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DECISION

IN THE MATTER OF

ANTONIO GENDRAW
W66526

TYPE OF HEARING: Review Hearing
DATE OF HEARING: October 13, 2016
DATE OF DECISION: March 7, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 scheduled in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 19, 1999, in Suffolk Superior Court, a jury convicted Antonio Gendraw of the second degree murder of Barry Handy. Mr. Gendraw was sentenced to life in prison with the possibility of parole.

On November 10, 1997, Mr. Gendraw (age 29) and a friend made plans to rob 33-year-old Barry Handy of money and cocaine. Mr. Gendraw knew that Mr. Handy sold cocaine in the same community and viewed him as competition. At approximately 2:00 a.m., Mr. Gendraw called Mr. Handy, and they arranged to meet at Bird Street in Boston. As Mr. Gendraw traveled to Bird Street with his friend, he retrieved a gun that he had stashed in some bushes. They came across another friend, who agreed to join them in robbing Mr. Handy. Mr. Gendraw and his two friends approached Mr. Handy's car, which was parked on Bird Street. Mr. Gendraw went to sit in the front passenger side seat, while his two associates sat in back. The robbery

went awry, with Mr. Gendraw shooting Mr. Handy in the chest. In all, Mr. Handy was shot numerous times in the chest, back, leg, and hand. Two different revolvers were fired. The cause of Mr. Handy's death was due to multiple gunshot wounds.

After the shooting, Mr. Gendraw and his associates drove away and the group dispersed. As Mr. Gendraw was running home, he heard police sirens and threw his gun onto nearby train tracks. During the investigation, police interviewed Mr. Gendraw and he told them that he was with Barry Handy on the night of the murder to conduct a drug transaction. Mr. Gendraw told police that he was not the killer and, instead, told them that there were two shooters who "jumped out of the bushes wearing masks on their faces." Mr. Gendraw said that he ran to his car and drove away. Further investigation led to the arrest of Mr. Gendraw on November 19, 1997 for the murder of Mr. Handy.

On January 7, 1991 (previous to the murder of Mr. Handy), Mr. Gendraw pleaded guilty to being a felon in possession of a firearm in federal court and was sentenced to serve 6 years in federal prison, followed by 3 years of probation. At the time he entered this plea, he was serving a 3 to 5 year state sentence for unlawful possession of a firearm. Mr. Gendraw was paroled from the state sentence to the federal sentence on September 25, 1991. He was released from federal prison in March 1997, to 3 years of federal probation. He was on probation for about one year before he murdered Mr. Handy. Following his arrest, the United States Marshals Service lodged a detainer for a violation of his federal probation on December 24, 1997.

II. PAROLE HEARING ON OCTOBER 13, 2016

On October 13, 2016, Mr. Gendraw, now 48-years-old, appeared before the Parole Board for a review hearing. He had been denied parole after his initial hearing in 2012. In his opening statement to the Board, Mr. Gendraw apologized to the victim's family and friends, and to the community, for his actions. He expressed both shame and remorse for shooting Mr. Handy and said he takes full responsibility for the murder.

The Board questioned Mr. Gendraw about his upbringing and lifestyle before he murdered Mr. Handy. Mr. Gendraw told the Board that he began a lifestyle of violence and drug dealing as a teenager. He garnered a reputation as one of the top drug dealers, controlling the streets of Boston with fear and violence. At the height of his reign, he said he could shoot someone and sleep that night without any difficulties. He explained that violence was just part of staying on top of the drug dealing business. He admitted to the Board, for the first time, that he had shot around eight people in his lifetime before killing Mr. Handy. Mr. Gendraw said he was charged with six or seven of those shootings. However, all the cases were eventually dismissed, since no witnesses were willing to testify against him because "[he] made it like that." He told the Board that to his knowledge, none of the people he shot (before Mr. Handy) had died. He also informed the Board that each time he was released from custody, he would immediately return to a life of drug dealing and violence.

Mr. Gendraw discussed his federal firearms convictions, as well as his 6 years in federal prison. Mr. Gendraw admitted that his adjustment in federal prison was poor. He received numerous disciplinary reports and frequently smoked marijuana while incarcerated. He told the Board that he was released on federal probation in March 1997, with anger and hatred instilled in him due to the information (received in prison) that he lost control of his drug dealing

"territory." He told the Board that on the day he was released from federal prison, he started selling drugs again and, within two or three days after his release, he obtained a gun. He admitted he wanted to be back in charge, and that the robbery and shooting of Mr. Handy was part of how he wanted to regain control over his territory.

Mr. Gendraw also discussed details of the murder. He told the Board that he paged Mr. Handy to meet him. When he got into the front passenger side of Mr. Handy's car, he said he was armed with a gun. After they had "had words" about drugs and control issues, Mr. Gendraw shot Mr. Handy. He said he then went to the back of the car with one of his associates and looked through the trunk, finding drugs and a gun. Mr. Handy crawled out from the driver's seat and around to the back of the car, where Mr. Gendraw said he shot him several more times with the second gun from the trunk. Board Members questioned Mr. Gendraw as to whether he was the only person who shot Mr. Handy that night. Mr. Gendraw replied that he was – he used two guns, one that he brought and the other that he found in the trunk. Board Members remarked that this was the first time Mr. Gendraw had admitted to being the only shooter and questioned him as to why this was the first time he was telling this version of events. Mr. Gendraw replied that "no one ever asked me before." Board Members responded that at his 2012 hearing, he was asked for his version of events. At that time, Mr. Gendraw told the Board that he shot Mr. Handy in the car, fled the scene, and heard two more gun shots as he was running away. He said that it was his friend who shot Mr. Handy, using the second gun found in the trunk. Mr. Gendraw admitted to telling two different versions of the events, but had no explanation as to why his story changed. Board Members expressed concern over his inconsistent version of events and his inability to articulate why his story changed each time he was before the Board.

When asked about his parole plan, Mr. Gendraw told the Board he wants to be paroled to his federal detainer and then released to a residential program with the help of SPAN, Inc. He wants to work as a cook, using his culinary license. When asked about support in the community, he said that he talks to his mother, but has a strained relationship with his daughter. Board Members expressed concern about his lack of strong community support and his adjustment to society. The Board noted that he demonstrates a pattern of being released from custody and then immediately returning to violence, drug dealing, and a gang lifestyle.

Mr. Gendraw has participated in numerous programs while incarcerated, and his gang disassociation was officially accepted by the Department of Correction in 2000. Since his last hearing in 2012, he has completed Violence Reduction, Countdown to Freedom, Alternatives to Violence Project, Criminal Addictive Thinking, Path to Freedom, Jericho Circle, and Culinary Arts. He attends AA/NA on a weekly basis, and has been disciplinary report free since 2008.

The Board considered oral testimony in support of parole from Lynn Levy, Director of SPAN, Inc. The Board considered testimony from Suffolk County Assistant District Attorney Charles Bartoloni in opposition to parole.

III. DECISION

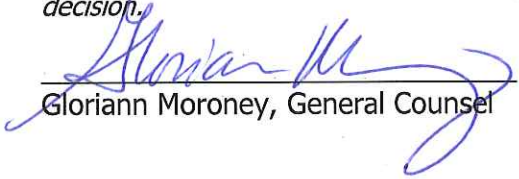
The Board is of the opinion that Antonio Gendraw has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Gendraw. In addition, Mr. Gendraw's presentment during the hearing was

troublesome. He acknowledged a new set of facts that include at least eight additional shootings, and he related his actions to "just the cost of doing business." He was also on federal probation at the time of the murder.

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. Mr. Gendraw's presentment does not reflect a level of rehabilitation sufficient to meet the statutory standard. In forming this opinion, the Board has taken into consideration Mr. Gendraw'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. Gendraw's risk of recidivism. After applying this standard to the circumstances of Mr. Gendraw's case, the Board is of the unanimous opinion that Mr. Gendraw is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Gendraw'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. Gendraw to maintain a positive adjustment and continue with program participation.

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.


Gloriann Moroney, General Counsel

3/7/17
Date