



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

*12 Mercer Road*  
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*Lieutenant Governor*

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**Gloriann Moroney**  
*Chair*

**Kevin Keefe**  
*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**BERESFORD ATWELL**  
**W66032**

**TYPE OF HEARING:**            **Review Hearing**

**DATE OF HEARING:**        **November 9, 2021**

**DATE OF DECISION:**       **April 20, 2022**

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa<sup>1</sup>

**STATEMENT OF THE CASE:** On February 9, 1999, in Suffolk Superior Court, Mr. Atwell pleaded guilty to the second-degree murder Anthony Norman and was sentenced to life in prison with the possibility of parole. Mr. Atwell also pleaded guilty to assault with intent to rob or murder with a dangerous weapon. He received a 10-to-15-year sentence for the assault with intent to rob or murder conviction and a 9-to-10-year sentence for the assault and battery with a dangerous weapon conviction. These two sentences were ordered to be served from and after the life sentence and concurrent with each other.

Mr. Atwell appeared before the Parole Board for a review hearing on November 9, 2021 and was represented by Attorney Michael Phelan. This was Mr. Atwell's third appearance before the Board having been denied in 2011. He postponed his 2016 and 2017 hearings. In 2019 he was paroled to his consecutive sentences.<sup>2</sup> The entire video recording of Mr. Atwell's November 9, 2021, hearing is fully incorporated by reference to 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 by unanimous vote that the inmate is a suitable candidate for parole. Reserve to his United States Immigration and Customs Enforcement (ICE) detainer. On August 17, 1996, Mr. Atwell stabbed and killed Anthony Norman and also stabbed and injured his wife. He has been in custody for

<sup>1</sup> Chair Moroney was recused.

<sup>2</sup> Pursuant to Dinkins & another v. Massachusetts Parole Board, SJC-12882 (January 19, 2021), Mr. Atwell's new aggregate parole eligibility date was calculated to be March 17, 2021.

approximately 26 years. On May 22, 2019, Mr. Atwell was paroled to his from and after sentence. Since that time, Mr. Atwell has had a positive institutional adjustment, has not incurred and disciplinary reports and has remained program compliant. Mr. Atwell's offense was related to his mental illness. He has gained insight into need for treatment compliance. He also appeared remorseful and gained insight into his actions. Mr. Atwell has strong support in both Trinidad and the United States.

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." In forming this opinion, the Board has taken into consideration Mr. Atwell'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. Atwell's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Atwell's case, the Board is of the unanimous opinion that Mr. Atwell is rehabilitated and merits parole at this time.

**Special Conditions:** Reserve to his United States Immigration and Customs Enforcement (ICE) detainer; Approved home plan before release (in the event Mr. Atwell is released from ICE custody); Waive work for two weeks; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; 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; No contact with victim(s); Must have substance abuse evaluation – adhere to plan; Must have mental health counseling for adjustment/transition.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

Pamela Murphy, P.P. (SMB)  
Pamela Murphy, General Counsel

4/20/22  
Date