

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

KENT TYLER

W36204

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 30, 2020

DATE OF DECISION: May 14, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

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 a suitable candidate for parole. Parole is granted to an approved home plan with special conditions.

I. STATEMENT OF THE CASE

On May 4, 1977, after a jury trial in Suffolk Superior Court, Kent Tyler was found guilty of second-degree murder in the death of 58-year-old Donald Anderson. He was sentenced to life in prison with the possibility of parole. On that same date, he was also found guilty of armed assault with intent to rob, for which he received a 10 to 15 year concurrent sentence. His co-defendant was acquitted of all charges.

On November 10, 1975, Kent Tyler and another male entered the A & F Variety Store on Heath Street in Boston. While wearing masks, they approached Donald Anderson, who owned the store. One of the men said, "You know what it is" and displayed a black handgun. Mr. Anderson started to come out from behind the counter and attempted to reach for the gun. One of the assailants discharged the gun, fatally injuring Mr. Anderson. Subsequent police investigation revealed that gaming activity had taken place at the store and, prior to the

murder, there had been a dispute about debt payment. Mr. Anderson's common-law wife and two customers were present at the time of the shooting.

II. PAROLE HEARING ON JANUARY 30, 2020

Mr. Tyler, now 65-years-old, appeared before the Parole Board for a review hearing on January 30, 2020, and was represented by a student attorney from Northeastern University School of Law. Mr. Tyler was first paroled on December 20, 1990. He remained in the community until 1997, when he was returned to custody after being arrested for a drug related crime in Boston and for other violations of his parole conditions. Mr. Tyler's parole was subsequently revoked. He was re-paroled in 2007, but was returned to custody in 2013 for a number of violations of parole conditions. His parole was subsequently revoked. Mr. Tyler was then granted parole after his 2014 revocation review hearing. On August 17, 2018, however, he was returned to custody for three alleged parole violations: failure to pay his supervision fee, association with persons with known criminal record, and a positive ETG test for alcohol. After his final revocation hearing on October 24, 2018, Mr. Tyler's revocation was affirmed.

In his opening statement to the Board, Mr. Tyler apologized to Mr. Anderson's family for the pain that his crime has continued to cause them. He also apologized to the Board, as well as his own family, for the infractions that led to his parole revocation. When the Board noted Mr. Tyler's association with a former inmate (through his job), Mr. Tyler explained that he worked as a supervisor at Amazon and a former inmate was employed at the same location. When the former inmate asked Mr. Tyler to call him one morning to ensure that he woke up for an early shift, Mr. Tyler did so. When Mr. Tyler's parole officer asked him to come into his office for a meeting, Mr. Tyler was convinced that he would be returned to custody, so he consumed some wine before the meeting. Mr. Tyler eventually admitted to contact with the former inmate, and to his use of alcohol, which led to the revocation of his parole in 2018. Mr. Tyler explained that, at the time, he believed his contact with the former inmate was proper as it was borne out of his employment. However, he now recognizes that if any uncertainty exists, he must consult with his parole officer to avoid potential missteps. Mr. Tyler agreed with the Board that he worsened his situation on parole supervision by consuming alcohol prior to the meeting. Mr. Tyler also acknowledged that his return to custody may have been avoided had he been more forthright and open with his parole officer.

The Board acknowledged that (aside from the infractions) Mr. Tyler had been successful on parole. He maintained employment for years and rose to management level at Amazon. He continued to strengthen his community and familial ties. Mr. Tyler stated that re-incarceration has taught him a difficult lesson; he must be exceptionally vigilant on parole, even if he feels he is doing everything right. Mr. Tyler told the Board that he enrolled in computer school during his re-incarceration, so that he could expand the opportunities available to him at work. He regularly attends AA meetings and understands the necessity that he procure a sponsor, if he were granted a parole permit again.

The Board considered the testimony of Mr. Tyler's wife and son in support of parole. The Board also considered a letter of opposition submitted by Boston Police Commissioner William Gross.

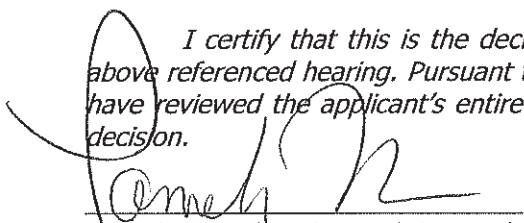
III. DECISION

The Board is of the unanimous opinion that Mr. Tyler has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Re-incarceration has served its purpose. Mr. Tyler has maintained a solid support network in the community and will have employment upon return to the community. The Board added conditions of polygraph and GPS at PO's discretion.

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. Tyler'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. Tyler's risk of recidivism. After applying this standard to the circumstances of Mr. Tyler's case, the Board is of the unanimous opinion that Kent Tyler merits parole at this time. Parole is granted to an approved home plan with special conditions.

SPECIAL CONDITIONS: Reserve to approved home plan; Waive work for 2 weeks; Must be at home between 10 p.m. and 6 a.m. or at PO's discretion.; ELMO-electronic monitoring at PO's discretion; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Polygraph testing at PO's discretion; No contact or association with [name]; No contact with victim's family; Report to assigned MA Parole Office on day of release; AA/NA 3 times/week; Mandatory – sponsor.

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

5/14/2020
Date