

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**ANDREW SULLIVAN**

**W46823**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** November 18, 2021

**DATE OF DECISION:** September 13, 2022

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

**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 not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing. Mr. Sullivan's parole violation warrant is to stand for commitment number C51764.

**I. STATEMENT OF THE CASE**

On July 20, 1989, in Worcester Superior Court, Andrew Sullivan pleaded guilty to the second-degree murder of 57-year-old Thomas Foy and was sentenced to life in prison with the possibility of parole. On that same date, he also pleaded guilty to assault and battery by means of a dangerous weapon, robbery, and three counts of armed robbery. He received concurrent sentences of 9-10 years in prison for each conviction.

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, 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 is lodged behind Mr. Sullivan's life sentence.

## **II. PAROLE HEARING ON NOVEMBER 18, 2021<sup>1</sup>**

Andrew Sullivan, now 58-years-old, appeared before the Parole Board for a review hearing on November 18, 2021. He was represented by Attorney Luke Rosseel. Mr. Sullivan had been denied parole after his initial hearing in 2002, and after his review hearings in 2007, 2012, and 2017. In addition to petitioning for parole on commitment number W46823, Mr. Sullivan also petitioned the Board to withdraw his warrant on commitment number C51764. The Board discussed the facts of the governing offense at length, as well as Mr. Sullivan's criminal history, which consisted primarily of larceny to fuel his drug addiction. When prompted by the Board to discuss what led him to the murder of Mr. Foy, Mr. Sullivan said, "...I blame myself... I don't blame other people anymore." Mr. Sullivan reported a history of substance abuse beginning at 8 years old. He experimented with marijuana, mescaline, acid, and other hallucinogenic drugs supplied by his sister. Eventually, his substance abuse escalated to addiction to crack cocaine. At the time of the murder, Mr. Sullivan stated that he was not thinking about the consequences of his actions, but rather, how he "wanted to get high... stay numb from everything." He claimed that he had no intention of killing Mr. Foy and only realized later that his attack was fatal. Mr. Sullivan reported that he has been sober since 2009.

The Board expressed its concern regarding Mr. Sullivan's poor institutional adjustment, especially the accrual of additional disciplinary infractions since his last hearing in 2017. Mr. Sullivan had several explanations for these charges, claiming that he pleaded guilty to infractions that he did not commit. He also claimed that his fellow inmates and correctional officers were "sabotaging him" and prevented him from staying out of trouble. The Board noted Mr. Sullivan has received a total of 124 disciplinary reports during his incarceration, the most recent involving unauthorized use or possession of drugs and fighting. Mr. Sullivan is currently enrolled in programming to include GMP, Criminal Thinking, Toastmasters, and Lifers Group. He is also employed as a unit runner and has completed three college courses while incarcerated.

A representative from the Victim Services Unit read into the record a letter in opposition to parole from Mr. Foy's daughter. The Board considered the testimony in opposition to parole from the Worcester County District Attorney's Office.

## **III. DECISION**

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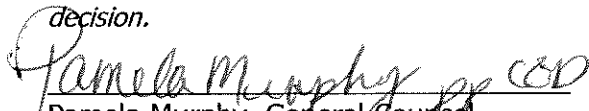
<sup>1</sup> The entire video recording of Mr. Sullivan's November 18, 2021 hearing is fully incorporated by reference to the Board's decision.

The Board is of the opinion that Andrew Sullivan has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On January 2, 1988, Mr. Sullivan stabbed cab driver Thomas Foy. Mr. Sullivan had been on parole for approximately three months at the time of the murder. Although he has engaged in programming, the Board remains concerned that he is not able to exhibit that he has benefitted from the programs. He has incurred over 100 d[isciplinary] reports throughout his incarceration and has had nine disciplinary reports since he last saw the Board in 2017. The Board has concerns about his explanations and rationale for some of the d[isciplinary] reports he has incurred, particularly for those involving substances. The Board encourages him to improve his adjustment and maintain a positive adjustment. To gain insight into his addiction, the Board encourages Mr. Sullivan to enroll in, and complete, CRA. The request to remove the warrant is denied. The Board has reviewed the request to withdraw the warrant and is willing to reconsider upon a demonstration of a significant period of positive adjustment.

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 Mr. Sullivan's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Sullivan's risk of recidivism. After applying this standard to the circumstances of Mr. Sullivan's case, the Board is of the unanimous opinion that Andrew Sullivan is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Sullivan's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Sullivan to continue working toward his full 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.*

  
Pamela Murphy, General Counsel

9/13/22  
Date