

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

**ANTHONY COOPER
W82750**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 2, 2020

DATE OF DECISION: September 24, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 that the inmate is a suitable candidate for parole.¹ Parole is granted to a Long Term Residential Program (LTRP) with special conditions and upon District Attorney clearance.

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 and armed robbery. In a subsequent jury-waived trial, Mr. Cooper was found guilty of the habitual criminal portions of the indictment. Accordingly, he was sentenced to life in prison with the possibility of parole for both the armed robbery and the habitual offender conviction. He received a concurrent life sentence for the armed burglary conviction. Mr. Cooper attempted to appeal his case three times, all of which were denied.²

In February 2002, Mr. Cooper broke into the victim's apartment while she was sleeping. When she woke up to Mr. Cooper standing over her, she saw that he had dark clothing, gloves, and a hat. Mr. Cooper told the victim three times, "Don't get up. Don't move, I have a knife."

¹ One Board Member voted to deny parole with a review in two years.

² *Commonwealth v. Cooper*, 71 Mass.App.Ct. 1102 (2007)

When asked if she had any money, the victim responded, "Yes." She pointed toward her handbag and said that it was "on my bed." Mr. Cooper said, "Don't move, don't look up." He retrieved the bag and then returned. When Mr. Cooper asked, she stated her name. He then proceeded to rub her leg and said, "You're very pretty, you have a nice body." The victim responded by saying, "No, please just leave." Upon leaving, Mr. Cooper threatened the victim by telling her not to call police, and that he would be watching her through the window. When he left her home, the victim contacted police shortly thereafter. Upon arrival, responding officers found the victim's belongings, taken by Mr. Cooper, in a car nearby. The following day the victim went to the police station and listened to a voice recording, which was obtained from a 911 call made by Mr. Cooper for a stolen vehicle. Upon listening to the recording, the victim identified Mr. Cooper as the offender. After the identification was made, Mr. Cooper was arrested. He was on parole at the time of his arrest.³

II. PAROLE HEARING ON JUNE 2, 2020

Anthony Cooper, now 63-years-old, appeared before the Parole Board on June 2, 2020. He was not represented by counsel and had been denied parole after his initial hearing in 2015. In his opening statement, Mr. Cooper told the Board that he is no longer the same person that went to prison 20 years ago. He is ashamed of his past and believes that he is "moving in the right direction." Mr. Cooper explained that he has grown as a person and is confident that he will be a "good citizen." When the Board inquired as to his thoughts on his previous decision, Mr. Cooper stated that he was initially disappointed, but explained that he was able to "grow stronger" and "work harder" in his recovery. He has been sober for 20 years and considers his sobriety as "one of the proudest things in [his] life." Mr. Cooper's substance abuse issues began in junior high, when he would use marijuana every day. Then, at age 17, he started using anything "[he] could get his hands on." When questioned by the Board, Mr. Cooper stated that his drug of choice was cocaine. Mr. Cooper stated that his crimes were motivated by his addiction, and that he would only commit a crime when using drugs. If released, Mr. Cooper stated that he has acquired the necessary skills, through his programming efforts, to maintain his sobriety.

When Board Members questioned him as to the governing offense, Mr. Cooper said that he remembers entering the victim's apartment, threatening her with a knife, and taking her purse. Although he told the victim that he had a knife, Mr. Cooper claims that he was not armed and only meant to intimidate her. Mr. Cooper told the Board that he did not know the victim was home prior to entering the apartment. When asked why he proceeded to enter, once he saw that someone was home, Mr. Cooper said that he "panicked" and was "more scared than anything." The Board also raised concerns as to the sexual overtone of the governing offense when, prior to exiting the victim's apartment, Mr. Cooper asked her name, touched her leg, and told her that she had a nice body. Although he does not recall those details, Mr. Cooper stated, "It is quite possible that happened." Upon questioning, Mr. Cooper told the Board that he did not know his intentions, reiterating that he was scared at the time. Mr. Cooper indicated that, prior to the governing offense, he had recently relapsed and his motivation for breaking into the victim's home was solely financial. He also admitted to using a significant amount of crack-cocaine before entering the apartment. When asked about the events leading up to his arrest, Mr. Cooper stated that he had reported his car stolen the

³ In 1994, Mr. Cooper was sentenced to 7 to 10 years for breaking and entering in the nighttime. He was granted parole in 1998.

following day. He said that police used that information, along with witness testimony, to arrest him.

The Board noted Mr. Cooper's overall positive institutional adjustment while serving approximately 20 years for the governing offense. Despite his extensive criminal background, Mr. Cooper has only incurred four disciplinary reports, none of which were related to drug use. He received his GED in 2000 and participated in the Companion Program in the health services unit. He also acts as a mentor through the Correctional Recovery Academy ("CRA"). Through his programming efforts, Mr. Cooper has been able to learn about empathy, forgiveness, honesty, and the importance of giving back. Mr. Cooper explained that Restorative Justice, as well as Leadership and Training, were the most influential programs that he participated in. He told the Board that having the ability to feel empathy and guilt will deter him from engaging in criminal behavior. He also said that "giving back" will be an important component to his rehabilitative success.

The Board noted that Mr. Cooper has been paroled twice in the past and that both revocations involved substance abuse relapse. When asked to address this concern, Mr. Cooper indicated that he is "stronger" in his recovery and understands how to control negative thoughts. He plans to help kids, who are dealing with addiction, similarly as to how he helps inmates who struggle. When Board Members asked why this time would be different, Mr. Cooper stated that he is a "new man" and now considers himself a "giver," not a "taker." He now surrounds himself with positive people who support him. In addition, he is fully "dedicated" to his sobriety and no longer "wants to do the wrong thing." He stated, "I am now a pro-social thinker." If paroled, Mr. Cooper hopes to attend a long-term residential program. He assured the Board that he will remain committed and dedicated to his sobriety with the help of his support system. He believes that his way of "making amends" on parole will be by giving back to the community. Mr. Cooper plans to continue his work with AA/NA and find a sponsor upon release. Additionally, he plans on attending counseling sessions to help with re-entry.

The Board considered oral testimony in support of parole from Mr. Cooper's two sons. The Board considered oral testimony and a letter in opposition to parole from Plymouth County Assistant District Attorney Keara Kelley.

III. DECISION

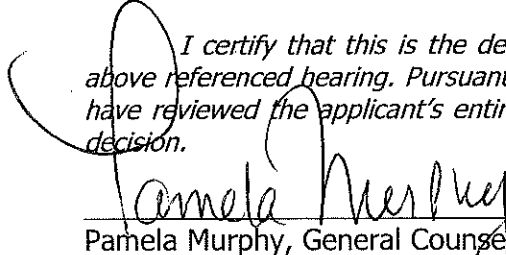
Mr. Cooper has served 20 years for the governing offense. It is the opinion of the Board that Mr. Cooper has made a level of rehabilitative progress that would make his release compatible with the welfare of society. He has maintained an overall positive adjustment and has completed numerous programs to address his causative factors. He has also maintained his sobriety throughout this commitment. He was transferred to a minimum-security facility in June of 2019, during which time he has demonstrated that he can be successful in a lesser restrictive environment. He has also developed a support network to maintain his sobriety.

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. Cooper'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. Cooper's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Cooper's case, the Board is of the opinion that Anthony Cooper merits parole at this time. Parole is granted to a Long-Term Residential Program with special conditions and upon District Attorney clearance.

SPECIAL CONDITIONS: Waive work for LTRP; Must be at home between 10 pm and 6 am; Electronic monitoring; Must have hearing in custody upon first indication of substance abuse; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Polygraph testing at Parole Officer's discretion; Report to assigned MA Parole Officer on day of release; No contact with victim's family; Must have mental health counseling for adjustment and transition; Must complete LTRP; AA/NA at least 3 times per week; Mandatory home group; Mandatory sponsor.

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

9/24/2020
Date