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Paul M. Treseler
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DECISION

IN THE MATTER OF

PERNELL SAUNDERS
W49218

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 2, 2016

DATE OF DECISION: November 14, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offenses, the age of the inmate at the time of the offenses, 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 a suitable candidate for parole with special conditions. Parole is contingent upon successful completion of six months in lower security, followed by sober housing.

I. STATEMENT OF THE CASE

On October 16, 1990, Pernell Saunders was convicted in Middlesex Superior Court, after jury trial, of four counts of unarmed robbery. He was sentenced to life with the possibility of parole on two of these four convictions. Mr. Saunders was sentenced to concurrent terms of not more than 40 years and not less than 30 years in prison for each of the remaining two convictions for unarmed robbery. On January 7, 1991, in Suffolk Superior Court, Mr. Saunders pled guilty to one count of armed robbery. He was sentenced to a concurrent term of not more than 12 years and not less than 10 years in prison. On February 25, 1992, in Middlesex Superior Court, Mr. Saunders pled guilty to one count of unarmed robbery and one count of armed robbery. He was sentenced to concurrent terms of not more than 12 years and not less than 10 years in prison for each of these convictions.

On September 7, 1989, Mr. Saunders escaped from the Boston Pre-Release Center, where he was serving a sentence for armed robbery. During September and October 1989, Mr. Saunders committed seven additional robberies, for which he is currently incarcerated. During these robberies, Mr. Saunders entered local shopping malls and targeted female cashiers in order to rob the establishments. Mr. Saunders was apprehended on November 1, 1989.

II. PAROLE HEARING ON JUNE 2, 2016

Mr. Saunders, now 51-years-old, appeared before the Parole Board on June 2, 2016, for a review hearing. In 2011, the Board granted Mr. Saunders parole to a long term residential treatment program, contingent upon participation in programming, successful completion of one year in medium security, and an additional 18 months in lower security. On June 21, 2013, Mr. Saunders was returned to custody from the Boston Pre-Release Center, after terminating his employment without permission. On February 25, 2014, he was released back to the community with the condition that he completes an additional six months in the pre-release program. On September 15, 2015, Mr. Saunders was returned to higher custody after testing positive for alcohol. On March 14, 2016, the Board rescinded Mr. Saunders' parole, and he was recommitted to the terms of his original sentences.

In Mr. Saunders' opening statement to the Board, he expressed remorse to the victims of his crimes and apologized to the Board for the difficulty he experienced during his re-entry process. According to Mr. Saunders, he was suffering from an addiction to cocaine, alcohol, and marijuana at the time, and he committed the robberies to support his substance abuse. Mr. Saunders stated that he would enter the stores and remove a garment from the rack. As he approached the checkout area, he would place the garment (or his coat) over his hand, in order to pretend that he had a gun. He would demand that the clerk empty the cash register, and he would then flee the store. When asked why he targeted female clerks, Mr. Saunders told the Board that he did so to ensure he would not be overpowered or captured during the robbery. Although Mr. Saunders emphasized that no one was ever physically hurt during any of the robberies, he acknowledged the emotional trauma his victims suffered.

During the hearing, Mr. Saunders addressed his past history on parole. Mr. Saunders acknowledged his violation when he terminated his employment without permission. He stated that he was frustrated with his job and wanted to seek work elsewhere. Mr. Saunders further indicated that since returning to custody, he has participated in programming designed to address his behavior in tense or stressful situations. Mr. Saunders explained that his positive test for alcohol occurred after work one day, when he was offered a beer by a co-worker. Mr. Saunders admitted that he initially drank the beer, but then stopped himself. Mr. Saunders acknowledged that he had taken his recovery for granted and recognized that alcohol abuse could lead him back to abusing other substances, such as cocaine.

Since his return to higher custody in September 2015, Mr. Saunders has remained disciplinary report free. According to Mr. Saunders, he has participated in such programs as Countdown to Freedom and Assertive Communication Workshop, as well as attended Alcoholics Anonymous / Narcotics Anonymous four times per week. Mr. Saunders is also on waiting lists for other programming. Mr. Saunders also discussed his potential re-entry process with the Board. Mr. Saunders initially stated that he wanted to be paroled directly to a long-term residential treatment program, prior to returning home. However, Mr. Saunders recognized the

value of a more gradual step down process, through multiple security levels, and agreed to abide by whatever decision the Board made.

The Board considered testimony from Mr. Saunders' sister, who spoke in support of parole. The Board also considered testimony from Middlesex County Assistant District Attorney Carrie Spiros, who testified in opposition to parole.

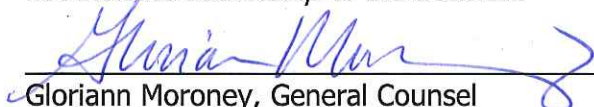
III. DECISION

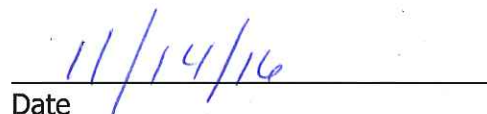
The Board is of the opinion that Mr. Saunders has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society, and that he has acquired the tools and skills that will assist him in a successful transition from incarceration. In forming this opinion, the Board has taken into consideration Mr. Saunders'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. Saunders's risk of recidivism.

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. After applying this standard to the circumstances of Mr. Saunders' case, the Board is of the unanimous opinion that Mr. Saunders merits parole at this time with special conditions. Parole is contingent upon his successful completion of six months in lower security, followed by sober housing. In addition to other special conditions imposed by the Board, Mr. Saunders must also submit to screening for Vivitrol and complete any necessary follow-up. Mr. Saunders must also remain disciplinary report free and program compliant during his step down to lower security.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be at home between 10 pm and 6 am; GPS for six months; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA parole officer on day of release; Must have mental health counseling for adjustment/transition; Attend Long Term Residential Program; Attend AA/NA meetings at least three times per week; Mandatory screen for Vivitrol and adhere to plan.

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.


Gloriann Moroney, General Counsel


Date