



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**

**ANDREW MILLYAN**

**W38957**

**TYPE OF HEARING:** **Revocation Review Hearing**

**DATE OF HEARING:** **November 19, 2013**

**DATE OF DECISION:** **July 30, 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 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 three years.

**I. STATEMENT OF THE CASE**

Andrew Millyan is seeking parole from his life sentence for second degree murder following his return to custody for a parole violation. This is Millyan's fifth appearance before the Board.

On May 21, 1982, a jury in Suffolk Superior Court convicted Millyan of first degree murder in the shooting death of the victim, Dana Hill, age 25. Millyan was sentenced to life without parole. In 1984, the verdict was reduced to murder in the second degree after a post-conviction motion in Suffolk Superior Court, thus making Millyan eligible for parole on the life sentence.

On September 20, 1981, the day before the murder, several people attacked and stabbed a friend of Millyan's outside the Sand Bar Lounge in Revere at approximately 2:00 a.m. One of the assailants accused the friend of being a member of the "Devil's Disciples," a motorcycle gang and a rival to the Hell's Angels. Also, one of the assailants told the friend that, "Your buddy Andy [Millyan] is next." The friend, who was hospitalized, told Millyan, age 25, and his co-defendant, Arthur Corbett, age 23, about the attack, relating to them he believed the assailants were Hell's Angels. The friend also suggested that Millyan should retrieve his shotgun for his own protection. Millyan and Corbett were "very disturbed, highly upset," angry at what happened to their friend, and there was talk of revenge.

Later that day, Millyan and Corbett left the hospital and told their other co-defendant, Robert Cobb, age 28. Cobb was also "very disturbed." After telling Cobb, Millyan and Corbett went to the Sand Bar Lounge. After Corbett parked the car across the street from the bar, Millyan jumped out, grabbed a tire iron and began screaming that his friend had been stabbed and that he would "get someone for it." An assistant manager at the Sand Bar Lounge eventually calmed Millyan, who then drove away with Corbett.

The following day, heeding the advice of their hospitalized friend, Millyan, Corbett, and Cobb obtained the injured friend's shotgun. Millyan loaded the shotgun with five rounds and put one round in his pocket. Around 6:30 p.m., Corbett drove Millyan and Cobb to the Sand Bar Lounge and parked in an alley between the Sand Bar and a next-door restaurant. Millyan grabbed the shotgun and entered the bar with Cobb. Corbett remained in the car.

There were about 10 to 12 people in the bar. Millyan stopped a few feet from the door, pumped the shotgun and then shouted, "I got a message from a friend of mine that got stabbed here by Hell's Angels. If I see any Hell's Angels down here, or anyone talking about Hell's Angels down here, I am going to blow them away." A patron tried to get Millyan to put the gun down, which only agitated Millyan. Millyan then pointed his shotgun toward the rear of the bar where the pool tables were located, and fired one shell containing about 280 pellets.

Dana Hill, who was standing at a pool table, happened to be in the direct line with Millyan. The shotgun blast from Millyan struck Mr. Hill in the face. At least 50 pellets struck Mr. Hill in his head. Mr. Hill fell to the floor screaming for help while the rest of the customers scattered for protection. His screams could be heard throughout the bar while Millyan and Cobb were still there. Mr. Hill was not a member of any motorcycle gang. He was in the bar to see a waitress he had been dating. Mr. Hill lapsed into a coma and died three days later. He suffered wounds to his brain, skull and face.

Millyan and Cobb returned to the car. Corbett drove away from the scene and Millyan disposed of the shotgun. They were all arrested in Lynn.

The two co-defendants, Arthur Corbett and Robert Cobb, were charged and convicted in connection with the death of Mr. Hill. Arthur Corbett was convicted of first degree murder, which was later reduced to murder in the second degree. He was paroled on February 26, 2002, violated his parole conditions on four occasions and was returned to custody on three different instances. On February 16, 2010, Corbett was returned to custody for the third time following his arrest for operating under the influence of alcohol. The Board revoked parole and on November 1, 2013. Corbett's parole was denied with a review in three years.



Robert Cobb was convicted of second degree murder, which was later reduced to manslaughter. Cobb, who was sentenced to serve 10 to 20 years, was discharged from his sentence in November 1993.

## **II. PAROLE HISTORY**

Millyan was before the Board for his initial parole hearing on February 10, 1997. The Board denied parole and set a three year review. On May 5, 2000, Millyan was before the Board for a review hearing. The Board voted to parole him to a long term residential treatment program after six months in pre-release. On April 29, 2002, Millyan was released under parole supervision, having been incarcerated since 1981. He remained successfully on parole until he was arrested on December 20, 2006 for shoplifting at a Target Store and that charge was dismissed on February 15, 2007. Parole was not revoked. On April 9, 2008, Millyan was returned to custody following an arrest for which he was convicted of possession of marijuana with intent to distribute and was sentenced to serve two years at the Worcester House of Correction from and after his life sentence. Parole was revoked.

Millyan appeared before the Board on September 22, 2009 for a review hearing, after being returned as a parole violator and was paroled to his from and after sentence. After completing that sentence, he was released again on parole on November 30, 2009. Millyan was returned to custody again following his arrest on February 16, 2012 for operating under the influence of drugs, operating negligently, and possession of a class D substance. After trial, Millyan was acquitted on the OUI charge, but convicted for negligent operation and possession of marijuana. He received a two-year commitment for the negligent operation.

## **III. PAROLE HEARING ON NOVEMBER 19, 2013**

Millyan, age 57, appeared for his revocation review parole hearing. Millyan has been incarcerated for two years following a parole violation. He explained that while on parole he completed the Bridge House Residential Program and maintained employment for six years at Harley Davidson. He described his "first bump on the road" was getting married. "I met and dated a girl in 2006, she was an addict. I was around it and got pinched for it. In 2006, I married Carolyn Walsh and in December of that same year I was charged with shoplifting, which was eventually dismissed." He stated his wife had relapsed with cocaine and their relationship became volatile and he didn't know how to "handle the situation."

Following his arrest in 2012, Millyan was found not guilty for the OUI which, he stated, was due to a "diabetic seizure." He explained to the Board that he was pulled over after having an argument with his wife. The police found marijuana in Millyan's backpack along with a scale. He stated "the scale belonged to my wife, she sold pot." According to Millyan, he and his wife argued because she wanted money to buy cocaine or she would call the police on him. When Millyan refused he stated his wife "threw a hand full of pot on the dashboard." He claimed she put the "pot and scale in the car." He stated she "began to swing at me and she was arrested for assault and battery. I was arrested for the marijuana charge. I have to take responsibility for the pot." Millyan's criminal history reflects eight separate arrests for operating under the influence; however, he only has been convicted of two.



Millyan denied having issues with marijuana, "My problem was drinking. Alcohol was my drug of choice." Millyan denied ever receiving disciplinary actions for marijuana use even though he has three marijuana related violations. After Board Members pointed out his disciplinary history with marijuana, he stated "The d-reports for marijuana were a long time ago; and my issues with marijuana in the 80's; [it] was something to do. I really didn't care for it. I only took a couple of hits." He further stated "I walk away if I see marijuana on anyone. I'm allergic to marijuana and can't be around people who smoke it." A Board Member recommended that Millyan needed to be more forthcoming about his marijuana issues; however, it appeared as though he was not serious about his issue with marijuana. He stated, "I am admitting to it, that's why I ask to go to the Bridge House."

Millyan described his parole supervision as, "I did well out there; I maintained a nice home that I worked hard for. I always worked [everyday], did my meetings and obtained a sponsor. I owned a two family home in Grafton." He further stated, "I was doing AA my way and not the right way. I have to keep myself busy. I wound up with two women with bad histories." He denied having any issues with women other than his ex-wife and ex-girlfriend. Millyan maintained, while on parole, that he attended counseling at Adcare once per month. He denied any current affiliation with the Devil's Disciples.

Millyan described his role in the murder: "I was a partier back then. I got out of school and joined a motorcycle club, 'Devil's Disciples.' I didn't like the brotherhood, so I disassociated. Revere Beach was different bike clubs, which is where I hung out. I went over to the bar to scare people. I wasn't planning on shooting anyone." He denied his co-defendants were members of the Devil's Disciples or that he went to the bar "looking for Hell's Angels."

Millyan stated his parole plan consists of paroling to the Bridge House, "I get a lot of sobriety in Framingham. I need to stay involved in programs." He would seek employment, attend AA with his sponsor (with whom he currently maintains a relationship), attend counseling and eventually return to his home.

Millyan's AA sponsor, his employer, his attorney and two friends testified in support of parole. Suffolk Assistant District Attorney Charles Bartoloni submitted a letter in opposition to parole.

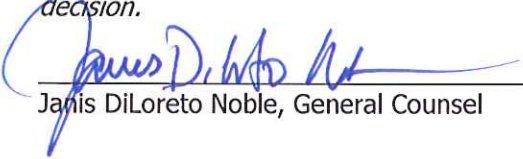
#### **IV. DECISION**

Andrew Millyan has been unable to live in the community without relapse and criminal activity. The criminal activity has included separate incidents of intending to sell drugs and operating under the influence. His period of re-incarceration should have been sufficient to achieve the rehabilitation necessary for release. At the hearing, however, Millyan displayed limited insight and candor on his violations. He does not appear to have reflected on his conduct, the reasons for his relapses and related criminal behavior, or his plan for avoiding similar problems if re-paroled. He has not effectively used this return for rehabilitation.

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 Andrew Millyan is not a suitable candidate for parole because he is not rehabilitated. The review will be in three years, during which time Mr. Millyan should look more closely at his poor judgment on parole, the seriousness of his marijuana problem, and be more thoughtful about a plan to prevent relapse and avoid criminal activity in the community.

*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 Noble, General Counsel

7/31/19  
Date