

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ANTHONY COLE
W65346

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 3, 2024

DATE OF DECISION: February 6, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted to CRJ after 6 months in lower security.²

PROCEDURAL HISTORY: On October 1, 1998, after a jury trial in Middlesex Superior Court, Anthony Cole was found guilty of second-degree murder in the death of 19-year-old Benny Rosa. The jury also convicted him for three counts of armed assault with intent to murder, assault with a dangerous weapon, and unlawful possession of a firearm. He was sentenced to life in prison with the possibility of parole on the murder charge, to be followed by 5 years of probation on the assault by means of a dangerous weapon charge. The Board denied parole for Mr. Cole after his initial hearing in 2012, and after his review hearings in 2017 and 2022. On October 3, 2024, Mr. Cole appeared before the Board for a review hearing. He was represented by Harvard Law Students Regan Hawkins and Angela (Xiaoyu) Li. The Board's decision fully incorporates, by reference, the entire video recording of the October 3, 2024, hearing.

STATEMENT OF THE CASE: On August 19, 1997, on Hoyt Field in Cambridge, Anthony Cole (age 20) fired his gun at a person he was feuding with. Mr. Cole missed his intended target and, instead, struck 19-year-old Benny Rosa in the chest. Mr. Rosa died of his injuries. His intended

¹ Board Member Ortiz was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to vote.

² One Board Member voted to deny parole with review in two years.

target also fired a handgun. Three bystanders were struck by bullets fired either by Mr. Cole or his intended target.

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 incarcerated individual’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 incarcerated individual’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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual’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).

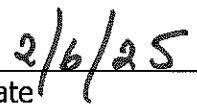
DECISION OF THE BOARD: This is Mr. Cole’s fourth appearance before the Board. He has been incarcerated for approximately 27 years. He was 20-years-old at the time of the offense. Mr. Cole has been participating in mental health counseling. He has engaged in Vocational Training and earned his OSHA certificate. He reported he also completed an HVAC course on his tablet. He completed Criminal Thinking. The Board noted their concerns regarding possible substance misuse related disciplinary reports, but considered the context of those violations in light of Mr. Cole’s testimony at the hearing. Mr. Cole has supports to assist him with his re-entry needs.

Middlesex County Assistant District Attorney Alicia Walsh testified in opposition to parole. Members of Mr. Rosa’s family testified in opposition to parole. Mr. Cole’s family members, and community supports, testified in support of parole.

SPECIAL CONDITIONS: Waive work for programming; Curfew - must be at home between 10 PM & 6 AM for first six months; Electronic monitoring for first six months, then at the request of the Parole Officer with Board approval; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)’ family; No contact with victim(s); Must have substance abuse evaluation and follow recommendations; Must have mental health counseling for adjustment and trauma; CRJ Program for 90 days.

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