



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

CHARLES PRICE
W37048

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 21, 2016**

DATE OF DECISION: **November 14, 2016**

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 the 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 at this time. Parole is denied with a review in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 14, 1979, in Suffolk Superior Court, Charles Price pled guilty to both armed assault with intent to rob and the second degree murder of Stefanos Kyriakidis. A sentence of life in prison with the possibility of parole was imposed on Mr. Price for the murder of Mr. Kyriakidis. Mr. Price was also sentenced to a concurrent term of not more than 15 years and not less than 5 years in prison for his conviction of armed assault with intent to rob. Mr. Price moved to withdraw his guilty plea and requested a new trial on three separate occasions in 1985, 2007, and 2012. His various legal arguments have included claims that he was under the influence of heroin and/or marijuana at the time he pled guilty and was, therefore, incompetent to enter into a plea colloquy. Each of Mr. Price's motions was denied.

On August 8, 1978, Mr. Price and his two co-defendants, Fred Strouble and Michael Wood, conspired to rob an ice cream van in Dorchester. Mr. Kyriakidis, who operated the van, was attending to several neighborhood children at the time Mr. Price and his co-defendants

approached. Mr. Price, who was armed at the time, engaged Mr. Kyriakidis in a verbal dispute over cookies being sold by Mr. Kyriakidis (which Mr. Price claimed were dirty). After exchanging words with Mr. Kyriakidis, Mr. Price handed Mr. Strouble a gun. Mr. Strouble put the gun to the window of the ice cream van and demanded money. When Mr. Kyriakidis hesitated, Mr. Strouble fired a shot through the window, striking Mr. Kyriakidis in the lower abdomen. As the neighborhood children scattered, Mr. Price, Mr. Strouble, and Mr. Wood fled the scene. Mr. Kyriakidis, who was found with \$83.50 in the van, died from the gunshot wound two days later.

II. PAROLE HISTORY

Mr. Price was denied parole after both his initial hearing in 1994 and his review hearing in 1995. After his review hearing in 1996, Mr. Price was granted parole with the special condition that he be supervised through the Intensive Parole for Substance Abusers program. In addition, parole was contingent upon successful completion of the Correctional Recovery Academy program and a six-month step down period in lower security. Mr. Price was released on this parole permit on August 3, 1998. On March 28, 1999, however, Mr. Price was arrested after he and his girlfriend were involved in a heated verbal exchange, overheard by his estranged wife. Observing scratches and swelling on the face of Mr. Price's girlfriend, responding officers took Mr. Price into custody. Mr. Price's parole was provisionally revoked while he awaited trial on a single charge of assault and battery. On May 26, 1999, in Dorchester District Court, Mr. Price was found not guilty after a trial by jury, and a warrant for his permanent custody (issued by the Board) was withdrawn. Mr. Price was released back to parole supervision with the added condition that he has no contact with his estranged girlfriend.

On May 10, 2000, Mr. Price's parole was revoked after he tested positive for THC and morphine, following a failed attempt to deceive his parole officer by falsifying a drug test. After a review hearing in October 2000, Mr. Price was paroled to a long-term residential treatment program on January 8, 2001. Mr. Price was returned to custody on October 8, 2003, as the result of engaging in a pattern of prohibited associations and involvement with drugs. Mr. Price's parole was again revoked. The Board subsequently denied his parole in 2004, 2007, 2010, and 2013.

III. REVIEW HEARING ON JUNE 21, 2016

Mr. Price, now 56-years-old, appeared before the Parole Board on June 21, 2016, for a review hearing. In his opening statement, Mr. Price expressed his regret for the murder of Mr. Kyriakidis and extended his apology to the Kyriakidis family, as well as his own family. He stated that he had done a lot of work on himself and, with the help and support of the Board, believed he could be trusted to obey all laws and any conditions of parole. Mr. Price declared that "treatment is better than incarceration." In describing the governing offense, Mr. Price stated that he only knew Mr. Kyriakidis from seeing him around the neighborhood selling ice cream. According to Mr. Price, the incident began when Mr. Kyriakidis dropped a cookie he was selling on the floor. Mr. Price told the Board that this incident led to an argument, an attempted robbery, and then the shooting.

The Board asked Mr. Price about his understanding as to why the Board denied him parole in 2013. Mr. Price believed that the Parole Board wanted him to continue working on mental health issues and to "come to grips with my defiant attitude and behavior, and ...issues

of my drug addiction." The Board noted that during his incarceration, Mr. Price has been returned to higher custody on several occasions for disciplinary reports, including two that were drug related. Most recently, in September 2015, Mr. Price received a disciplinary report after testing positive for Suboxone.

Mr. Price said that he had been engaged in a large number of programs and treatment since 2013, which addressed his issues with addiction, rational thinking, stress awareness, and mood management. Mr. Price said that he benefited from these groups by being with people who had similar issues and by being able to get in touch with the reasons why he reacts the way he does to certain stimuli. Mr. Price described an upbringing that included drinking, smoking marijuana, using heroin, and committing crimes of breaking and entering, all by the age of 13. He further claimed that a lot of his anger came from some of his childhood experiences, including molestation by a mental health clinician, which caused him to believe that people in authority were out to get him. When asked if he had been able to keep his substance abuse issues in check, Mr. Price acknowledged his relapse with Suboxone, which he said was precipitated by the death of a childhood friend. Mr. Price did not explain why he requested a confirmatory test after the initial positive screen, knowing at the time of the request that he was guilty of substance abuse.

When asked about his parole plan, Mr. Price stated that any plan should include a long-term program in a therapeutic community and treatment with Vivitrol to help combat his addiction. The Board made clear to Mr. Price that he is his "own worst enemy," lamenting that the poorest decision he could have made for himself (in light of the Board's denial of parole in the 2013 decision) was to use drugs. The Board observed that Mr. Price's addiction will be a lifelong concern, noting that if he is incapable of living drug-free in a controlled prison environment, then the risk for relapse in the community is high. The Board also noted Mr. Price's poor track record for staying sober during his previous three periods of parole supervision, two of which didn't last longer than a year, and all of which resulted in revocation. In closing, Mr. Price asked the Board to take a look at what can be done to help him with his addiction, and stated that he wanted to show that he can be trusted.

The Board considered oral testimony from Mr. Price's wife, as well as letters submitted by friends and family, all of whom expressed support for Mr. Price's parole. The Board also considered a letter in opposition to Mr. Price's parole from Suffolk County Assistant District Attorney Charles J. Bartoloni.

IV. DECISION

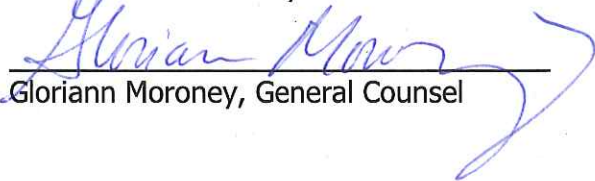
The Board is of the opinion that Mr. Price has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and additional programming would be beneficial to Mr. Price's rehabilitation. The Board notes that Mr. Price received a disciplinary report for a positive drug screen in September 2015. The Board believes that Mr. Price should continue with mental health treatment and rehabilitative programming to address his substance abuse, criminal thinking, anti-social behavior, and defiant conduct.

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 its opinion, the Board has taken into consideration Mr. Price'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 needs assessment, and whether risk reduction programs could effectively minimize Mr. Price's risk of recidivism. Applying this standard to the circumstances of Mr. Price's case, the Board is of the opinion that Mr. Price is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Price'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. Price 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

11/14/16
Date