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DECISION

IN THE MATTER OF

CHARLES THOMPSON

W60002

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: January 28, 2014

DATE OF DECISION: July 3, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long term residential program after one year in lower security at the Department of Correction (DOC) during which time Mr. Thompson must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

I. STATEMENT OF THE CASE

On January 30, 1996, following a jury trial in Norfolk Superior Court, Charles Thompson was convicted of unarmed robbery and assault and battery. He waived his right to a jury trial on the accompanying habitual offender indictment, was found guilty, and was sentenced to serve life in prison. The assault and battery conviction was placed on file. The Supreme Judicial Court transferred the case from the Appeals Court, *sua sponte*, and affirmed the convictions. *Commonwealth v. Thompson*, 427 Mass. 729 (1998). The following facts are culled from the Supreme Judicial Court's opinion.

On October 9, 1994, at approximately 1:00 A.M., Charles Thompson and his co-defendant targeted and accosted Dr. Eugene Vaninov in the vestibule of his apartment building in Brookline. At the time of the assault, Dr. Vaninov was returning home with his wife and thirteen-year-old daughter. Dr. Vaninov had just dropped his wife off and was parking his car when he noticed Thompson get out of a gray motor vehicle and quickly follow Mrs. Vaninov into the building. Thompson initially targeted and followed Mrs. Vaninov but she was able to hurry into her apartment and shut the door.

Dr. Vaninov instructed his daughter to remain in the vehicle and approached the building. He entered the building and noticed Thompson standing in the vestibule. Thompson approached Dr. Vaninov and violently attacked him, punching him in the face repeatedly, breaking his glasses, knocking him to the floor, and threatening to kill him. He snatched Dr. Vaninov's wallet, seized his watch, and fled. Mr. Vaninov returned to his apartment and reported the crime to the Brookline Police. He and his wife provided a description of the assailant, while their daughter described the vehicle that he got in after the robbery.

At approximately 1:15 A.M., two Boston municipal housing police officers noticed the vehicle in a high crime area with two people inside. They approached it, observed damage to the car's steering column, and confirmed that it had been stolen the day before. Thompson jumped from the car and began to run, but was apprehended soon thereafter and arrested along with his co-defendant. Dr. Vaninov's wallet was found in the car along with other stolen property. Thompson was also wearing Dr. Vaninov's watch and his co-defendant had Dr. Vaninov's credit cards in his pockets. During a subsequent identification procedure, Dr. Vaninov identified Thompson as the robber.

II. PAROLE HISTORY

This is Charles Thompson's second review hearing after a revocation of parole. He was paroled from his life sentence on January 28, 2010, and returned to custody as a parole violator on August 2, 2010. Following his return, Thompson appeared before the Parole Board for a revocation review hearing on October 25, 2011 and the Board denied parole with a three-year review.

On January 28, 2010, Mr. Thompson was paroled to the Gavin House in South Boston and graduated on July 23, 2010. He temporarily moved in with his mother in Dorchester while awaiting a bed at the Wise Street Program. On August 2, 2010, his parole officer received an anonymous phone call indicating that Mr. Thompson was arrested and being held on new charges. The parole officer learned that Thompson had been arrested on July 28, 2010 on charges of assault and battery and assault and battery with a dangerous weapon, and was being held at the Nashua Street Jail. A parole warrant for temporary custody was lodged and a Parole Violation Report was issued.

Thompson's parole violations were the new arrest and failure to notify his parole officer of the new arrest. On July 28, 2010 at 10:36 A.M., Boston Police went to 158 Walnut Ave. for a report of domestic violence. The calling party directed the police to a park where Thompson had been observed assaulting a woman (later identified as Katherine Hurd) and that he was fleeing the scene. Police stopped Thompson who stated, "I grabbed her by the throat, but she hit me too." Police placed Thompson in handcuffs. Police then spoke with Hurd, who stated

that Thompson was her boyfriend and that he violently attacked her after she returned home to find him inside her apartment. Police noted that Hurd had several raised welts on her face as well as two small lacerations near her right eye, which she indicated were caused by Thompson's fingernails. Hurd also had redness and swelling on her back that she stated was caused by Thompson throwing her against the wall.

The reporting party told police that she heard screaming coming from Hurd's apartment as well as banging on the walls. The witness observed the victim sitting on a park bench and also observed Thompson grabbing the victim when she tried to get away; Thompson continued to pull her back.

At his October 2011 revocation review hearing, Thompson placed blame for the domestic incident on Hurd; he did not describe himself as being angry, aggressive, or assaultive. The Board found his explanation of the incident implausible, given that: (1) some of Thompson's behavior was seen and heard by an independent witness who summoned the police; (2) Hurd spoke to the police shortly after the incident, and the police observed injuries to Hurd, which were consistent with her account; and (3) Thompson made an incriminating statement to police. The Board discussed Thompson's failure to address his impulse control and poor judgment. Specifically, the Board raised concern about Thompson's inability to foresee that his relationship with Hurd was a potentially destructive situation, especially given his claim that she used drugs. Thompson acknowledged that he should have focused more on his parole performance. The Board, however, found that he was "less than forthright and failed to take responsibility for the incident involving Ms. Hurd."

In denying him re-parole, the Board referenced Thompson's acknowledgement that he "couldn't handle [the] short period of no structure" as additional evidence that he was "not ready to live outside a structured setting." The Board encouraged Thompson to work harder to prepare for community reintegration, and to "continue to learn how to think and act when he is not in a structured setting."

III. INSTITUTIONAL CONDUCT

Since his return to custody, Thompson incurred two disciplinary reports, both for abusive or insolent language towards correctional officers, in March 2013 and July 2013. On the positive side, he has completed a host of rehabilitative programs since his return, including multiple phases of Alternatives to Violence (AVP), Coping Skills, Emotional Awareness, Smart Recovery, and Path to Freedom. Thompson completed most of these programs after he was denied re-parole in 2011. He has also been a mentor in the Correctional Recovery Academy (CRA) program, which he previously completed, and continues to be involved in the AVP practice group, AA/NA, and Coping Skills.

IV. PAROLE HEARING ON JANUARY 28, 2014

Charles Thompson was represented by Rebecca Schapiro, a student attorney from Northeastern School of Law Clinics Prisoners' Assistance Project. Schapiro stressed that Thompson has been sober for 20 years. She stated that Thompson had difficulty adjusting to the community after he was released from the Gavin House (a long term residential treatment program), was crying a lot, and should have addressed his issues with a therapist. Schapiro

requested that Thompson be transitioned via "a step-down to minimum security, then a pre-release facility, and then on parole to a long-term residential program."

Thompson was more candid in addressing his shortcomings during the hearing. He admitted that he had not been forthright in addressing his anger issues at the last hearing, and that the domestic incident was anger-related. Thompson said he had met Hurd on a sober cruise, and they "got together." On July 28, 2010, he went to her house to see if she would drop him off at the station to go to a job. Thompson had taken some medication, which made him sick, and Hurd ended up taking him to the hospital. He awoke at the hospital to find that Hurd had taken his money and mobile phone, and he decided to go to Hurd's place to get his "stuff." Thompson had keys to Hurd's apartment, and was able to enter while she was away. Hurd "showed up" while he was there and an altercation ensued. He said, "I yelled at her and called her a lot of names; I was angry; she yelled back; I reached out to grab her shoulders and she ran." He followed her outdoors and grabbed her arm as she tried to pull away. The police arrived and arrested him shortly thereafter.

Thompson said he initially did not pay attention to his anger issues because he believed substance abuse was the root cause of his behavior. He started abusing drugs at age 14, and committed many more robberies than those for which he was charged. He said he committed the robberies to get money to "get high." He served a previous sentence of 9 to 15 years for robbery. He had two parole failures on that sentence. Thompson acknowledged he used drugs in prison during that sentence and that both parole failures were drug-related.

Thompson acknowledged that "I have a lot of anxiety and I get depressed. I see a counselor at Coping Skills once a week. I need to be more open to my support network; they are there to guide me but they can't if I hide things from them. If paroled, I would work with a therapist and be more open. Initially when I committed to change, I didn't give much attention to anger and emotions. I need to devote more attention to those issues." Thompson believes his anxiety has gotten better since his return to prison. He does not want to take medication to deal with his anxiety because he believes it will lead to drug use, and he does not want to put himself in a position to trigger his drug addiction.

To improve the chances for success on parole, Thompson requested transition through lower security to a long term residential program. He said, if given re-parole, he would continue going to AA meetings, as well as get a sponsor and a home group.

Three people spoke in support of parole at the hearing. They included (1) Lyn Levy from SPAN, Inc., a prisoner re-entry organization, (2) his mother, Mattie Thompson, and (3) his daughter, Shai Thompson-Allen. Levy submitted a letter of support for Thompson in which she mentioned that she has known him since 1985, and has witnessed his "diligent work at self-improvement." The letter also mentions Thompson's accomplishments during the six months he was on parole, such as his completion of the Gavin House and the Project 90 Program, his regular attendance at AA/NA meetings, and his receipt of mental health treatment through the Gavin Foundation.

Levy mentioned that there were new treatments available for Thompson, some of which do not involve medication. She further stated that her organization would continue to provide services to Thompson, which would include services in preparation for release, as well as services after release. Thompson's mother mentioned that she will welcome him back to her home after he is released, and his daughter recalled how she treasured spending time with him while he was on parole.

There were no members of the public who appeared in opposition to Thompson's parole release. Norfolk County Assistant District Attorney Marguerite Grant spoke in opposition to Thompson's parole.

V. DECISION

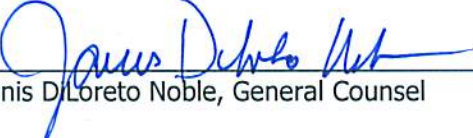
At the time of the hearing, Charles Thompson had spent 42 months in prison since his return as a parole violator on August 2, 2010. Prior to returning to custody, Thompson was apparently invested in his substance abuse recovery, but paid little attention to other areas of deficiency such as anger control and good judgment. He admittedly had poor coping skills once he left the structured environment of the long term residential program, and demonstrated poor judgment and self-regulation by getting involved with an alleged drug abuser, mismanaging a domestic disagreement, and failing to control his anger as the domestic dispute escalated. Since being returned to prison, Thompson undertook programming to address alternatives to violence, emotional awareness, and substance abuse recovery. Since being denied parole after an October 2011 hearing, Thompson has continued his rehabilitative efforts by both continuing with prior programming and engaging in additional programming such as Coping Skills and Path to Freedom.

Thompson now presents as having gained better insight into the reasons for his parole failure, and better understanding of how to behave as a law abiding member of society. The Board is of the opinion that he would likely succeed on re-parole if gradually transitioned through lower security to a long term residential program, thereafter obtaining counseling for adjustment, and continuing with AA meetings along with a sponsor.

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, the Parole Board grants parole to a long-term residential program after one year in lower security. This release plan will allow for important supports and treatment during a closely supervised transition.

SPECIAL CONDITIONS: Parole to a long term residential program after one year in lower security; substance abuse evaluation and mental health evaluation while at the program with requirement to follow recommended treatment; no drug use; no alcohol use; AA or NA three times per week with sponsor; curfew for two years and then at discretion of parole officer; GPS for one year and then at discretion of parole officer; counseling for adjustment issues.

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.



Janis DiLoreto Noble, General Counsel



Date