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*The Commonwealth of Massachusetts*  
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**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**KENT TYLER**

**W36204**

**TYPE OF HEARING:** **Revocation Review Hearing**

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

**DATE OF DECISION:** **September 22, 2014**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Shelia Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**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 the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by a unanimous vote that the inmate is a suitable candidate for re-parole. Parole to an approved home plan on or after October 10, 2014.

**I. STATEMENT OF THE CASE**

Kent Tyler participated in the armed robbery and shooting death of 58-year-old Donald Anderson in 1975. After a jury trial in Suffolk Superior Court, Tyler was convicted of second degree murder and armed assault with intent to rob on May 4, 1977. He was sentenced to serve life in prison for the murder, and a concurrent term of ten to 15 years for the armed assault with intent to rob conviction. His co-defendant was acquitted of all charges.

On November 10, 1975, Tyler and another man entered the A & F Variety Store on Heath Street in Boston. Wearing masks, they approached the victim, who owned the store. One of the men said "you know what it is" and displayed a black handgun. The victim started to come out from behind the counter and attempted to reach for the gun. One of the assailants discharged the gun, fatally injuring the victim.

Subsequent police investigation revealed that some gaming activity was happening at the store and that, prior to the murder, there had been a dispute about debt payment. The victim's common-law wife and two customers were present at the time of the shooting.

## **II. INSTITUTIONAL & PAROLE HISTORY**

Tyler was first paroled on December 20, 1990. He remained in the community until August 1997, when he was returned to custody after being arrested for a drug related crime in Boston, and for other violations of parole conditions, including associating with a person who had a criminal record and failing to report information to his parole officer. Following revocation proceedings, Tyler's parole was revoked. He was re-paroled in February 2007. He was returned to custody on April 3, 2013, for a number of violations of parole conditions, including: possession of drugs, possession of drug paraphernalia, associating with a person known to have a criminal record, possession of knives, lying to his parole officer about a cell phone, and failing to find and maintain legitimate employment. The Board revoked parole in July 2013.

During his time in prison, Tyler has incurred nine disciplinary reports, none of which were for violent behavior. In 1981 and 1982, he incurred two reports for possession of marijuana and possession of a pipe. His last disciplinary report was in 1988 for refusing a housing assignment. Tyler achieved his GED and completed the Correctional Recovery Academy. In addition, he has completed a number of trade courses in welding, auto repair, carpentry, and HVAC. Since his last return to custody, he has been employed as a barber and attends AA and NA weekly.

## **III. PAROLE HEARING ON JANUARY 28, 2014**

Kent Tyler appeared for a parole hearing after being revoked for a number of violations, including some activity that raised the possibility of dealing suboxone. When confronted with the several violations, Tyler told several lies to his parole officer. Tyler so undermined his own credibility that it is difficult to accept any of his explanations without corroborative evidence. At the hearing, the Board sought to get a full picture of Tyler's successes and failures on parole.

Upon receiving a second parole in 2007, Tyler reported that "I got a job, worked hard, went to AA meetings, and took care of family. I stayed busy. I worked at Home Depot until I got laid off. Then I went to culinary arts school and worked at Legal Sea Foods. I loved that job; I learned a lot; it was hard. I had a really great relationship with my co-workers and supervisor. I lost hours because Legal's was moving from that location, so I quit. I understand now that that was a mistake. Taking care of my mother became my daily job." Tyler said that he has six children and that his wife works at Home Depot.

Tyler has a long substance abuse history. He said that he became a heroin addict before the murder. He said he was not working at the time of the robbery and murder. When asked if he had committed other crimes, he noticeably hesitated and then denied committing any other robberies or crimes, other than the drug use and "selling a few joints." When asked how he supported himself, he said, "I lived with my mother and I got money from her; I didn't need much." Given Tyler's life style, heroin addiction, and the facts of the robbery and murder,

Board Members concluded that Tyler may not have been candid in discussing his other activity. Tyler acknowledged that on his first parole he was using heroin and cocaine in 1996 and 1997.

Since being returned to custody, Tyler reported that he has participated in AA/NA and Big Book. He said, "the programs keep me sober; it's important to tell your story and to hear other people's stories. My sobriety really started with the CRA. I didn't understand addiction. I understood a lot of things through that program and I learned about the criminal thinking that goes along with drug use."

Board Members asked Tyler about his several parole violations. He had an explanation for everything. Board Members accepted some explanations, but some other explanations were unlikely and uncorroborated. Tyler told significant lies to his parole officer, so the unlikely and uncorroborated stories are not readily accepted.

A Board Member asked Tyler to think more about his first parole failure in 1997. He said, "I was using heroin and I sold heroin so I could use. I was violated for drugs, association with people with criminal records, and lying to my parole officer." It was unclear if Tyler realized that his most recent violations involved considerable similar activity and conduct. The Board Member also pointed out how much Tyler lied to his parole officer and at his preliminary hearing about his contact with a person with a criminal record.

Suffolk Assistant District Attorney Charles Bartoloni submitted a letter of opposition. Tyler's mother, two cousins, and son testified in support of parole. Tyler's son gave especially helpful testimony about his father's positive influence on his life when he was on parole.

#### **IV. DECISION**

Kent Tyler has failed twice on parole. Both failures involved considerable criminal thinking and lying. The first failure involved heroin use. This second failure included evidence of selling suboxone. By being returned to custody, Tyler will have had 18 months of reincarceration. The Parole Board concluded that Tyler does not present a current risk for violence and that 18 months is sufficient to hold him accountable for his parole violations and allow for additional rehabilitation. He has maintained his sobriety, continued with substance abuse meetings, and had good behavior during his return.

During this third parole, Tyler needs to improve his performance and eliminate the criminal thinking, lying, and frequent violations of conditions. The accountability and rehabilitation resulting from this return should assist him. He is capable of good behavior, as described by his family members. His family members need to encourage him and assist him in eliminating his criminal thinking, supporting his sobriety, and encouraging honesty and parole compliance.

The standard 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 an 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, the Parole Board concludes that Tyler is a suitable candidate for parole.

**SPECIAL CONDITIONS:** Parole to an approved home plan on or after October 10, 2014; no drug use; no alcohol use; AA or NA three times per week; counseling for adjustment issues for one year; curfew between 10:00 p.m. and 6:00 a.m. for at least one year (and then at parole officer discretion); GPS for at least two years (and then at parole officer discretion).

*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.*

  
Janis DiLoreto Smith, General Counsel

9/22/14  
Date