



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

CHARLES PRICE

W37048

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **May 7, 2013**

DATE OF DECISION: **February 20, 2014**

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 not a suitable candidate for parole at this time. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

Charles Price appeared for a review hearing on the life sentence he is currently serving at the Old Colony Correctional Center for second degree murder. This hearing is being conducted following the subject being returned to custody as a parole violator, for the third time, in 2003. He was subsequently denied parole in 2007 and 2010.

On August 8, 1978, Charles Price, age 18, decided to rob Stefanos Kyriakidis, age 42, who operated an ice cream van in a Dorchester neighborhood. Accompanied by two friends, Michael Wood and Fred Strouble, Price contrived an argument with Kyriakidis over cookies, which Price said were "dirty." After Kyriakidis responded, Price handed Strouble a gun and said, "Here, you stick him." Strouble then put the gun up to the window and demanded money. When Kyriakidis hesitated, Strouble fired a shot through the window, hitting him in the lower abdomen. After the shot was fired, several neighborhood children, who were customers,

scattered, and Price and his friends ran from the scene. Kyriakidis, who was carrying \$83.50 in the ice cream van, died from the gunshot wound two days later.

On March 14, 1979 in Suffolk Superior Court Price pleaded guilty to murder in the second degree and armed assault with attempt to rob, for which he received a concurrent five to fifteen year sentence. Stouble¹ and Wood² also received sentences for their role in the murder.

II. CRIMINAL, INSTITUTIONAL, AND PAROLE HISTORY

Price has a lengthy juvenile record. Between 1971 and 1974, Price was arraigned for indecent assault and battery on a child under 14, which was continued without a finding and eventually dismissed; twice charged with breaking and entering in the daytime, one of which resulted in a finding of delinquency in Dorchester Juvenile Court; charged with larceny from a person, which was continued without a finding in Boston Juvenile Court; and charged with armed robbery, for which he received a suspended sentence from Dorchester Juvenile Court.

Following his arraignment on the governing murder charges, Price was released on bail. He then was arraigned on September 30, 1978, for affray,³ which was continued without a finding and dismissed. On January 4, 1979 Price was arraigned for assault and battery, possession of a controlled substance and unarmed robbery, for which he was convicted and received a one year committed sentence, the remainder suspended. That sentence has been terminated.

While serving his life sentence for the murder of Kyriakidis, Price had several returns to higher custody. On April 30, 1980 he was returned due to disciplinary reports for possession of contraband and for participating in a group demonstration. He was returned to higher custody in 1984 for possession of six bags of marijuana, in 1985 for use of threatening action or gesture in that he pushed a correctional officer's hands during a search, and in 1992 for drug use. In 1994, Price was returned for refusing to participate in the Spectrum Program, and in 1995 due to a disciplinary report for unauthorized sex and disobeying an order.

Following parole denials in 1994 and 1995, Price received a positive parole vote in 1996 to Intensive Parole for Substance Abusers, ("IPSA"), with his parole release reserved until after completion of the Correctional Recovery Academy, an institutional program sponsored by the Department of Correction, and six months of pre-release status. Accordingly, Price was released on parole on August 3, 1998.

¹ Fred Strouble was convicted of second degree murder and received concurrent sentences of five to fifteen years for armed assault with intent to murder and five to eight years for armed robbery. Strouble was released to parole supervision on February 20, 2007 from his consecutive sentence.

² Michael Wood was a juvenile at the time of the offense and pleaded guilty to manslaughter, for which he received a six year sentence.

³ An "affray" is a common law offense defined as the "fighting together of two or more persons in a public place to the terror of the persons lawfully there."

On March 28, 1999, Price was arrested when he and his girlfriend were involved in a very heated verbal exchange which was overheard by Price's wife (separated). Responding officers observed scratches and swelling on the girlfriend's face and Price was arrested. Parole was revoked provisionally based on the related criminal charges, however on May 26, 1999, Price was found not guilty. Price was thereafter released on parole, but with an added condition that he must not contact the girlfriend.

On April 13, 2000, Price reported to his parole office, and while submitting an observed urine sample he attempted to pour a liquid into the urine collection cup. That false sample tested negative for drugs. However, a second collection proved positive for THC and morphine. Accordingly, Price had his parole revoked on May 10, 2000 for drug use and attempt at deceiving his parole officer.

Following an October 2000 review hearing, Price was re-paroled to a long term residential treatment program on January 8, 2001. However, on April 23, 2003, Price had arrest warrants issued against him in Attleboro District Court charging him with several larceny and fraud related charges. Price was alleged to have been involved in a check cashing scheme where his girlfriend had been stealing checks from disabled patients in her care and employing individuals to cash the checks at area banks.

Although the prosecutor did not pursue the criminal charges against Price, his parole was revoked following a final revocation hearing because he failed to comply with the Board's condition that he not contact this girlfriend, and because he failed to notify his parole officer of a change in address. After his parole was revoked, Price appeared before the Board for a review hearing on March 2, 2004, and was denied parole with a three year set back. He was likewise denied parole with three year set-backs in 2007 and 2010.

Since his return to custody, Price has incurred disciplinary reports in 2003 for disruptive conduct, engaging in an unauthorized sex act, and refusing to submit to a urine test. In 2011, Price received a disciplinary report for unauthorized possession of drugs, receiving a positive test, and for introducing heroin into the facility, including possessing and ingesting the heroin.

III. MAY 7, 2013 PAROLE HEARING

Charles Price appeared for his eighth parole hearing on the life sentence he is serving for the second degree murder of Stefanos Kyriakidis, a husband and father of three. Price received parole on three previous occasions but was unable to remain in the community without serious parole violations. His last revocation was in 2004 and he has been denied re-parole in 2004, 2007, and 2010. The three setbacks have been for three years, which have signaled to Price that a commitment to rehabilitation would likely lead to re-parole. Price has not been able to make that commitment. The 2010 decision stated that Price "continued to evince a criminal mindset and showed little insight into the underlying causes of his antisocial behavior."

Price provided information on his childhood. He grew up in Dorchester as the youngest of 10 children. He said, "I grew up in a good home." He received mental health counseling at age 11 because the school recommended counseling. He said, "I had nerves and I rocked." He started committing crimes at age 12. By age 13, he was breaking into cars and houses and began his "first heavy drug use with heroin" supplied by his cousin. He said he stole from

people and "used starter pistols to rob people when I was a juvenile." He asserted that, "I have never actually hurt anyone in my life; I never actually stabbed anyone." He said that around the time of the murder, "I thought I was tough, I was trying to impress peers."

Price explained information about the murder. They planned the robbery because "we wanted money for drugs; we knew the ice cream man because he came around all the time; the ice cream man dropped my cookie so an argument ensued; being who we were, you didn't back down; I don't remember who had the gun at the beginning but Fred ended up with it; Mike said I passed it and Fred said he had it the whole time; I don't remember; someone said 'do you want to stick him;' I'm not sure who said that; I guess we was all in agreement, a silent agreement; I knew Fred had a gun that day; I was not surprised; me and Fred had did a few crimes together before; we would mug people near Pine Alley; sometimes we used a knife; me and Mike were in shock after the shooting; there was no need to do that; if I had the gun in my hand the victim would still be alive."

Price has filed several motions for new trial, none of which have been successful. His last motion for new trial was not resolved until 2013. Board Members noted that the motions through the years have taken some contradictory positions, had no support in the evidence provided by the plea colloquy, and were easily dispatched by the court. Because Price took contradictory positions in the motions, it appears likely that he made false statements in court affidavits. A Board Member noted that "your appeals are different than what you say today; some of the positions taken in your appeals are contradictory to what you have said today." Price said, "for years I thought my sentence was very unfair; I got too big a sentence; a lot of things are going on now; the guy killed the cop; parole is tight now; I've been a student of criminal law; I'm looking for loopholes; I've never said I'm not guilty or wasn't involved." He also said, "I'm hoping I get a fair hearing today; I do think now that I am being treated fairly" in this hearing.

Price reported that he attends AA and NA in prison. He said, "Using drugs has destroyed my life; I am an addict." He also explained that since age 12 he has had a problem with authority and that he "always saw things as a conspiracy." In prison, "I still looked at it as everyone in the system was against me. He attributed some problems on parole to "that issue of people being against me; the conspiracy theory was always in my mind." He said, "I don't live by the rule of thumb that everything is a conspiracy anymore." He is not employed in the institution. In recent years he has completed the Correctional Recovery Academy, Violence Reduction, Thinking for a Change, Active Listening Workshop, and Alternatives to Violence.

Price has a drug overdose in April 2011, and he now receives mental health counseling for depression. He said that he took 17 Percocets in an attempt to commit suicide. Price continues to accumulate disciplinary reports, including a report in April 2012 which documented that Price called a corrections officer a "Nazi." Price testified that he did not say Nazi and was instead asking the officer why the visitors' room did not include a Yahtzee game for children. No Board Member believed that testimony. Price did admit that "I had issues with that CO; I had a confrontation with him before over a strip search."

Price offered minimizations and exculpatory explanations for his parole violations and disciplinary reports. A Board Member noted, "You don't take responsibility for your actions; you see yourself as a victim in all these incidents."

Five people spoke in support of parole, including Price's wife and two of his sisters. They spoke effectively in describing changes made by Mr. Price in recent years. Price has three adult children. His two sons are incarcerated and he has no contact with his daughter.

IV. DECISION

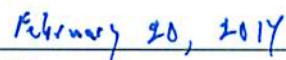
Charles Price committed a murder as a joint venturer 35 years ago. He has had three chances on parole which ended in serious violations. His rehabilitation has been complicated by drug addiction, criminal thinking, antisocial conduct, oppositional thinking, and defiant behavior. These issues have prevented his re-parole. Previous parole decisions have noted his poor attitude and poor performance at parole hearings. He has serious recent disciplinary incidents in prison that establish that he is not rehabilitated. Price showed considerable improvement, however, in his presentation at this hearing. He is improving his attitude, reducing his oppositional thinking, and gaining insight into his drug addiction. It appears that mental health counseling is helping Price in his rehabilitation. Because these improvements are recent, the Board cannot conclude that his reform has reached the point where he can be released on parole.

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, it is the unanimous opinion of the Board that Mr. Price does not merit parole. The period of review will be three years, during which time Mr. Price should continue with mental health treatment and rehabilitative programs to address issues of substance abuse, criminal thinking, antisocial conduct, oppositional thinking, and defiant conduct.

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.



Josh Wall, Chairman



Date