



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 DIBENEDETTO
W85412

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 9, 2023**

DATE OF DECISION: **July 26, 2023**

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

STATEMENT OF THE CASE: On April 27, 2005, following a jury trial in Middlesex Superior Court, Anthony DiBenedetto was convicted of murder in the second-degree for the November 26, 2003 death of Mary Toomey. He was sentenced to life imprisonment with the possibility of parole.

Mr. DiBenedetto appeared before the Board for a review hearing on May 9, 2023. He was represented by Attorney Deirdre Thurber. In 2018, Mr. DiBenedetto's initial parole hearing was postponed, at his request. His initial hearing was held in 2021, and he was denied parole. The entire video recording of Mr. DiBenedetto's May 9, 2023 hearing is fully incorporated by reference into 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 that the inmate is a suitable candidate for parole.

Parole reserve to House of Hope. On April 27, 2005, following a jury trial in Middlesex County, Anthony DiBenedetto was found guilty of second-degree murder. On November 26, 2023, Mr.

DiBenedetto stabbed Mary Toomey (76) to death. This was Mr. DiBenedetto's second appearance before the Parole Board, represented by Attorney Deirdre Thurber.

Mr. DiBenedetto has a long history of major mental illness that appears to be directly related to this offense. Mr. DiBenedetto is currently diagnosed with paranoid schizophrenia, and he is compliant with treatment. It is noted that he has had numerous psychiatric hospitalizations during this incarceration, including 13 commitments to Bridgewater State Hospital. The Board reviewed the expert evaluation and re-entry plan by Laura Capehart-Hall, as well as at the forensic evaluation by Dr. Frank DiCataldo (2/17/2022). Mr. DiBenedetto has benefited from his investment in psychiatric treatment, and demonstrated insight into his mental illness, and understands the importance of medication and treatment compliance. He has been accepted for services through the Department of Mental Health and has a comprehensive release plan to address his ongoing needs. He also has VA services in place. Mr. DiBenedetto has served over 19 years and has demonstrated that he is ready to continue his treatment in a therapeutic residential setting in the community.

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. DiBenedetto'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. DiBenedetto's risk of recidivism. After applying this standard to the circumstances of Mr. DiBenedetto's case, the Board is of the unanimous opinion that Mr. DiBenedetto is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to House of Hope; Waive work for SSDI/SSI; Curfew 10PM-6AM, or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA parole office on day of release; No contact with victim's family; Must have mental health counseling for paranoid schizophrenia; Must comply with all mental health treatment; Must sign releases of information.

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

07/26/2023

Date