



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

PAUL SMITH
W89158

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **March 19, 2024**

DATE OF DECISION: **May 9, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley,¹ James Kelcourse

VOTE: Parole is granted to a Long-Term Residential Program or CRJ Program upon completion of one year in lower security.²

PROCEDURAL HISTORY: On January 31, 2007, in Bristol Superior Court, Paul Smith pleaded guilty to second degree murder in the stabbing death of Thomas Morgado.³ He was sentenced to life in prison with the possibility of parole.

Parole was denied following an initial hearing in 2020. On March 19, 2024, Paul Smith appeared before the Parole Board for a review hearing. He was represented by student attorneys Giovana De Oliveira and Frank Obermeyer from the Harvard Prison Legal Assistance Project under the supervision of Attorney John Fitzpatrick. The Board's decision fully incorporates, by reference, the entire video recording of Paul Smith's March 19, 2024, hearing.

STATEMENT OF THE CASE: On May 13, 2002, in New Bedford, 23-year-old Paul Smith killed 32-year-old Thomas Morgado by repeatedly stabbing him (approximately) 26 times in the chest, face, and throat with a machete knife. On the night of the governing offense, Mr. Smith was

¹ Tina M. Hurley was not present for the hearing, but she reviewed the video recording of the hearing and the entirety of the file prior to vote.

² One Board Member voted to parole to a Long-Term Residential Program or CRJ Program with six months in lower security.

³ Krystal Correia was Mr. Smith's codefendant.

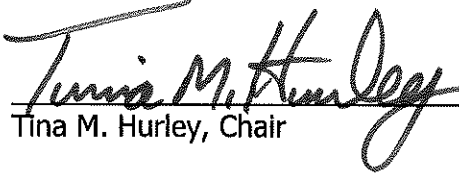
frequenting bars in New Bedford. When he encountered Mr. Morgado, Mr. Smith repeatedly stabbed him until a witness yelled, "What are you doing?" Mr. Smith then dropped the knife and fled the scene. The crime remained unsolved for nearly three years until April 2005, when Mr. Smith made statements of admission about the murder that were recorded and furnished to the police. On the recordings, Mr. Smith admitted to the murder and revealed details about the stabbing of Mr. Morgado that had not been made public. Police subsequently obtained a warrant to record Mr. Smith, and Mr. Smith again admitted that he stabbed Mr. Morgado to death. Mr. Smith was confronted with the recordings and confessed to the murder.

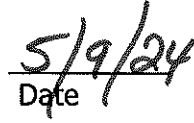
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Mr. Smith's second appearance before the Board. He was 23-years-old at the time of the offense. Since the last hearing, Mr. Smith has completed nine additional programs, gained his HiSET, and has maintained sobriety for over 10 years. Mr. Smith was forthcoming in the hearing and has addressed the root causes of this offense. Mr. Smith identified a history of adverse childhood experiences and system-involvement. He aged out of DCF at the age of 17 without any continuum of care. Mr. Smith has invested in self-development, gained employment skills, and displayed a pattern of consistent growth and maturity. Mr. Smith also invested in Restorative Justice work since his last hearing, which enhanced his insight into the harm he has caused. Mr. Smith requested a gradual step-down to minimum security and then [release] to a residential program to assist with a positive re-entry. The Board considered public testimony from Mr. Smith's brother, who spoke in support of his parole. The Board also considered the testimony of Bristol County Assistant District Attorney Russ Eonas, who spoke in opposition to his parole; however, ADA Eonas also acknowledged the progress Mr. Smith has made. The Board concludes by unanimous decision that Paul Smith has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program or two weeks for CRJ program; Curfew - must be home between 10 PM and 6 AM at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Supervise for drugs - testing in accordance with Agency policy; Supervise for liquor - testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for transition, adjustment, and trauma; Long Term Program or CRJ 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.


Tina M. Hurley, Chair


Date