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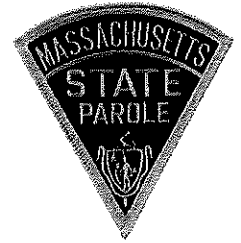
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Tina M. Hurley
Chair

RECORD OF DECISION

IN THE MATTER OF

ANTHONY COLE

W65346

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 18, 2022**

DATE OF DECISION: **January 11, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On October 2, 1998, following a jury trial in Middlesex Superior Court, Anthony Cole was convicted of second-degree murder in the death of 19-year-old Benny Rosa and was sentenced to life in prison with the possibility of parole. On that same date, he received concurrent sentences of two years for Unlawful Possession of Firearm, twelve to fifteen years for Armed Assault with Intent to Murder, three to five years for Assault by Means of a Dangerous Weapon, and three to five years for Armed Assault with Intent to Murder. Mr. Cole also received a consecutive term of five years of probation for Assault by Means of a Dangerous Weapon.

Mr. Cole appeared before the Parole Board for a review hearing on October 18, 2022. He was represented by student attorneys from Harvard University Law School. Mr. Cole had been denied parole after his initial hearing in 2012 and after his review hearing in 2018. The entire video recording of Mr. Cole's October 18, 2022, hearing is fully incorporated by reference to the Board's decision.

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.

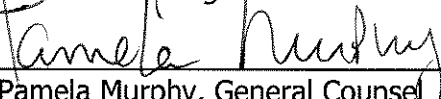
The Board is of the opinion that Anthony Cole has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On August 19,

1997, 20-year-old Mr. Cole participated in the shooting death of 19-year-old Benny Rosa. The Board does not find that Mr. Cole meets the legal standard for parole at this time. He has had a troubling institutional adjustment that has included multiple returns to higher custody. Of concern is that he has incurred six disciplinary infractions since his last hearing, some of which have involved violence. His most recent infraction was in March 2022. He continues to struggle with conflict resolution despite his improved participation in rehabilitative programming. The Board needs to see Mr. Cole pursue counseling or assistance to identify his mental health need areas particular to his trauma history. Mr. Cole should complete the programs he was enrolled in at the time of the hearing and demonstrate that he is capable of applying what he learns in the programs to improve his adjustment. He needs to remain disciplinary report-free and engage seriously in vocational training.

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. Cole'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. Cole's risk of recidivism. After applying this standard to the circumstances of Mr. Cole's case, the Board is of the unanimous opinion that Anthony Cole is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Cole's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel

1/11/23
Date