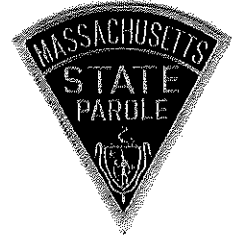


*The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security*



**PAROLE BOARD**

*12 Mercer Road  
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**Gloriann Moroney**  
*Chair*

**DECISION**

**IN THE MATTER OF**

**ANTHONY COLE**

**W65346**

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

**DATE OF HEARING:** **October 23, 2018**

**DATE OF DECISION:** **July 10, 2019**

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe <sup>1</sup>

**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 in four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On October 1, 1998, in Middlesex Superior Court, a jury found Anthony Cole guilty of second-degree murder in the death of 19-year-old Benny Rosa. On that same date, he was convicted of other related criminal offenses. Mr. Cole was subsequently sentenced to serve life in prison with the possibility of parole for second-degree murder. He received concurrent sentences for possession of a firearm (2 years), armed assault with intent to murder (12-15 years), assault by means of a dangerous weapon (3-5 years), and armed assault with intent to murder (3-5 years).

<sup>1</sup> Board Member Soto-Abbe was present at the hearing, but was not a Board Member at the time of vote.

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

## **II. PAROLE HEARING ON OCTOBER 23, 2018**

On October 23, 2018, Anthony Cole, now 41-years-old, appeared before the Parole Board for a review hearing. Mr. Cole was represented by Student Attorneys Regina Powers and Jake Meiseles from the Harvard Prisoner Legal Assistance Program. Mr. Cole had been denied parole after his initial hearing in 2012. In his opening statement to the Board, Mr. Cole took responsibility for his crimes, apologizing to his victims and to their friends and families. Student Attorney Meiseles described how Mr. Cole lost his father at age 11 and turned to selling drugs to help support his mother and younger siblings. Student Attorney Meiseles noted that in addition to earning his G.E.D, Mr. Cole has completed numerous rehabilitative programs, such as Correctional Recovery Academy (CRA), General Population Maintenance Program (GPMP), Emotional Awareness, and Violence Reduction.

A Board Member questioned Mr. Cole as to the events surrounding the murder of Mr. Rosa. Mr. Cole lived in the area of Hoyt Park and explained that he always carried a gun, since he sold drugs for a living. Mr. Cole claims that the other individual shot at him because he was jealous of his success as a drug dealer and, therefore, did not want him (Mr. Cole) selling drugs on his "turf." Mr. Cole admitted, however, to firing his gun at least once and agreed that engaging in a gunfight, in a crowded park, caused the death of Mr. Rosa.

Board Members noted that Mr. Cole incurred 11 disciplinary reports since his last parole hearing, including two reports for fighting, one for possession of Suboxone, and another for assaulting a staff member. Mr. Cole believes the possession of Suboxone to be the most serious report. Although he admitted to taking a gambling receipt from one inmate to give to another, Mr. Cole denied knowing that Suboxone was wrapped in the receipt. He claims that he does not have a substance abuse problem, nor has he had a positive drug test during his 21 years in prison. Regarding the report of an assault on a staff member, Mr. Cole claims that it was dismissed and, as to the reports of fighting, Mr. Cole claims that he was the victim of assault in one of the reports. The Board noted that it appeared from Department of Correction records that Mr. Cole received a suspended sentence for the assault.

Mr. Cole's parole plan is to step down to lower security and then be released to a transitional treatment program. He submitted an acceptance letter from the Brooke House in Boston, if released. Mr. Cole hopes to attend a vocational school and become an electrician. He has strong support from his mother, step-mother, brother, cousin, and friends in the community.

Mr. Cole's cousin and step-mother testified in support of parole. His sister, mother, daughter, ex-wife, and four former attorneys, submitted letters of support. Boston City Councilor Andrea Campbell also submitted a letter of support. Mr. Rosa's mother, sister, and a family friend testified in opposition to parole. Middlesex Assistant District Attorney Caitlin Gemmill testified in opposition to parole and submitted a letter of opposition.

### III. DECISION

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. The Board maintains that Mr. Cole could be a promising candidate for parole supervision. To achieve this, he should further invest in rehabilitation and maintain a 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. 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 rehabilitated and, therefore, does not merit parole at this time.

Mr. Cole's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Cole 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. 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

7/9/2019  
Date