

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

ERALD STREET

W65741

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 17, 2018

DATE OF DECISION: March 19, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, and 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 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. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 15, 1998, in Hampden Superior Court, Erald Street pleaded guilty to two counts of rape of a child and received concurrent life sentences with the possibility of parole. On the same date, he pleaded guilty to two counts of assault with intent to rape a child and received concurrent 8 to 12 year sentences. He also received a 3 to 5 year concurrent sentence for breaking and entering. The two assault and battery charges were filed. In 2009, Mr. Street filed a motion for a new trial. The motion was denied, and the Appeals Court affirmed the denial in 2010.¹

¹ *Commonwealth v. Erald Street*, 78 Mass.App.Ct. 1116 (Unpublished Opinion, 2010 WL 5251328)

On May 21, 1998, in Springfield, a 13-year-old girl was on her way to school when she realized that she had forgotten her bus pass. She went back to her house, leaving her keys in the door while she went upstairs to retrieve it. When she came back downstairs, 38-year-old Erald Street, whom she had seen on her way to the bus stop, was in her house. He came up from behind and placed his hand over her mouth, asking if anyone was home. When she replied, "No," he forced her down to the basement and commanded that she remove her clothes. Afraid for her life, she complied. As she was screaming, Mr. Street told her that he would cut her throat if she was not quiet. He tied his belt around her mouth to stifle her and, when that didn't work, he tied her bra around her mouth. Mr. Street repeatedly tried to rape her anally, attempted to penetrate her vaginally, and finally, raped her digitally. He also forced the girl to perform oral sex on him. He went upstairs when he was finished, but told the girl to stay in the basement or he would come back and rape her again.

The girl ran to a neighbor's house and called for help. She was taken to an area hospital, where a rape kit was done. Mr. Street was arrested that same day.

II. PAROLE HEARING ON MAY 17, 2018

Erald Street, now 58-years-old, appeared before the Parole Board for a review hearing on May 17, 2018. He was not represented by counsel. Mr. Street had been denied parole after his initial hearing in 2013. In his opening statement to the Board, Mr. Street apologized for the crime he committed 20 years ago.

Board Members questioned Mr. Street as to his programming efforts. A Board Member noted that when Mr. Street initially entered the Sex Offender Treatment Program, he quit three months later. Mr. Street, however, denied it. A Board Member also noted that on August 6, 2013, Mr. Street again attended the Sex Offender Treatment Program, but declined further participation. Mr. Street denied this, as well. The Board noted that in 2014, he re-enrolled in the program, but self-terminated in 2015. Mr. Street denied the information that he self-terminated the program. A Board Member asked Mr. Street if he could, once again, attend the Sex Offender Treatment Program. He replied, "Of course, if they allow me to do the program." He indicated that he is asking to be "allow[ed] ... to do the program," and not be dismissed from it. Mr. Street claims that he was terminated from the program because of the answers he gave when he participated.

Mr. Street stated that he currently works full-time and enjoys it. Mr. Street added that in 20 years, he has had only three disciplinary reports. He denied any substance abuse, but stated that he used drugs when he was "on the street" 20 years ago. He agreed that he does not attend Alcoholics Anonymous (AA). In fact, he denied participating in any programs currently. Mr. Street told the Board that he has been saved and changed by Jesus Christ. He stated that "sin" is what brought him to jail. When asked why he raped the victim, Mr. Street described himself as a "selfish sinner" and added, "I only cared about my own pleasure." He explained that he didn't care about anything at that time of his life, but himself. Mr. Street told the Board that although he did not know the victim, he knows that he hurt her and that he always prays for her and her mother.

The Board considered testimony in support of parole from Mr. Street's two brothers and a friend. Hampden County Assistant District Attorney Howard Safford provided testimony in opposition to parole.

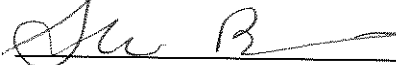
III. DECISION

The Board is of the opinion that Erald Street has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Street brutally raped a 13-year-old girl and threatened to kill her. He has not participated in any sex offender programming to address the underlying cause of his actions. The Board encourages him to engage in programming to address those needs and gain insight.

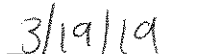
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Street'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. Street's risk of recidivism. After applying this standard to the circumstances of Mr. Street's case, the Board is of the opinion that Erald Street is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Street's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Street 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.



Shara Benedetti, Acting General Counsel



Date