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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

ANTHONY COOPER

W82750

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 16, 2015

DATE OF DECISION: August 19, 2015

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 21, 2003, after a jury trial in Plymouth Superior Court, Anthony Cooper was found guilty of armed burglary in violation of G.L. c. 266, § 14 and armed robbery in violation of G.L. c. 265, § 17. After a jury-waived trial, Cooper was also found guilty of the habitual criminal portions of the indictments. Cooper was sentenced to life in prison as a habitual offender on the armed robbery conviction and to a concurrent life sentence on the armed burglary conviction.¹ There have been three appeals on this case, all of which have been denied.

¹ Having been convicted as a habitual criminal under G.L. c. 279, §25, Cooper received the maximum term provided by law as a penalty for armed robbery and armed burglary, which were life sentences.

The facts are derived in part from an unpublished Appeals Court decision affirming the convictions. Commonwealth v. Cooper, 71 Mass.App.Ct. 1102 (2007). On February 18, 2000, Anthony Cooper, then age 42, entered the Hingham home of the victim, Jane Doe,² in the middle of the night. Cooper, who was on parole³ when he committed these offenses, put his gloves over Ms. Doe's eyes and robbed her of her handbag, a portfolio, and her cell phone before fleeing the scene. While committing the robbery, Cooper said to Ms. Doe three times, "Don't get up. Don't move, I have a knife." At one point, Cooper rubbed her right leg and stated, "You're very pretty, you have a nice body." Ms. Doe was scared and told Cooper to leave. Cooper told her not to call the police and fled. Ms. Doe then called the Hingham police. During the investigation, her belongings were discovered, and Ms. Doe was later able to identify Cooper. After the identification, Cooper's parole officer obtained a parole violation warrant and arrested him.

II. PAROLE HEARING ON JUNE 16, 2015

Anthony Cooper, now age 58, appeared for his initial parole hearing after serving 15 years of his life sentence. He was represented by Attorney Michael Phelan. Attorney Phelan provided an opening statement that outlined Cooper's institutional adjustment and progress through his on-going participation in treatment and programming. Cooper addressed his issues with substance abuse, dependency, and criminal behavior. Cooper provided his own opening statement and extended an apology to the victims of his criminal and selfish behaviors. Cooper acknowledged that he has caused pain and destruction.

Cooper is serving his third state, but seventh overall, adult incarceration. His extensive criminal history commenced at age 17, when he was arraigned in 1975 for possession of burglarious tools. He received a six month committed sentence, which was suspended and ultimately terminated. At various points in the 1980's and 1990's, Cooper was convicted of offenses that included breaking and entering, possession of burglarious tools, larceny, forgery, and possession of a controlled substance. At his hearing, Cooper acknowledged that he had engaged in other criminal activity, while on parole, in order to feed his addiction. He was last arraigned on May 8, 2000 for armed burglary and armed robbery as a habitual offender, for which he is currently incarcerated. Significantly, Cooper committed the crimes leading to his life sentences while he was on parole supervision. He had two other prior parole failures on record as a result of positive drug screens.

At this hearing, Cooper provided a version of the offenses that was somewhat in conflict with the official version. He informed the Board that he was already in relapse prior to the commission of the crime. He also informed the Board that he had smoked crack cocaine with a friend earlier that night and, as he proceeded home, he had a strong desire to continue to get high. He decided to commit the crime of breaking and entering. Cooper, however, denies that he threatened the victim with a knife, or made provocative gestures or comments toward her. It should also be noted that he denied any involvement in the commission of the crime for approximately four years. He conspired, prior to arrest and while awaiting trial, to provide a false alibi to secure his freedom.

² Portions of a parole record of decision may be withheld to preserve confidentiality (G.L. c. 127, § 130).

³ On March 18, 1994, Cooper was sentenced to a term of 7 to 10 years for breaking and entering in the nighttime (G.L. c. 266, § 16), and received other related concurrent sentences. On July 21, 1998, Cooper was granted a parole. Cooper served this sentence until August 19, 2000, when he was released to the bail mittimus related to the governing offense.

To his credit, Cooper has used the past 15 years of incarceration productively. Cooper engaged in several programs, including the Correctional Recovery Academy (CRA) and the Companion Program. Cooper testified that his involvement in the Companion Program was the precipitant for change and taught him compassion, empathy, and a better way to think. Cooper also had the opportunity to be a mentor in the CRA, which provided him with the opportunity to positively influence the younger population by sharing his life experiences. His continued involvement in substance abuse programming has provided Cooper with the necessary skills to maintain his sobriety. Cooper reported that he has been clean and sober for over 15 years. This claim appears to be corroborated by Department of Correction records that provide no indication of substance use during his incarceration.

Cooper seeks parole to a long term residential program. He plans to attend Alcoholics/Narcotics Anonymous, obtain a sponsor, and engage in counseling to maintain his sobriety. He also indicated that he would like to give back to the community and work as a volunteer, as well as pursue employment as a Certified Nursing Assistant. He indicates that he will have the support of family and friends, if he is granted parole. There was no one present to testify in support. However, the Board is in receipt of the letters in support of his petition of parole.

No members of the public appeared in opposition to Cooper's release, nor were there any written submissions in opposition to his release. However, Plymouth County Assistant District Attorney Suzanne McDonough appeared and provided a letter of opposition on behalf of her Office. The reasons for opposition at the hearing were outlined in the letter, citing in relevant part:

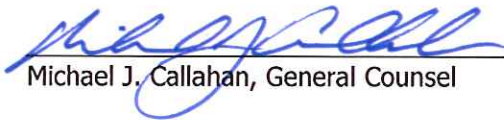
"In light of the defendant's criminal history, replete with convictions for robbery, breaking and entering, and like crimes. The inmate not only committed this brazen act against the victim, violating her home, her property and her person, but he went to great pains to attempt to disguise his crime and recruited others to assist him in his cover-up. His actions to hide his crime demonstrate a total lack of remorse for his actions and that his prior state prison sentences had no rehabilitative effect."

III. DECISION

Cooper was 42-years-old when he committed the governing offense and has served 15 years on his life sentence. Since entering the institution, Cooper has participated in rehabilitative efforts, including skill building, education, and treatment for factors related to his criminal history. However, as a habitual offender, Cooper has amassed a lengthy criminal record, coupled with a poor history of community supervision. The Board remains troubled by the fact that Cooper was on parole supervision when he committed this crime and had complete disregard for the conditions to which he was required to adhere. As Cooper has been a career criminal, he has significant (although not insurmountable) obstacles to overcome in order to prove that he has been rehabilitated. The Board is of the opinion that Cooper needs to demonstrate his rehabilitative progress and success through a longer period of positive institutional adjustment and programming before his release is compatible with the welfare of society.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Anthony Cooper does not merit parole at this time because he is not fully rehabilitated. The review will be in five years from the date of this hearing, during which time Mr. Cooper should engage in available programming and continue to exhibit positive behavior.

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.


Michael J. Callahan, General Counsel

August 19, 2015
Date