



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
Parole Board

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599



Josh Wall
Chairman

DECISION

**IN THE MATTER OF
BENLEY THOMPSON
W41806**

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **December 3, 2013**

DATE OF DECISION: **May 21, 2014**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

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 writing, we conclude by unanimous vote that the inmate is a suitable candidate for re-parole. Parole is to an approved home plan on or after June 4, 2014 under conditions of supervision.

I. STATEMENT OF THE CASE

Benley Thompson was released on parole from a life sentence for second-degree murder on February 27, 2009. He successfully re-integrated in the community for a period of nearly two years before he relapsed by drinking alcohol. On January 27, 2011, Thompson reported to his parole officer that he resumed problem drinking, which is a violation of his parole, and that he could not control it. Thompson was returned to custody on that day.

Thompson was re-paroled on May 11, 2012, with the additional condition of substance abuse counseling, and remained in the community for approximately one year working at Pyramid Builders in Boston. On June 18, 2013, Thompson was taken into custody by a Massachusetts State Trooper for operating under the influence. A chemical breath test was administered with the result of .022, which is within the legal limit. Although Thompson was not charged with operating under the influence, he was returned to custody on that day. At the completion of the revocation process, the Parole Board revoked parole on August 20, 2013.

On January 4, 1985, Thompson, then age 36, along with his 22-year-old nephew Gerald Morris,¹ and 19-year-old niece, Yvette Shears,² entered the Adams Appliance Store in Dorchester, and robbed it at gunpoint. While taking money from the cash register and robbing three customers at gunpoint, Thompson murdered shop owner Herbert Krous, age 51, by shooting him. Mr. Krous, who was protecting himself and his customers, fired his own weapon and shot Thompson in the leg. Thompson was a heavy cocaine user and committed the deadly armed robbery in order to obtain money to buy drugs.

On October 11, 1985, Thompson pleaded guilty in Suffolk Superior Court to second-degree murder and armed robbery, for which he was given concurrent life sentences. On that same date, Thompson also pleaded guilty to three additional counts of armed robbery, and was given concurrent six to ten year sentences, from and after the life sentences. Finally, Thompson pleaded guilty to a charge of possession of a firearm and received a four to five year sentence to run from and after the life sentences and concurrent with the six to ten year sentences. Thompson served 24 years for these crimes before his parole.

II. PAROLE HEARING ON DECEMBER 3, 2013

Benley Thompson, now age 65, appeared for his hearing seeking re-parole after a revocation. After first receiving parole in 2009, Thompson's parole was revoked in 2011 for repeated use of alcohol. He was re-paroled in 2012 but violated his parole in June 2013 which resulted in revocation and return to custody to serve his life sentence. Thompson's multiple parole violations resulted from his severely erratic driving on June 18, 2013 at 2:00 a.m. which was observed by a Massachusetts State Police trooper. Thompson was traveling with a female passenger who had a substantial criminal record and the van he was driving belonged to another person with a criminal record. The trooper noted the smell of alcohol and Thompson failed several field sobriety tests. A breathalyzer confirmed the presence of alcohol in an amount within the legal limit. The trooper documented that, after the positive breathalyzer result, Thompson admitted he had been drinking alcohol earlier in the day.

At this hearing, Thompson had an explanation for every violation. For example, he fell during the field sobriety tests because, "it was raining and I had slick-bottomed shoes." The explanations are too convoluted to describe in this decision. The explanations can be summarized, however, as Thompson presenting himself as a victim of circumstances, most of which result from him acting selflessly to help others. At least one of the explanations was new and had not been offered during the revocation process. When his parole was revoked in 2011, Thompson made a similar pitch at his parole hearing that he was the victim of circumstances due to his good deeds. At this hearing, he admitted that he gave some false explanations at his last parole hearing. Discerning a pattern of obfuscation, the Parole Board did not accept all of Thompson's confusing explanations for his violations and concluded that Thompson was out at 2:00 a.m. involved in conduct that is inappropriate for a person on parole for murder, including likely alcohol consumption.

Most of the hearing concerned Thompson's activities on parole and how he might remain sober and succeed in the community. Thompson had considerable productive activity during the most recent re-parole. He was working as a consultant at Pyramid Builders where he worked with clients who needed assistance with counseling issues. He said that he had 12

¹ On May 2, 1985, Gerald Morris was convicted of manslaughter, armed robbery, and robbery in Suffolk Superior Court. Morris received concurrent 18 to 20 year sentences for the manslaughter and armed robbery convictions, and a concurrent 8 to 12 year sentence for the robbery. Morris was discharged on November 29, 1995.

² Yvette Shears has a sealed criminal record.

to 15 clients. He was enrolled in a Master's program at Cambridge College and took at least three classes every term and is writing a thesis. Thompson said that the degree will "help me at work to gain more responsibility because I can be employed as a 'counselor' rather than an 'advocate.'" Thompson also reported that he attended AA three times a week and substance abuse counseling once a month. Since his return to custody, Thompson attends a weekly AA meeting.

In considering Thompson's parole activities and the convoluted explanations he offered for his parole violations, Board Member Bonner reminded Thompson of some academic papers that Thompson read as part of his Master's program. Dr. Bonner advised him "to go back and read those papers on psychological dysfunction resulting from prison; you still have those maladaptive survivor techniques." Thompson responded, "Yes, I still have those."

Suffolk Assistant District Attorney Charles Bartoloni submitted a letter opposing re-parole. Thompson's wife (who is a registered nurse) and adult son spoke in support of re-parole. Loren Roberts, lead clinician at Pyramid Builders, also testified in support and said that Thompson is "very effective with high needs clients."

III. DECISION


Benley Thompson has established a self-destructive pattern that the Parole Board is trying to help him break. When sober, he presents no current risk for violence and he engages in productive activity, including a counseling job and pursuing a master's degree. He undermines that success with poor judgment that leads to alcohol relapse and inappropriate behavior. His driving record includes several incidents and he admitted that on his first parole he was driving while intoxicated. His most recent violation included driving after consuming alcohol that placed him under the legal limit. These are unsafe behaviors that the Parole Board will not accept. Incarceration was necessary for public protection. The self-destructive pattern includes obfuscation before the Parole Board.

Recognizing Thompson's many positive contributions in the community, the Parole Board believes that he should be given another opportunity with conditions that will assist him with counseling and hold him accountable through increased monitoring. Thompson's positive conduct on parole establishes that he is substantially rehabilitated. This period of recent incarceration is sufficient accountability and provided the opportunity for additional rehabilitation in the areas of alcohol addiction, poor judgment, and improper behavior. 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, the Board finds that Mr. Thompson is a suitable candidate for parole.

SPECIAL CONDITIONS: Re-parole to an approved home plan on or after June 4, 2014; no alcohol use; no drug use; AA three times per week; counseling weekly for substance abuse and adjustment issues; curfew between 9:00 p.m. and 6:00 a.m.; GPS monitoring for one year and thereafter at discretion of parole officer.

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.


Janis DiLoreto Noble, General Counsel


Date