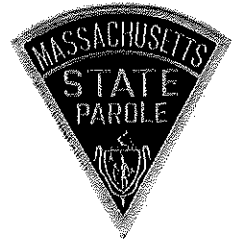




*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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Chair

DECISION

IN THE MATTER OF

FREDERICK CARREIRO

W60547

TYPE OF HEARING: Review Hearing
DATE OF HEARING: November 15, 2018
DATE OF DECISION: September 30, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe,¹ Paul Treseler

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 three years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 3, 1996, after a jury trial in Bristol Superior Court, Frederick Carreiro was found guilty of second degree murder in the stabbing death of 26-year-old David Thomas. Mr. Carreiro appealed his conviction and, on May 17, 1999, the Massachusetts Appeals Court reversed his conviction and granted him a new trial. The Supreme Judicial Court subsequently denied the Commonwealth's application for further appellate review. On May 6, 2004, after a second jury trial, Mr. Carreiro was again convicted of the second degree murder of Mr. Thomas. The second conviction was affirmed by the Appeals Court, on January 15, 2008, and his application for further appellate review was, thereafter, denied.

¹ Board Member Soto-Abbe was no longer a Board Member at the time of vote.

On November 1, 1993, Frederick Carreiro, Brian Faria, and David Thomas were drinking beer at Mr. Carreiro's apartment. After they had consumed several beers, Mr. Carreiro drove Mr. Thomas and Mr. Faria to a bar to purchase marijuana. While Mr. Faria was inside, Mr. Carreiro became upset when Mr. Thomas referred to Mr. Faria as "French Fry." Mr. Faria returned to the car and attempted to placate Mr. Carreiro, but Mr. Carreiro became increasingly agitated and continued to argue with Mr. Thomas. At one point, Mr. Carreiro stopped the car, told Mr. Thomas to get out, and then chased him, striking him with a tire iron. Mr. Faria broke up the fight, and the three men continued back to the apartment. At some point, Mr. Faria entered the living room, found Mr. Carreiro and Mr. Thomas engaged in a fist fight, and separated them. Shortly after, Mr. Carreiro ran toward Mr. Thomas, who was at the front door preparing to leave. Mr. Faria did not see who struck the first blow, but saw Mr. Carreiro make three or four upward movements with his right hand. When Mr. Carreiro stepped back from Mr. Thomas, Mr. Faria saw that Mr. Carreiro was holding a large kitchen knife. The knife had pierced Mr. Thomas' heart, killing him. Mr. Faria grabbed the knife from Mr. Carreiro and telephoned for assistance. Mr. Carreiro fled the apartment, but was later arrested by the police.²

II. PAROLE HEARING ON NOVEMBER 15, 2018

Frederick Carreiro, now 57-years-old, appeared before the Parole Board on November 15, 2018, for a review hearing. He was represented by Northeastern University School of Law students Nina Schwartzman and Kristen Zale. Mr. Carreiro had been denied parole in 2008, with a five year review. However, he postponed his review hearing in 2013. In his opening statement to the Board, Mr. Carreiro expressed remorse for the crime and apologized to the family of Mr. Thomas. Ms. Zale also provided an opening statement on Mr. Carreiro's behalf, highlighting his progress in rehabilitation and the treatment of his mental illness, as he had been diagnosed with schizophrenia, paranoid type. She also discussed his parole plans, including his plan to apply for services from the Department of Mental Health ("DMH").

In describing the governing offense, Mr. Carreiro believes that his mental illness was a precipitant to the murder. Mr. Carreiro told the Board that on the night of the murder, he was suffering from paranoid schizophrenia and "delusional thinking." He was also drinking beer and smoking cocaine. He explained that he got into an argument with Mr. Thomas over a missing pack of cigarettes and 60 dollars. They subsequently went to a lounge to "pick up cocaine," where Mr. Carreiro got into an argument with Mr. Thomas and Mr. Faria over "name calling." When Mr. Thomas threatened to kill him, Mr. Carreiro said that he became paranoid. He went to the parking lot and retrieved a tire iron from the car, using it to hit Mr. Thomas (twice). They went back to the apartment, where he continued to argue with Mr. Thomas. Thinking that Mr. Thomas was in possession of a knife, Mr. Carreiro subsequently retrieved a knife and proceeded to stab him.

The Board discussed Mr. Carreiro's mental health history at length and reviewed his past mental health records. In discussing his diagnosis of schizophrenia, paranoid type, Mr. Carreiro told the Board that, prior to the murder, he experienced thoughts that people were "out to get him" throughout his teenage and adult life. He did not seek treatment, as he was not aware that he had a mental illness. Instead, Mr. Carreiro attempted to self-medicate by drinking. Mr. Carreiro was diagnosed with schizophrenia, paranoid type in 2006, at Bridgewater State Hospital. He explained that over the years, he tried several medications that caused intolerable

² See, *Commonwealth v. Frederick Carreiro*, 71 Mass.App.Ct. 1104 (2008).

side effects. However, in recent years, he began taking the medication Invega, which Mr. Carreiro believes to be effective. When Board Members noted some of his past symptoms, including hypergraphia and receiving messages from the television or radio, Mr. Carreiro indicated that he no longer experiences those issues. He does, however, believe that the Department of Correction ("DOC") is interfering with his mail.

After his transfer to Bridgewater State Hospital, Mr. Carreiro went to the Residential Treatment Unit Program ("RTU" from 2007 to 2013), where he participated in a number of programs. Mr. Carreiro described the coping skills he learned at the RTU and explained how he had the opportunity to reflect on his crime. Mr. Carreiro told the Board that his crime was "very unfortunate," and that he "was not justified in his actions" since "the person [he] killed was an innocent person." Mr. Carreiro has a history of substance abuse, explaining that he had his first drink at age 9, and began using drugs and alcohol regularly at age 12. Mr. Carreiro reported that he currently participates in Alcoholics/Narcotics Anonymous ("AA/NA") and has remained sober throughout his incarceration. Mr. Carreiro told the Board that he is doing well, as he receives mental health treatment and is medication compliant. He is currently employed as a utility worker.

When Board Members discussed an incident in 2006, where he "head-butted" another inmate, Mr. Carreiro explained that at the time, he was not taking his medication due to side effects. Upon questioning, Mr. Carreiro also told the Board that at one point, he was affiliated with a street gang. He renounced his affiliation in 1996, when he first came to prison, and then again in 2004, after his second trial. In discussing his potential reintegration in the community, the Board noted that Mr. Carreiro did not appear to have much support. Mr. Carreiro told the Board that he recently found his foster brother, who lives in Las Vegas, but has not yet spoken to him.

The Board considered testimony from Bristol County Assistant District Attorney Michael Sheehan, who spoke in opposition to parole.

III. DECISION

Although Mr. Carreiro has made strides in his rehabilitation, it is the opinion of the Board that he has yet to demonstrate that his release would be compatible with the welfare of society. He should continue to avail himself of treatment and programming to address his causative factors. He should pursue DMH services.

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. Carreiro's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Carreiro's risk of recidivism. After applying this standard to the circumstances of Mr. Carreiro's case, the Board is of the unanimous opinion that Frederick Carreiro is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Pamela Murphy, General Counsel

9/30/2019
Date