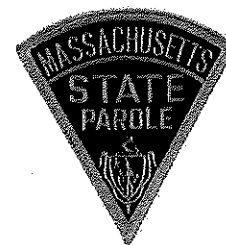


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ANDREW SULLIVAN
W46823

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 21, 2024

DATE OF DECISION: March 17, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is denied with review in 2 years.¹

PROCEDURAL HISTORY: On July 20, 1989, following a guilty plea in Worcester Superior Court, Andrew Sullivan was convicted of murder in the second degree for the death of Thomas Foy. He was sentenced to life in prison with the possibility of parole. He also pleaded guilty to assault and battery by means of a dangerous weapon, robbery, and three counts of armed robbery. Parole was denied after an initial hearing in 2002, and after review hearings in 2007, 2012, 2017, and 2021. On November 21, 2024, Andrew Sullivan appeared before the Board for a review hearing. He was represented by student attorneys Lucille Cotto and Eli Karush from Northeastern University School of Law under the supervision of Attorney Patrica Gearin and Attorney Wallace Holoman. The Board's decision fully incorporates by reference the entire video recording of Andrew Sullivan's November 21, 2024, hearing.

STATEMENT OF THE CASE: On January 2, 1988, Thomas Foy, a part-time Worcester cab driver, picked up 24-year-old Andrew Sullivan and his co-defendant, Paul Washington, and drove them to a designated spot. Without any warning or provocation, Mr. Washington gave his knife to Mr. Sullivan, who then plunged the knife into Mr. Foy's head, just behind his ear. The knife blade bent from the force of tearing through Mr. Foy's skull and brain. Mr. Sullivan pulled Mr. Foy from the car, dragged his body face down over the pavement and, out of sight,

¹ Two Board members voted to grant parole to a Long Term Residential Program; and one Board member voted to deny parole with review in one year.

rifled through his clothing. Mr. Washington searched the cab for money and acted as a lookout. They stole about 32 dollars, left Mr. Foy to die, and purchased cocaine.

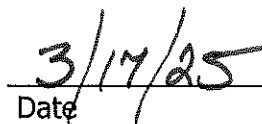
At the time of the governing offense, Mr. Sullivan was on parole from a 10-year Concord sentence (commitment number C51764) for a 1982 conviction of armed burglary and several charges of assault and battery with a dangerous weapon. The commission of the governing offense resulted in the revocation of Mr. Sullivan's parole on commitment number C51764. A warrant for permanent custody on commitment number C51764 was lodged behind Mr. Sullivan's life sentence. On February 5, 2025, the Board unanimously voted to withdraw this warrant.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Mr. Sullivan's 6th appearance before the Board. Mr. Sullivan has engaged in Pathways to Recovery and started engaging in Dialectical Behavioral Therapy since his last hearing. He is 61-years-old and has been incarcerated for 36 years. Mr. Sullivan has a history of Post Traumatic Stress Disorder based on adverse childhood experiences and a long history of addiction. He has admittedly struggled with both his substance abuse and mental health issues that may be further complicated by a reported head injury at the age of 6. Mr. Sullivan has engaged in Pathway to Recovery. He has also engaged in Mental Health treatment. Unfortunately, he continues to receive disciplinary reports. The Board has concerns regarding his sobriety and current levels of rehabilitation given multiple substance-related disciplinary reports. He continues to incur these reports. The Board encourages Mr. Sullivan to address his substance misuse and remain disciplinary report free. The Board considered public testimony in opposition to parole from Worcester County Assistant District Attorney Danielle Borges. The Board notes that Mr. Sullivan had several people attend the hearing in support and provide letters of support.

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.


Tina M. Hurley, Chair


Date