

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

PAUL CIPPERLY

W56667

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 19, 2019

DATE OF DECISION: July 13, 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 not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On June 10, 1994, in Middlesex Superior Court, Paul Cipperly was found guilty of armed robbery, as well as three counts of assault by means of a dangerous weapon (handgun). On June 14, 1994, following a bench trial, Mr. Cipperly was found guilty of being a habitual criminal. He was sentenced to life in prison for armed robbery as a habitual criminal and given three 4 to 5 year sentences for the assault by means of a dangerous weapon charges, which were ordered to run concurrent with each other and with his life sentence. On July 23, 1996, in Essex Superior Court, Mr. Cipperly was found guilty of assault by means of a dangerous weapon and armed robbery. He was sentenced to 4 to 5 years and 15 to 20 years, respectively, ordered to run concurrent with his life sentences. All crimes for which Mr. Cipperly is now incarcerated were committed while on parole supervision (from a 10 to 15 year sentence for armed robbery while masked).

On April 4, 1996, the Massachusetts Appeals Court affirmed his convictions. In 2002, Mr. Cipperly filed a motion for new trial, claiming that he was improperly convicted as a habitual criminal. The Court did not act upon that motion. In 2008, Mr. Cipperly filed a motion for new trial on grounds that he was incompetent to stand trial in 1994. In 2009, Mr. Cipperly asked the court to hold his motion in abeyance.

On April 24, 1993, at approximately 11:40 a.m., Paul Cipperly and Nick Brien entered Baybank in Arlington, armed with (what appeared to be) semi-automatic handguns. Mr. Cipperly remained in the lobby area and ordered the customers and bank employees to "get down on the floor," while Mr. Brien jumped over the counter into the teller area. At gun point, Mr. Brien ordered the two tellers to move away in order to fill a black nylon bag with money. Once the drawers had been emptied, both men fled the bank. Unbeknownst to the two robbers, explosive packets containing dye had been placed in the bag. As they ran from the bank towards a parking lot, the dye packets exploded. A witness saw an explosion of red smoke, as two men jumped over a fence and into a black car. Thinking what he had seen was unusual, the witness wrote down the car's license plate number. A subsequent investigation revealed that the get-away car was registered to Paul Cipperly, a man who had a lengthy record for similar offenses. Mr. Cipperly was later identified by several witnesses.

II. PAROLE HEARING ON NOVEMBER 19, 2019

Paul Cipperly, now 58-years-old, appeared before the Parole Board on November 19, 2019, for a review hearing. He was represented by Attorney John Rull. Mr. Cipperly was denied parole after both his 2008 initial hearing and his 2015 review hearing. In Mr. Cipperly's opening statement to the Board, he apologized to the victims affected by the damaging choices he made in the past. He also apologized for the physical, mental, and emotional burden that he caused them, indicating that he cannot undo what he has already done. When Board Members questioned him as to how many victims he is responsible for, Mr. Cipperly responded, "Too many." The Board noted that Mr. Cipperly has served 27 years of his sentence for a non-homicide offense. He also committed two serious offenses, while on parole supervision, for another sentence. Upon questioning, Mr. Cipperly explained that he was sober at the time of the governing offense and has been sober for 32 years. He admitted to marijuana and cocaine use in the past, but denied being on drugs when he committed the governing offense. Board Members pointed out, however, that Dr. Frank DiCataldo's report noted that relapse is an acute risk factor for Mr. Cipperly.

When discussing his childhood, Mr. Cipperly said that he was molested from ages 9 to 15. He meets with a mental health clinician (on a monthly basis) to address his sexual abuse, acknowledging how it affected his life. Mr. Cipperly also spoke about his daily life in prison, explaining how he works in a job that he is not paid for. He exercises and speaks with his daughter and brother almost every day. Board Members made reference to Mr. Cipperly starting several programs, but not completing them. He explained that he started the Correctional Recovery Academy in 2007, but was subsequently discharged due to a situation with a female. Upon questioning, Mr. Cipperly admitted that the last time he went to Alcoholics Anonymous/Narcotics Anonymous was 30 years ago. Mr. Cipperly noted that he has experienced assaults, and has been on suicide watch, at times throughout his incarceration. He told the Board, however, that he fixed what is broken within himself, such as "not saying no when [he] need[ed] to" and being a "sucker" when he did anything that was asked of him.

If paroled, the Board expressed concern that Mr. Cipperly would be difficult to supervise, particularly because of his prior disciplinary reports. Board Members noted that many different officers reported Mr. Cipperly's use of expletive language. The Board also expressed concern that Mr. Cipperly committed violent crimes on his previous parole supervision. Further, the Board made the point that Mr. Cipperly's brother, who Mr. Cipperly plans to reside with (if paroled), was the same brother he used as a false alibi witness during his trial. When questioned as to whether his brother would lie for him again, Mr. Cipperly responded that he is a totally different person now and would not ask that of anyone. The Board also expressed concern as to Mr. Cipperly's lack of insight into his criminal behavior, as well as the challenges of transitioning into society. Mr. Cipperly described how he has changed and spoke of his reentry into the community and his employment with his brother. If paroled, Mr. Cipperly stated that he would not let his daughter, his brother, or Board Members down.

The Board considered oral testimony in support of parole from Mr. Cipperly's brother and daughter. The Board also considered testimony in opposition to parole from Middlesex County Assistant District Attorney Adrienne Lynch.

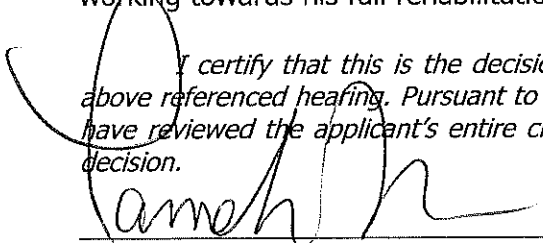
III. DECISION

The Board is of the opinion that Mr. Cipperly has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. His willingness to violate institutional rules remains a source of concern to the Board. He has incurred numerous disciplinary infractions since his last hearing. Mr. Cipperly needs to engage in treatment/programming to address his causative factors to include substance abuse treatment. His risk to relapse remains high, as documented by the forensic psychologist.

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. Cipperly'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. Cipperly's risk of recidivism. After applying this standard to the circumstances of Mr. Cipperly's case, the Board is of the unanimous opinion that Paul Cipperly is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Cipperly's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Cipperly to continue working towards his full rehabilitation.

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

7/13/2020

Date