

*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

**CLYDE SMITH
W55466**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 2, 2021

DATE OF DECISION: April 29, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On March 3, 1995, in Plymouth Superior Court, Clyde Smith was convicted of one count of unarmed robbery and one count of being a habitual offender. A sentence of life in prison with the possibility of parole was imposed on Mr. Smith for these convictions.

On November 22, 1993, in Bristol Superior Court, Mr. Smith was found guilty of one count of unarmed robbery and four counts of armed robbery. A separate term in prison of not more than 20 years, and not less than 15 years, was imposed on Mr. Smith for each of these robbery convictions. The Court further ordered that 10 years of each sentence be served as committed time and the balance suspended for a three-year probationary term.

On November 15, 1994, in Norfolk Superior Court, Mr. Smith was found guilty of three counts of armed robbery. A separate term in prison of not more than 12 years, and not less than 10 years, was imposed on Mr. Smith for each of these convictions of armed robbery. The Court further ordered that five years of each sentence be served by Mr. Smith as committed time and the balance of the sentence suspended for a three-year probationary term.

On September 20, 1995, in Plymouth Superior Court, Mr. Smith was found guilty of two counts of armed robbery, nine counts of unarmed robbery, and one count of unarmed assault to rob. A term in prison of not more than 14 years, and not less than 12 years, was imposed on Mr. Smith for each of his robbery convictions. Mr. Smith was also sentenced to a term in prison of not more than 10 years, and not less than 9 years, for his conviction of unarmed assault to rob.

Mr. Smith appeared before the Parole Board for a review hearing on February 2, 2021 and was represented by Northeastern University School of Law students Benjamin Gadbois and Alexandra Preston. This was Mr. Smith's fifth appearance before the Board, having been denied in 2010, 2013, 2016, and 2019. The entire video recording of Mr. Smith's February 2, 2021 hearing is fully incorporated by reference to the Board's decision.

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 Reserve to Long Term Residential Program after 12 months in lower security. Mr. Smith participated in 20 armed and unarmed robberies of various convenience stores and gas stations across southeastern Massachusetts between March 5 and March 30, 1993. Since his last hearing, he has completed Violence Reduction, Criminal Thinking, and has remained compliant with his mental health case plan. A period of transition in a lesser security environment will increase his likelihood of success upon reentry into the community.

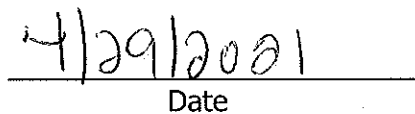
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." In forming this opinion, the Board has taken into consideration Mr. Smith'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. Smith's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Smith's case, the Board is of the opinion that Mr. Smith is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program (LTRP) after 12 months in lower security; Waive work for LTRP; Must not travel to Brockton; Curfew must be home between 10 p.m. to 6 a.m.; ELMO-electronic monitoring; Must take prescribed medication; 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; No contact with victim's family; Must have mental health counseling for adjustment/transition and stress related disorder; AA/NA at least 3 times/week; Mandatory – may have contact with [named individual].

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Smith, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Pamela Murphy, General Counsel


Date

¹ Six Board Members voted to grant parole, and one Board Members voted to deny parole.