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PAROLE BOARD

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Charlene Bonner
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DECISION

IN THE MATTER OF

JOSEPH YANDLE

W34788

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **October 28, 2014**

DATE OF DECISION: **December 15, 2014**

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 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.

I. STATEMENT OF THE CASE

Joseph Yandle appeared before the Massachusetts Parole Board on June 19, 2012, as a parole violator. Following a jury trial in December 1974, Yandle was convicted of first-degree murder and armed robbery. He was sentenced to serve life in prison without the possibility of parole. His convictions were affirmed on appeal. *Commonwealth v. Yandle*, 371 Mass. 97 (1976). In 1987, Yandle filed his first petition for commutation, which was denied in 1988. He filed a second petition in 1990. After a hearing, the Advisory Board of Pardons recommended commutation in 1992 and in June 1995, Governor William Weld commuted Yandle's sentence to a term of 33 years to life.

As a result of the commutation, Yandle became eligible for parole. He was paroled on August 23, 1995, to Vermont through the Interstate Compact. His parole was revoked in 1998, when the Board learned that Yandle had provided fraudulent information to them concerning his military experience in Vietnam. Yandle had represented that he had served in Vietnam

when, in fact, he had not.¹ Yandle had maintained for years that he was a heroic soldier who received multiple Purple Heart Awards. He allowed this false information to become a cornerstone of his commutation petition.

Parole revocation proceedings began and his parole was revoked in January 1999. In 2003, the Board voted to re-parole him to the Interstate Compact in Vermont. In October 2006, Yandle's parole was again revoked, this time for irresponsible conduct. Yandle had been arrested in Vermont for possession of heroin and had failed to notify his parole officer of the arrest. The revocation was affirmed in 2007 and Yandle appeared before the full Board for a hearing. After that hearing, he was paroled on June 17, 2008, to the Dismas House in Worcester. He was taken into custody and revocation proceedings began again, in January 2012, when Yandle falsified his urine sample to hide drug use and obtained a prescription for Oxycodone without notifying his parole officer. The revocation was affirmed in March 2012.

On June 20, 1972, Joseph Yandle and his co-defendant, Edward Fielding,² robbed a liquor store in Medford, killing the store clerk, 65-year-old Joseph Repucci. Fielding shot Mr. Repucci once with a .22 caliber handgun. The bullet passed through his heart and lung.

Prior to the robbery, Yandle and Mr. Fielding discussed committing a robbery so that they could get money to support their heroin and barbiturate addictions. They had even purchased a .22 caliber handgun to facilitate the robberies and had used it during six prior robberies. That night, Mr. Fielding loaded the gun and the two men drove around Everett looking for a store to rob. They were unable to find an acceptable store and drove to Medford. There, they came upon the Mystic Bottled Liquor Store, observed that there was only one man working, and decided that this was the store that they would rob. Mr. Fielding went into the store, while Yandle waited in the car. Mr. Fielding returned a few minutes later and told Yandle to start driving because he had just shot the victim.

Police questioned Mr. Fielding on July 1, 1972, and Mr. Fielding confessed to the robbery and implicated Yandle. The next day, upon learning that the police were looking for him, Yandle went to the police station. He was arrested and gave a statement to police admitting that he and Mr. Fielding had discussed robbing a store to get money to purchase drugs.

II. PAROLE HEARING ON OCTOBER 28, 2014

Joseph Yandle was represented by student attorney Trevor Maloney. The Parole Board focused on Yandle's history on parole and his lack of success in remaining at liberty in the community. Yandle offered his apology for the murder of Mr. Repucci and the undeniable harm that Repucci's family has suffered as a result of his actions. Yandle then apologized for his parole failures, but offered in depth explanations for his most recent return. Yandle emphasized that he has spent half of his life in prison. He acknowledged that he has a history of deceptive behavior and maladaptive coping skills. Yandle, however, stated that he has been committed to his rehabilitation and that he has a support system in place to keep him vigilant and honest. Yandle attributes his past failures to a combination of poor coping skills, increased

¹ Governor Paul Cellucci recommended revoking Yandle's commutation as a result of this information, but the Governor's Council voted not to do so.

² Edward Fielding was convicted of first degree murder and sentenced to serve life in prison without the possibility of parole.

medical and pain management issues, and unhealthy relationships. The majority of the hearing was spent analyzing his conduct on parole, including how he succeeded for periods of time and why he failed. The Board acknowledged that the analysis is complex, but they are particularly concerned with Yandle's history of deception. The Board emphasized that Yandle cannot be supported or helped if his primary defense mechanism continues to be one of deception. Yandle agreed, and acknowledged that he still has work to do on his character, but insisted that his supports are well aware of his history and his needs.

Yandle also stated that since his return to prison in 2012 and subsequent denial from the Parole Board, he has re-invested his efforts in self-examination and rehabilitation. He also stated that his release plan includes what has worked for him in the past. Yandle stated he has severed any relationships with people who have not promoted his sobriety and is committed to re-engaging with a sponsor and supports through the Dismas House. Yandle discussed how he achieved successful sobriety and citizenship in the past and has re-connected with those very same supports.

The Parole Board also expressed concern regarding Yandle's chronic pain issues which have precipitated his relapses in the past. Yandle stated he has worked very hard since his return at managing his pain and has been successful. He reported that he has proven to himself that he can manage his level of pain with healthy alternatives and treatment and states that he no longer views his pain as an impediment to maintaining sobriety.

Yandle outlined a detailed plan for his re-entry, which was supported by many members of the community and his family. The Parole Board was particularly interested in the level of knowledge Yandle's supporters had about his past failures and his ongoing needs. It became evident through questioning and testimony that Yandle's support system was well informed.

Speaking in support of Yandle's release were members from EPOCA (a nonprofit organization assisting with re-entry services), who have had a longstanding relationship with Yandle. The members of EPOCA stated that they will assist Yandle with all of his needs. They also testified as to the support and community work that Yandle contributed when he was a participant in the EPOCA program following his parole. In addition, two family members testified that they will provide necessary resources and support to ensure Yandle's success.

Speaking in opposition to Yandle's parole was Middlesex Assistant District Attorney Doug Cannon. ADA Cannon emphasized Yandle's many parole failures and found his testimony to be incredulous in many important areas. ADA Cannon outlined the many deceptive behaviors that Yandle engaged in when he was in the community, as well as some while he was incarcerated.

III. DECISION

Yandle was returned to custody in January 2012 for behaviors that included obtaining prescription medications without notifying his parole officer and then engaging in deceptive behaviors to conceal his use. Yandle has engaged in such behaviors before and thus destroyed the trust he once had with many people, including his parole officer. Furthermore, Yandle has a lifelong addiction that directly correlates with his criminal offending. Since his return to custody, Yandle has committed himself to treatment. He views his addiction and deception as intertwined and requiring constant vigilance and attention in order to maintain his sobriety and

to become a productive, good citizen. Yandle had many upstanding members of the community speak on his behalf who were clearly well informed of Yandle's past and present needs. The Parole Board feels that with the work Yandle has done on himself, and the family and community supports he has re-established, he no longer poses a risk to public safety.

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 finds that Joseph Yandle is a suitable candidate for Parole.

SPECIAL CONDITIONS: Parole to the Dismas House, comply with all program requirements; engage in individual therapy, comply with all recommendations; supervise for drugs, testing in accordance with agency policy; supervise for alcohol, testing in accordance with agency policy; Electronic Monitoring for 6 months; report to assigned Massachusetts Parole Office on day of release; no contact with victim's family; waive work for disability; engage with EPOCA program.

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.



Charlene Bonner, Chairperson

12-15-14

Date