready to forgive Ms. DaCosta. In addition, Mr. Smith's nephew stated that he was "okay" with whatever the Board decides. Bristol County Assistant District Attorney Dennis Collins spoke in opposition to parole.


III. DECISION

Ms. DaCosta is serving her first incarceration. She has exhibited great empathy and insight and has numerous supporters to aid in her reintegration. Ms. DaCosta has engaged in all relevant programming that address causative factors, including mental health and substance abuse. Incarceration has been purposeful.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Ms. DaCosta's institutional behavior, as well as her participation in available work, educational, and treatment programs during the period of her incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Ms. DaCosta's risk of recidivism. After applying this appropriately high standard to the circumstances of Ms. DaCosta's case, the Board is of the unanimous opinion that Ms. DaCosta is a suitable candidate for parole. Parole is granted to a long term residential program to be followed by appropriate housing and wrap around services, and after successful adjustment to six months in lower security.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be home between 10:00pm and 6:00am; Electronic monitoring – GPS; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Must have mental health evaluation and adhere to plan; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition and any other recommendation; Long Term Residential Treatment.

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.


Gloriana Moroney, General Counsel

3/13/17
Date