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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

JOHN COBB
W34531

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **June 2, 2015**

DATE OF DECISION: **August 19, 2015**

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, 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, parole 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 a suitable candidate for parole. Upon clearance by the District Attorney, re-parole is granted to an approved home plan with special conditions.

I. STATEMENT OF THE CASE

On April 5, 1974, after a jury trial in Suffolk Superior Court, John Cobb was convicted of armed robbery, rape, armed assault in a dwelling with intent to commit a felony, and breaking and entering during the night. He was sentenced to life in prison with the possibility of parole on the rape conviction, 25 to 30 years from and after the life sentence for armed assault in a dwelling, and 10 to 20 years for breaking and entering in the nighttime, concurrent with the 25 to 30 year sentence.

Early in the evening of July 23, 1972, 16-year-old John Cobb and two co-defendants (a 17-year-old juvenile and 18-year-old Paul Stallings) broke into the victims' home.¹ The husband and wife were in the parlor with their two children, ages 2 and 5. Cobb and his co-defendants entered the house armed with a sickle, a hammer, and a knife, which they had found in the hallway. They tied the husband to a chair and forced the wife into a rear bedroom. In the bedroom, Cobb and the juvenile co-defendant forcibly raped the wife several times each. After the rape, Cobb and the two co-defendants fled the home, taking a stereo receiver and assorted jewelry. They then stole the couple's Volkswagen and drove away. Cobb was arrested several days later while hiding out at a friend's house.

II. PAROLE HISTORY

On May 24, 2006, Cobb was initially paroled after serving more than 30 years of his aggregated sentence. Cobb was living with his wife and had been complying with parole conditions until December 2008, when he admitted to marijuana and alcohol use. He had also failed to pay his required monthly supervision fee. As a result, a formal warning was issued to Cobb by his parole officer. In March 2010, Cobb relapsed a second time on alcohol and marijuana. The Parole Board placed Cobb on final warning status and added the conditions of electronic monitoring with a Sobriety, as well as a curfew.

Cobb remained in full compliance with his parole conditions until May 2014. At that time, he was questioned by field parole officers regarding his access to the internet and possession of a video on his personal cell phone. The video showed him consuming a beer with a person who has a criminal record. A warrant was issued and Cobb was then arrested and returned to custody. On September 9, 2014, the Board did not affirm the revocation and Cobb was released on September 10, 2014. On January 15, 2015, Cobb admitted to his parole officer that he smoked marijuana and consumed alcohol, on occasion, in social settings. He was given a graduated sanction. One month later, Cobb tested positive for marijuana and was subsequently returned to Cedar Junction as a parole violator on February 13, 2015.

III. PAROLE HEARING ON JUNE 2, 2015

John Cobb, now 59-years-old, appeared before the Parole Board for his revocation review hearing. He was represented by Attorney Amy Belger. Cobb provided an opening statement in which he expressed remorse for his actions and the circumstances that caused his re-incarceration. Since his return, he has been able to reflect on his "choices and regrets." Cobb said he has known the joy of living outside the prison walls, surrounded by a community of family and friends who love him. As part of a renewed appreciation for his life, Cobb said he now realizes that his "thinking and attitude" had "gone astray" while he was in the community.

After his release in 2006, Cobb said he faced challenges finding stable employment. In addition, he said that he struggled to balance his role as "a husband, a father, and a provider." He felt that he was "constantly running to keep up." According to Cobb, these stressors triggered his anxiety and depression. Cobb said that his battles with insomnia and chronic pain

¹ The name of the victim(s) has been withheld pursuant to G.L. c. 265, s. 24C. Portions of a parole record of decision may be withheld to preserve its confidentiality. See G.L. c. 127, s. 130.

(due to Hepatitis C) were also major factors in his parole failures. He said that all of these conditions interfered with his ability to work, eat, sleep, and take part in daily activities. While he was on parole, Cobb said that he was "trying to deal with it in his own way," but he eventually relapsed to ease his pain. Regarding the governing offense, Cobb said that he continues to feel remorse for his past. He said that he identifies with the pain and suffering that his actions have caused both the victims of the crime and his own family.

The Parole Board questioned Cobb at length in regards to his substance abuse, criminal history, and issues on parole. Cobb provided a detailed and comprehensive version of the offense, his criminal lifestyle (fueled by his addiction to drugs and alcohol), and the lifestyle he experienced during his most recent parole. He said that he began using heroin at age 14 and overdosed on the drug at age 15. He was subsequently placed in an outpatient treatment program, but failed to take advantage of the services that were provided. When asked how he got introduced to heroin at such a young age, Cobb replied that "heroin ran rampant in my housing project. I was turned on to it by someone older." In addition, Cobb acknowledged that he was under the influence of drugs and alcohol during the commission of the rape and robbery. He said that he was "coming down from heroin" and "needed money to get more." Cobb said that his drug use continued during the first decade of his incarceration, as he used heroin and marijuana or "whatever was available." He said that he stopped using drugs in 1986.

A Board Member asked Cobb what happened after his release regarding his dependence on marijuana and alcohol, particularly when he had not used any substances during the last 20 years of his incarceration. Cobb explained that while he was in prison, he had a "certain circle of people" he felt comfortable with. He said that he would exercise daily and play music with them. After his release, he didn't have that same familiar circle and routine, so he turned to drugs and alcohol to cope with his social anxiety, insomnia, and chronic pain. While Cobb attended Alcoholics Anonymous (AA) in the community, he admitted that he "wasn't totally all in" and added that "he was there physically, but not mentally." At the hearing, Cobb also informed the Board that in May 2014, he obtained a medical marijuana prescription without authorization from his parole officer. Cobb said that he didn't discuss his concerns with his parole officer because "he was scared." He said that he had just started to meet with a therapist to address those issues, when his parole was revoked and he was re-incarcerated.

A Board Member asked him about how he would handle social situations and relapse in the future. Cobb replied responded with the insight he has now gained about the precipitants to his use, and the skills he has acquired with regards to relapse prevention. In addition, he said that the tools he will employ if he is released will include fully re-engaging in AA and seeking advice from other group members. He also plans on meeting with a therapist on a more regular basis, finding a quality sponsor, and establishing and maintaining an open and honest dialogue with his parole officer to "catch it before it happens." He believes that this treatment plan will make him less susceptible to relapse.

Cobb insisted to the Parole Board that since his re-incarceration, he has been able to gain a deeper understanding of how his drug and alcohol problem contributed to his governing offense and his parole failures. Cobb attributes his insight to self-reflection and strong family and community support, as well as to the drug and alcohol programming he has engaged in since his return to custody. His re-incarceration has also reminded him of all the reasons why

he is not permitted to make his own rules and why he is subject to the conditions of parole when he is released in the community. He now understands that he may be "a good citizen" and "an honest man," but he is not just any other citizen -- he is subject to conditions of parole for the rest of his life. Cobb has taken the opportunity to evaluate and address the difficulty of controlling his addictions through self-reflection and active participation in programming. He now addresses his chronic pain and anxiety by getting proper rest, talking to others, and exercising. If re-paroled, Cobb said he will work with his parole officer and will never again take matters into his own hands. In addition, he said that his therapist has helped him to recognize things about his attitude and he is "now able to hear from [his therapist]" in a way that he never has before.

Cobb seeks parole to reside with his wife and children. Employment prospects include Cobb returning to his former job at Triangle Engineering, Inc. In order to help him stay clean and sober, Cobb plans to obtain a comprehensive psychological evaluation and utilize the resources afforded him via AA/NA, a sponsor, and individual counseling. In closing remarks, Attorney Belger agreed that a key component for Cobb's successful reintegration into society will be a proper diagnosis performed by a qualified professional to help Cobb deal with his anxiety, insomnia, and loss of appetite. This will enable him to have the quality of life that he is capable of maintaining. She said that up until this point, Cobb hasn't had an evaluation and she believes it will be a significant part of his success. In addition, Attorney Belger noted that Cobb's entire family came to the hearing and now has an enhanced understanding of what the expectations are for him to succeed on parole. His family stated that they are motivated to help him. Cobb's wife and his mother-in-law spoke in support of his release.

The Suffolk District Attorney's Office submitted a letter in opposition to Cobb's parole.

IV. DECISION

In April 1974, Cobb was convicted of rape, armed assault in a dwelling, and breaking and entering. He was 16-years old when he committed these heinous offenses and has served over 30 years in prison. It is the opinion of the Parole Board that Cobb has addressed the precipitants to this violent, sexual offense that he committed as a juvenile. Cobb admittedly has had difficulty adjusting in the community, and has invested in preparing himself for a successful re-entry. Cobb was returned to custody in 2014 and 2015 for issues that were directly related to his substance abuse and addiction. However, there have been no new crimes or criminal activity and Cobb has identified the issues that have led to his parole failures. He appears to have done significant self-reflection in understanding those issues and has established a release plan that will enable him to continue his progress. Cobb presents as ready and capable to continue his ongoing treatment and recovery in the community with the help of his family and network of support.

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 here, the Board unanimously concludes that John Cobb meets the legal standard for parole. Pursuant to G.L. c. 123A, Cobb will remain in custody until the Suffolk County District Attorney's Office

determines if a sexually dangerous person petition is warranted. Accordingly, upon clearance by the District Attorney, Cobb is granted parole to an approved home plan with special conditions.

SPECIAL CONDITIONS: Upon clearance by the District Attorney, re-parole to an approved home plan; Waive work for two weeks from the date of release; Curfew of 10 pm to 6 am; Remain drug and alcohol free, with testing in accordance with agency policy; Must have a mental health evaluation; Must attend marriage counseling; Must attend AA or NA meetings at least three times per week; GPS monitoring at the parole officer's discretion; Must report to assigned MA parole office on day of release.

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.


Michael J. Callahan, General Counsel

August 19, 2015
Date