



Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety
Parole Board

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599



Josh Wall
Chairman

RECORD OF DECISION

IN THE MATTER OF

MALCOLM HICKS

W31622

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 24, 2012

DATE OF DECISION: March 27, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Shelia Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Release on or after April 10, 2012 to Long Term Residential Program for veterans, "Soldier On Program." The decision is by a 6-1 vote.

I. STATEMENT OF THE CASE

Malcolm Hicks appeared before the Massachusetts Parole Board for a review hearing on the second-degree life sentence he is currently serving at MCI-Shirley's Medical Unit. Mr. Hicks received this sentence in Suffolk Superior Court on March 12, 1968 after being found guilty of second-degree murder in the beating death of 43-year-old Alfonse Vadeikis. Mr. Hicks was sentenced to life imprisonment.

On December 23, 1980, upon recommendation of the Advisory Board of Pardons, Governor Edward King commuted Mr. Hicks' sentence to a term of 21 years, 3 months to Life, creating a parole eligibility date of June 30, 1981. Mr. Hicks was paroled from pre-release status on September 21, 1981 following his initial eligibility hearing.

The facts surrounding his underlying offense are as follows. On August 28, 1967, Alfonse Vadeikis, Malcolm Hicks and Robert Hubbard were patrons at the South Boston Café. Vadeikis did not know Hicks or Hubbard. At trial, two witnesses testified about the offense.

They testified to hearing loud voices, seeing three men yell at each other; seeing one of the men throw another down between two parked cars; and seeing one of the men bringing his foot down on Mr. Vadeikis' stomach. The argument between the men stemmed from Mr. Vadeikis mistaking Malcolm Hicks' automobile as his own as both cars were similar in color and parked within twenty feet of each other.

Sometime between 11:10 PM on August 28, 1967, and midnight on August 29th, Alfonse Vadeikis was found lying between two parked automobiles on West Broadway in South Boston, opposite the South Boston Café. The victim was taken to Boston City Hospital, where he was pronounced dead due to internal bleeding in the stomach area.

II. DECISION

Malcolm Hicks was originally paroled in 1981. His performance on parole was poor, which resulted in three revocations and returns to custody. The last revocation was in 1989 and he has been continuously incarcerated since that time (23 years). His total length of incarceration on this sentence is nearly 40 years. Since his last return to custody in 1989, Hicks has participated in AA, the 12 Step Program, and the Father's Group program. Currently, due to physical limitations Hicks is housed in the MCI-Shirley Medium Medical Unit.

Hicks has multiple physical ailments that severely restrict his mobility and physical capabilities. He needs a wheelchair and cannot live or care for himself. He has serious heart and lung ailments which almost certainly will affect his life expectancy. He is not likely to re-offend due to his age (71), physical disability, and recent improved behavior (no disciplinary reports since 2007). His release is compatible with the welfare of society because he has been accepted to the Soldier On Program for homeless veterans where he is expected to live for the remainder of his life. Soldier On will provide medical care, assisted living, mental health treatment, substance abuse counseling, and other services. Should Hicks fail to comply with the rules of the program, he will be returned to incarceration. Residence in the program is necessary for Hicks to meet the legal standard. Board Member Sheila Dupre dissents due to her conclusion that Hicks is not sufficiently rehabilitated.

SPECIAL CONDITIONS: Paroled specifically to Soldier On long term residential program; services for medical treatment, mental health evaluation and follow-up, and substance abuse treatment expected to be provided at or through the residential program.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Caitlin E. Casey, Chief of Staff


Date