

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

ANTHONY DIBENEDETTO

W85412

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 18, 2021

DATE OF DECISION: October 18, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre,¹ Tina Hurley, 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 the 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 not a suitable candidate for parole.² Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On April 27, 2005, after a jury trial in Middlesex Superior Court, Anthony DiBenedetto was convicted of second-degree murder in the death of 76-year-old Mary Toomey and sentenced to life in prison with the possibility of parole.

For the seven years leading up to the murder, Anthony DiBenedetto lived with Mary Toomey in her Cambridge apartment. It was Ms. Toomey's routine to visit a friend nearby each evening. On November 26, 2003, when Ms. Toomey did not visit her friend for the third straight day, Cambridge police were dispatched to her apartment to perform a well-being check. Upon arrival, officers noticed a note on the apartment door, signed by Mr. DiBenedetto, stating that Ms. Toomey was in Illinois and would return at the end of the week. Mr. DiBenedetto (age 46)

¹ Board Member Dupre participated in the hearing, but was no longer a Board Member at the time of vote.

² One Board Member voted to grant parole to a residential program.

answered the door, however, and informed police that Ms. Toomey was in her bedroom. Police noticed that Ms. Toomey's bedroom door was sealed in plastic. Before police entered, Mr. DiBenedetto told them to "cuff" him, which they did. Inside the bedroom, police found a duffle bag with a green towel wrapped around it with duct tape. The bedroom window was open, and there were onions scattered all over the floor.

Ms. Toomey's body was discovered inside the duffle bag. Mr. DiBenedetto had placed her body in multiple trash bags and wrapped it with a bedsheet. Her hands and feet were bound with a telephone cord. An autopsy later determined that Ms. Toomey had been dead for two to four days before she was discovered. She had sustained five stab wounds and multiple bruises. In conversations with police, Mr. DiBenedetto admitted to stabbing Ms. Toomey. He said that she initiated an argument on Saturday night, which angered him when she would not "shut up." Mr. DiBenedetto admitted to taking numerous steps to cover up the crime, one of which was posting the note on the door to delay the discovery of Ms. Toomey.

II. PAROLE HEARING ON MAY 18, 2021³

Anthony DiBenedetto, now 65-years-old, appeared before the Parole Board for his initial hearing. He was represented by Attorney Lorenzo Perez. Mr. DiBenedetto had postponed his 2018 hearing. In his opening statement, Mr. DiBenedetto told the Board that he has worked significantly on his rehabilitation during his incarceration. Mr. DiBenedetto stated that he served in the United States Army and National Guard and received honorable discharges from both. He also maintained employment, despite experimenting with drugs and developing psychiatric issues as a young adult. Mr. DiBenedetto reported a history of psychiatric hospitalizations that occasionally resulted from his arrests, which were attributed to violence or drugs. One such violent offense included an attack on an elderly woman wherein he fractured her jaw. Mr. DiBenedetto explained that he and Ms. Toomey had a good relationship, and that Ms. Toomey had bailed him out of jail on one occasion. Mr. DiBenedetto admitted, however, to striking her in an incident that took place prior to the governing offense. Despite that incident, Ms. Toomey had written a letter on his behalf ahead of sentencing. He told the Board that the pair had plenty of "good times" and expressed sorrow for what he did.

Upon Board Member questioning, Mr. DiBenedetto detailed the events of the governing offense. On the night of the murder, he was about to fall asleep when Ms. Toomey came home and made noise that kept him awake. When he became angry and confronted her in the kitchen, Ms. Toomey "yelled" at him before going to her bedroom. He then retrieved a knife from the kitchen, followed her into the bedroom, and stabbed her. Mr. DiBenedetto claimed that Ms. Toomey smiled at him, which made him angrier, so he stabbed her repeatedly before leaving the room. Mr. DiBenedetto explained that Ms. Toomey's treatment of him had significantly worsened in the weeks leading up to the murder, which included physical abuse and discarding his medication. Mr. DiBenedetto did not answer the Board's question as to why Ms. Toomey would have thrown out his medication.

The Board expressed concern that Mr. DiBenedetto has been noncompliant with his prescribed medication on multiple occasions throughout his incarceration. Mr. DiBenedetto stated that he understands that medication compliance is important due to his diagnosis of paranoid

³ The entire video recording of Mr. DiBenedetto's May 18, 2021 hearing is fully incorporated by reference into the Board's decision.

schizophrenia. However, he did not like the effects of certain medication. In 2019, during a period of noncompliance with medication, Mr. DiBenedetto attempted to strike a corrections officer in anger. Mr. DiBenedetto has engaged in multiple programs, including RTU, Violence Reduction, and Spectrum. Still, Mr. DiBenedetto claims that he is not violent when he does not take his medication.

The Board considered a statement in opposition to parole from Ms. Toomey's friend's niece. The Board considered testimony and a letter of opposition from the Middlesex County District Attorney's Office.

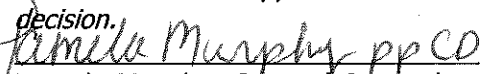
III. DECISION


The Board is of the opinion that Anthony DiBenedetto has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. DiBenedetto was seen by the Board for his initial hearing on May 18, 2021. Following his hearing, he was appointed new counsel and the Board was awaiting a forensic evaluation. The Board has considered the expert opinion of Dr. DiCataldo and the release plan provided by Laura Capehart-Hall. Mr. DiBenedetto has a well-documented, long standing, major mental illness that appears directly related to a history of violent offenses, included the SNS (sentence now serving). He has had 13 Bridgewater State Hospital hospitalizations, most recently in October 2020. Since that period of time, he has been prescribed a medication that has assisted with psychiatric stability. The Board would like to see a longer period of stabilization and medication compliance. The Board encourages him to continue to work on his sobriety and continued stabilization with reduced acute clinical supports.

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 opinion that Anthony DiBenedetto is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. DiBenedetto's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. DiBenedetto to continue working toward 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


Date