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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

Edward White

W39072

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **March 10, 2015**

DATE OF DECISION: **June 3, 2015**

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

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 two years from the date of the hearing.

I. STATEMENT OF THE CASE

On July 7, 1982, in Suffolk Superior Court, Edward White pleaded guilty to second-degree murder and was sentenced to serve life in prison. That same day, he also pleaded guilty to three counts of armed robbery and was sentenced to serve 15 to 20 years. Those sentences ran concurrent with each other and concurrent with the life sentence.

On June 27, 1981, Edward White and his co-defendants, Martin McCauley and Joseph Barry, robbed the Casa Romero restaurant on Gloucester Street in Boston and killed the manager, Carlos Madariaga.¹ Prior to the killing, in the spring of 1981, McCauley and White had

¹ Martin McCauley was tried and convicted of first-degree murder, armed robbery, and unlawful possession of a firearm. *Commonwealth v. McCauley*, 391 Mass. 697 (1984). Joseph Barry was tried on charges of first degree murder and armed robbery. He was convicted of armed robbery but acquitted of murder. *Commonwealth v. Barry*, 397 Mass. 718 (1986). Edward White testified at Barry's trial as a witness for the Commonwealth.

discussed robbing the restaurant and had made several dry runs. On the night of June 26-June 27, 1981, McCauley and White met Barry, retrieved two guns, wiped them with a cloth to remove fingerprints, and put them in a bag. They used Barry's van to travel to the restaurant. White and McCauley each had one of the guns.

Casa Romero was at one end of an alley running between Gloucester and Hereford Streets. White and McCauley directed Barry to the Hereford Street end of the alley and instructed him to wait. White and McCauley left the van, walked down the alley to the restaurant and, after waiting for the last patrons to leave, entered the restaurant. White held two employees at gunpoint and took their money, while McCauley took the restaurant receipts from a third employee. The pair herded the three employees out of the restaurant and into the alley where McCauley put his gun to the victim's head and shot him between the eyes. The men fled the scene. White was arrested in February 1982, gave a statement to police, and admitted his role in the crime.

White was first paroled on April 30, 2001. His parole was then revoked and he was returned to custody on September 13, 2002, after he was arrested for breaking and entering and larceny over \$250. In addition, heroin was present where he was located. The charges were dismissed for lack of prosecution in 2003 in Framingham District Court. However, in March 2003, revocation was affirmed and White was scheduled for a hearing before the full Board. In September 2003, he was paroled to a long-term residential program.

After just 19 months, White's parole was provisionally revoked because of a new arrest for operating a motor vehicle while under the influence of drugs, possession of a class E substance, and negligent operation. Parole was also revoked because he had associated with a person who had a criminal record. He pleaded guilty to these offenses. The parole revocation was affirmed, but White was re-paroled to another long-term residential program on October 26, 2006.

White was arrested again, in February 2008, for resisting arrest, assault and battery on a police officer, and intimidation. He was convicted of resisting arrest. However, the intimidation charge was dismissed and he was acquitted of assault and battery on a police officer. Revocation proceedings began as a result of the new charges. The Board did not affirm the revocation and White was released from custody.

He was taken back into custody on March 3, 2011, and revocation proceedings began again when his parole officer was informed that he had been receiving cell phone calls from a known felon. Once he was taken into custody, he tested positive for cocaine and opiates. The Board affirmed the revocation (White's fourth parole revocation) on May 25, 2011.

Edward White appeared for a review hearing following his 2011 revocation in March, 2012 (hereinafter referred to as the "2012 hearing") and parole was denied with a review scheduled three years from the 2012 hearing. White appeared before the Board on March 10, 2015, for a second review hearing following his fourth parole violation.

II. PAROLE HEARING ON MARCH 10, 2015

White was represented at this hearing by Attorney John Rull. In his prepared remarks, White apologized to the victim's family, took full responsibility for the crime, and apologized to the Parole Board for his past failures. He also apologized for calling the wife of a convicted felon on his cell phone and for visiting an establishment that served alcohol and where people were using drugs. White stated that he had worked on several issues that were of concern to the Board, including his criminal thinking and the bad choices he had made. He emphasized his participation in programs since his last parole hearing, including AA/NA, AA Big Book, AA 12 Step, Alternatives to Violence (having participated in the Basic, Advanced, Facilitator, and Trainer Programs), Advanced Writing, Able Minds, Leadership/Transformational Thinking, and Taking a Chance on Change. White's proposed parole plan included classification to a six month stepdown program and then release to a long term residential program. He also indicated that employment was available as an upholsterer and that he had done this work for several people in the community, including some celebrities.

In his opening remarks, Attorney Rull stressed White's "demonstrated sobriety for the four years following re-incarceration" and claimed that a positive drug test administered to White at MCI Cedar Junction upon his intake (after return on the 2011 parole violation) was attributable to "clear violations of the integrity of the sample taken from White by the correctional staff." However, upon being questioned by the Board at this hearing, White admitted that he had used drugs after reacting badly to the prospect of being returned for the improper phone call. He stated that he had only disclosed this to Attorney Rull immediately prior to this hearing. His lack of honesty was troubling, particularly the consequent allowance of inaccurate information about his drug use that was submitted by his attorney to the Parole Board.

Another violation which was once again discussed was White's association with a known felon. White said the felon would call him on the phone but said, "I never spoke to him; I saw him on July 29 at the frog pond and we nodded at each other." White had previously admitted to Parole that he spoke with the felon by phone, but said that it happened once. There were also concerns that White may have been collecting SSDI benefits while on the street, even though he was not at that time having mental health issues. This matter was also discussed at the 2012 hearing and White provided no further clarity as to why this occurred or why he took no action to correct it.

White was supported at the hearing by his sister, Margaret White. A letter of opposition was submitted by Boston Police Commissioner William Evans.

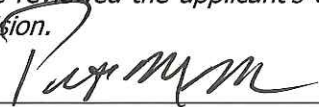
III. DECISION

White's 2015 hearing caused continued concerns about his honesty and his motivation. The inaccuracies about both his 2011 drug use and the details of his contact with a known felon are troubling. While White's involvement in programming has been significant since his return on the parole violation, there exists a basis to question his motivation and sincerity. The timing of most of the program involvement was subsequent to his return. This leads to the question of whether his motivation was to address his issues or to just make things "look good" for his next parole hearing. This concern is reinforced by his repeated use of catch-phrases where he

seems to go out of his way to repeatedly say the right things including: "I own everything I did," "I'm an addict and will always be one," "I got complacent," "I focused on everyone else and not on Ed." The responses sounded formulaic and appeared to be geared more toward external perception than internal re-examination. The Board agrees that White needs to be more honest and needs to engage in more self-examination before he could be a suitable candidate for parole.

The standard we apply in assessing candidates for parole is set out in 120 CMR 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, the Board finds that Edward White is not a suitable candidate for parole. Accordingly, parole is denied with a review in two years from the date of the hearing.

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.



Peter Mimmo, Staff Attorney



Date