



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

CALVIN GRAY

W44270

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 4, 2017

DATE OF DECISION: November 1, 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 two years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 4, 1987, in Middlesex Superior Court, Calvin Gray pled guilty to second degree murder and was sentenced to life in prison with the possibility of parole. Mr. Gray also pled guilty to two counts of assault with intent to murder, for which he received 8 to 10 years, and one count of illegal possession of a firearm, for which he received 3 to 5 years, all to run concurrently with his life sentence.

On September 16, 1986, Everett police responded to a report of a shooting at an apartment complex located at 355 Broadway. After a disagreement with his neighbors about the volume of the television in his apartment, Calvin Gray retrieved a .32 caliber gun he kept in a drawer and shot Richard Kelly in the chest, killing him. Mr. Gray then followed another neighbor who complained and shot at him, as well. Mr. Gray saw a woman in an apartment, took aim, and shot at her. One of the victims was able to call police. Mr. Gray confessed at the police station.

II. PAROLE HEARING ON APRIL 4, 2017

Calvin Gray, now 56-years-old, appeared before the Parole Board for a review hearing on April 4, 2017, and was represented by Attorney Brian Kelly. Mr. Gray appeared before the Board in 2001 for his initial hearing, resulting in a review in five years. His review hearings in 2006 and 2011 each resulted in a denial. In Mr. Gray's opening statement, he expressed remorse for the death of Mr. Kelly and the injuries he caused to others. He accepted full responsibility for his crimes, as well as the grief and sorrow he caused their families and the surrounding community.

The Board discussed Mr. Gray's positive institutional adjustment, having remained disciplinary report free since his last hearing. The Board also acknowledged the multitude of programming and rehabilitative efforts that Mr. Gray has engaged in. Mr. Gray is currently incarcerated at North Central Correctional Institution (NCCI) and resides in the Residential Treatment Unit (RTU). He is employed as an office runner. Since his transfer from Bridgewater State Hospital in 2012, Mr. Gray has remained compliant in the areas of treatment and medication. He continues to actively engage in therapeutic modules designed to target and alleviate symptoms of mental illness and personality disorders, by promoting pro-social coping skills and behaviors. As reflected in the circumstances of the offense, Mr. Gray has been diagnosed with significant mental health impairments, including a primary diagnosis of schizophrenia, chronic paranoid type. As a result of his mental health issues, he was civilly committed to Bridgewater State Hospital under Section 18 on several occasions since 1986. Most recently, he was committed from April 1995 until his transfer to NCCI.

Throughout the course of his hearing, Mr. Gray was able to convey the strides he has made in rehabilitation, specifically in the areas of interpersonal communication and managing conflict. He presented an understanding of his mental illness and his current medication regimen, recognizing that failure to maintain medication compliance will result in decompensation. Mr. Gray stated that at the time of the governing offense, his actions were in response to a culmination of arguments over the volume of his television with his neighbor. He stated that he was afraid of being harmed. Attorney Kelly provided a closing statement on Mr. Gray's behalf in support of parole.

The Middlesex County District Attorney's Office submitted a letter and Assistant District Attorney Jason Chandler spoke in opposition to parole.

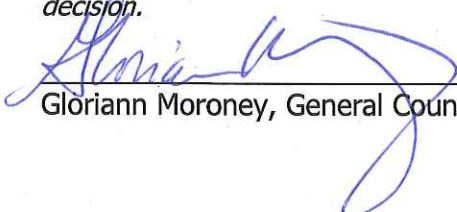
III. DECISION

The Board is of the opinion that Mr. Gray has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Gray has served approximately 31 years on the governing offense. He has been civilly committed to Bridgewater State Hospital under Section 18 for a significant portion of this incarceration. The Board believes Mr. Gray is in need of mental health treatment in a secure facility provided by the Department of Mental Health. Mr. Gray has not presented a release plan that would meet his needs. Should Mr. Gray establish a release plan that consists of transition to a secure DMH facility, prior to date of review, he may present that to the Board via a request for reconsideration.

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. Gray'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. Gray's risk of recidivism. After applying this standard to the circumstances of Mr. Gray's case, the Board is of the opinion that Calvin Gray is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Gray'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. Gray to continue working towards 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.



Gloriann Moroney, General Counsel

11/1/17
Date