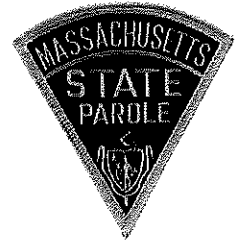




The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

BERESFORD ATWELL

W66032

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 24, 2018**

DATE OF DECISION: **March 28, 2019**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santos, 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 that the inmate is a suitable candidate for parole.¹ Parole is reserved to the inmate's from and after sentence with special conditions.

I. STATEMENT OF THE CASE

On February 9, 1999, Beresford Atwell pleaded guilty to the second-degree murder of Anthony Norman and was sentenced to serve 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 and assault and battery with a dangerous weapon. He received a 10-15 year sentence for the assault with intent to rob or murder conviction and a 9-10 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.

¹ Five Board Members voted to parole Mr. Atwell to his from and after sentence. Two Board Members voted to deny parole with a review in four years.

On August 17, 1996 at 2:30 a.m., 35-year-old Beresford Atwell² climbed through the third floor bedroom window of his estranged wife. He was armed with a knife, ropes, a bottle of acid, and wore several layers of clothing, as well as rubber gloves. Mr. Atwell then slashed his wife in the hands and chest and fought with Mrs. Atwell's new boyfriend, Anthony Norman. Mr. Atwell stabbed Mr. Norman in the chest and abdomen with his knife, killing him.

Mr. Atwell was subsequently found in the area with a knife wound to his leg. Police found a trail of blood leading back to the crime scene. Mr. Atwell was taken to the hospital and arrested that same morning. Mr. Atwell was alleged to have threatened his wife with a knife three weeks earlier when his wife told him she wanted a divorce.

II. PAROLE HEARING ON MAY 24, 2018

Beresford Atwell, now 56-years-old (or possibly 63-years-old, see footnote 2), appeared before the Parole Board for a review hearing on May 24, 2018, and was represented by Attorney Michael Phelan. Mr. Atwell was denied parole after his initial hearing in 2011. He then postponed his 2016 and 2017 hearings. In his opening statement to the Board, Mr. Atwell said that he is deeply ashamed of his criminal behavior and sorry for the pain he caused to the families affected by his crime. Through mental health services, pastoral counseling, and self-improvement programs, Mr. Atwell has come to realize what a troubled man he was at the time of the attack.

The Board asked Mr. Atwell if he went to the house with the intention of killing his wife. Mr. Atwell claimed that he did not think his wife would be home, as he believed she was in Canada. He claimed he went to the house to confront his brother-in-law, who had been threatening him and threatening to throw his children out of the house. Mr. Atwell said that he took acid and rope from the vacant first floor apartment (which was being renovated) of the three story house. He proceeded to the third floor with the intention of throwing acid on his brother-in-law and hanging himself with the rope. Mr. Atwell claimed to have always carried a folding knife with him, but that he did not intend on stabbing anyone. When he got to the third floor and found the door locked, he went to the porch and climbed through a window into his wife's bedroom. He found his wife and Mr. Norman asleep in bed, and a fight ensued. Mr. Atwell said that he fatally stabbed Mr. Norman, but that he does not remember stabbing his wife.

The Board questioned Mr. Atwell as to whether he was ever physically abusive to his wife or children. When Mr. Atwell said that he was not, the Board noted that at his last hearing, Mr. Atwell stated that he was emotionally and verbally abusive to his wife. Mr. Atwell said that he "talked harshly to his wife many times." When a Board Member asked Mr. Atwell what he learned at his domestic violence programs, Mr. Atwell said that he learned abuse can be mental, as well as physical. He said that people can be abusive in many different ways, stating that "the definition of abuse keeps changing." When a Board Member asked Mr. Atwell what his definition of abuse is, Mr. Atwell defined abuse as "attempting to impose your will on another."

² Mr. Atwell states that he is actually older than his "official" date of birth. According to Mr. Atwell, his grandfather registered him in Trinidad when he was 5-years-old, and the documentation they received showed the registration date as his recorded birth date. At his hearing, Mr. Atwell said he was 63-years-old and may have been 43-years-old when he committed his crimes.

The Board noted that Mr. Atwell has an open mental health case for schizoaffective disorder. He was sent to Bridgewater State Hospital for three bouts of delusional paranoia despite being medicated, leading to three watches for stabilization. The Board asked Mr. Atwell about his history of mental illness and self-harm. Mr. Atwell told the Board that in his native Trinidad, if you see and hear things, you are considered to have a gift. Mr. Atwell said he was 9 or 10-years-old when he first heard voices, but it wasn't until he came to the U.S. that he realized he might have a mental health problem. Mr. Atwell said he attempted to hang himself when he lived in Trinidad and had planned on hanging himself the night of the murder. Mr. Atwell told the Board that even though his symptoms have subsided, he understands that his mental health problems have not gone away, and that he needs to manage his condition with medicine, treatment, and counseling.

The Board noted that Mr. Atwell has incurred three disciplinary reports throughout his incarceration: one for fighting and two for failure to stand for count. Mr. Atwell told the Board that his last disciplinary report was in 2004. He said that he worked as a clerk until he had a stroke in 2015 and lost his ability to write. He now works as a janitor. Mr. Atwell said he completed Hi-SET, the preliminary Restorative Justice program, and is about to participate in the weekend retreat. Additionally, Mr. Atwell told the Board he completed Jericho Circle, Emotional Awareness, Non-violent Conflict Resolution, Bible Studies, Minister Certification and computer skills classes.

Mr. Atwell told the Board that his parole plan is to be released to his from and after sentence and would then be eligible for parole in 6 years and 8 months, at the earliest. At that point, he expects to be released to his Immigration and Customs Enforcement detainer and deported back to Trinidad and Tobago, where he would live in a house he inherited. He would seek free mental health counseling through the community hospital. Mr. Atwell, however, has had no contact with his family and friends in Trinidad and does not have a support network there.

Assistant District Attorney Colby Tilley of the Suffolk County District Attorney's Office and Boston Police Commissioner William Evans each submitted a letter of opposition.

III. DECISION

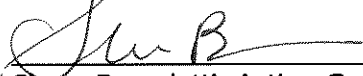
The Board is of the opinion that Beresford Atwell has demonstrated a level of rehabilitative progress that would make his release to his 10-15 year from and after sentence compatible with the welfare of society. Mr. Atwell will have to serve 6 years and 8 months before further consideration. He is 63-years-old and has served 22 years. Since his last hearing, he has fully invested in his rehabilitation and earned his Hi-SET. He has a positive institutional adjustment. Mr. Atwell is remorseful and has gained significant insight into his actions.

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. 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 opinion that Beresford Atwell merits parole at this time to his from and after sentence with special conditions.

SPECIAL CONDITIONS: Waive work for two weeks; Must be home between 10 p.m. and 6:00 a.m.; Electronic monitoring; 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; From and after sentence; Alcoholics Anonymous/Narcotics Anonymous at least 3 times/week.

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.



Shara Benedetti, Acting General Counsel

3/28/19

Date