

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

PAUL SMITH

W89158

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: March 3, 2020

DATE OF DECISION: September 23, 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 four years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On May 24, 2005, in Bristol Superior Court, Paul Smith pleaded guilty to second degree murder in the stabbing death of Thomas Morgado.² Accordingly, Mr. Smith was sentenced to life in prison with the possibility of parole. Approximately nine years later, Mr. Smith filed a motion for new trial, through which he sought to withdraw his guilty plea. The Superior Court judge affirmed Mr. Smith's sentence and denied his appeal.³

¹ Two Board Members voted to deny parole with a review in three years.

² Krystal Correira was Mr. Smith's codefendant.

³ *Commonwealth v. Paul Smith*, 92 Mass. App. Ct. 1130.

On May 13, 2002, in New Bedford, Paul Smith killed 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 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. Despite committing the crime in 2002, Mr. Smith was not arrested until 2005, when he was secretly recorded for the purpose of an unrelated case. 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, and Mr. Smith was arrested. He was confronted with the recordings and confessed to the murder shortly thereafter.

II. PAROLE HEARING ON MARCH 3, 2020

Paul Smith, now 42-years-old, appeared before the Parole Board for an initial hearing on March 3, 2020. He was not represented by counsel. In Mr. Smith's opening statement to the Board, he apologized to the victim and the victim's family for his "horrific act." In addition, Mr. Smith apologized to his own family, as well as the New Bedford community, by stating, "My heinous crime brought fear that lingered for years." He also apologized for contributing to "social woes." Mr. Smith expressed remorse for his crime, telling the Board that he takes full responsibility for his "selfish, criminal behavior." He indicated that he is no longer the same man that "viciously stabbed" Mr. Morgado and claimed that he is now able to make "positive changes out of his negative past."

Upon questioning by the Board, Mr. Smith explained that he was a "deeply troubled" man, prior to the murder of Mr. Morgado, and often experienced a feeling of "pure hatred" towards the world. He now recognizes that his rage had manifested from his abusive and traumatic childhood. Mr. Smith indicated that he, along with his mother and brothers, were victims of abuse by his former stepfather. He also explained that, due to the abuse, his mother became a substance abuser and abandoned the family, which forced him to provide for his younger siblings. As such, Mr. Smith and his siblings were sent to foster care and separated from one another. He told the Board that he turned into a "shell of a person." He could not express his emotions and carried around the burden of the separation of his family. Until the time of the governing offense, Mr. Smith indicated that he spent most of his time "running in the streets and committing crimes." Mr. Smith stated that the stabbing of Mr. Morgado resulted from him not dealing with childhood trauma.

Board Members noted the severity of Mr. Smith's rage and questioned him as to how he worked on his anger issues. Mr. Smith stated that he has learned coping skills from programs, such as the Correctional Recovery Academy ("CRA") and the Alternatives to Violence Program ("AVP"), along with insight he gained from other inmates. Mr. Smith said that he no longer harbors anger about his past and stated, "If I let go of my past, I can change my future." When asked for an example as to how he demonstrates anger management, Mr. Smith explained that the negative environment in which he resides forces him to use his new skills every day. When the Board questioned him as to the governing offense, Mr. Smith indicated that, at the time, he had a reputation of being dangerous and often contributed to this reputation by bragging about his criminal behavior. He admitted that he would lie or exaggerate to his friends about his crimes in order to build "street cred" and, further, took pride in being feared in the streets.

Prior to the murder, Mr. Smith was having issues with a man named Mr. Furtado, who was allegedly spreading false rumors about his daughter. Mr. Smith admitted to harboring rage toward Mr. Furtado and told the Board that, at the time, he was having thoughts of stabbing someone and would wonder what it would be like. When asked why Mr. Furtado was not the target for his crime, Mr. Smith stated that Mr. Morgado was "in the wrong place at the wrong time" and "it just happened." He had never met Mr. Morgado prior to that evening. Mr. Smith told the Board that he "stabbed [Mr. Morgado] 26 times and tried to slice his throat." Although he thought that stabbing Mr. Morgado would take away some of his pain, Mr. Smith indicated that he did not receive any gratification from his crime and felt remorse when he was arrested. Mr. Smith claims that he is now able to empathize with Mr. Morgado and stated, "Everyday, I think about how scared he must have been." However, upon questioning by the Board as to what he has since learned about the victim, Mr. Smith stated that he "didn't know [anything] about [Mr. Morgado] at all." Board Members also raised concern about Mr. Smith's 2014 appeal, for which he sought to withdraw his guilty plea. When asked to expand, Mr. Smith indicated that he did not go through the appeal process to minimize his culpability. He reiterated to the Board that he deserved to be in prison. He stated, however, that there were technical issues pertaining to the wiretap. Mr. Smith claimed that the appeal had nothing to do with his admission; rather, he was only trying to reduce his sentence.

The Board discussed Mr. Smith's institutional adjustment and noted their concern as to the amount of disciplinary reports incurred for possession of home brew. Mr. Smith explained that he had discovered his son was molested and had been "grieving." He "didn't feel like a good person," which led to drinking and selling homebrew. Mr. Smith's last disciplinary infraction occurred in 2013, however. When Board Members asked what changed, Mr. Smith stated that he stopped "being the victim" and started taking responsibility for what happens to him. The Board noted his participation in programming and how he has recently been accepted to Emotional Awareness, Path of Freedom, Able Minds, and Countdown to Freedom. Additionally, Mr. Smith is in the process of completing his GED, attends weekly Fathers Group meetings, and works five days a week as a welder. The Board emphasized, however, the importance of Mr. Smith's participation in Restorative Justice, as well as being more consistent with AA and NA, which were two important pieces missing from his rehabilitation.

The Board considered oral testimony in support of parole from Mr. Smith's two younger brothers.

III. DECISION

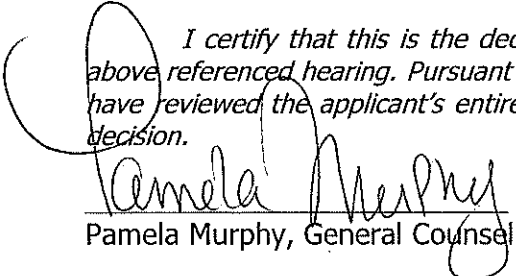
Mr. Smith has served approximately 15 years for the brutal murder of Thomas Morgado. Mr. Smith stated [that] "he wanted to know what it felt like to kill someone" when asked what his motive was. Mr. Smith needs to further address his causative factors to include victim empathy, substance abuse, education, and vocational training. He is encouraged to pursue and participate in the Restorative Justice program, remain program compliant, and refrain from incurring any additional disciplinary infractions. It is the opinion of the Board that Mr. Smith has yet to make a level of rehabilitative progress that would make his release compatible with the welfare of society.

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

Mr. Smith's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages him 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

9/23/2020
Date