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Executive Office of Public Safety

PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

PETER CATALDO

W65372

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 19, 2012

DATE OF DECISION: August 31, 2012

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

On October 7, 1998 Mr. Cataldo plead guilty to murder in the second degree and possession of a firearm for which he received three to five year sentence concurrent with the life sentence for murder. The victim was his sister, Gina Donahue, age 42.

On July 6, 1997 Mr. Cataldo went to visit his sister Gina Donahue at her home in Natick. He brought a loaded .45 caliber semi-automatic handgun with him. He was let into the home by Ms. Donahue's husband, who then went into another room. Ms. Donahue was on the phone when Mr. Cataldo arrived. Mr. Cataldo waited until his sister was off the phone then reportedly asked if his two nieces were home. After learning that they were not present, he shot Ms. Donahue in the chest one time. Mr. Donahue immediately responded to hearing the gun shots and found Mr. Cataldo fleeing the house, and his wife suffering from the gunshot wound on the floor. Mr. Donahue called 911 and officers were dispatched immediately. Ms. Donahue was

med flighted to a Boston hospital where she was pronounced dead approximately two hours later. Mr. Cataldo was apprehended in his truck shortly following the shooting. The gun was found in his glove box along with a partially loaded magazine clip.

When interviewed by police Mr. Cataldo admitted to shooting his sister. Among other statements he made, he reported that his motive was that she was "ruining my life." As the investigation progressed, it was learned from other family members that Mr. Cataldo had confronted his sister approximately two months prior when she arrived at his home uninvited. Ms. Donahue had reportedly grown increasingly worried about Mr. Cataldo's mental health and his general self-care, as he had exhibited increasingly bizarre behavior, and unwarranted anger, especially toward his sister. Ms. Donahue had assumed the role of Mr. Cataldo's primary support system. Despite her efforts to take care of Mr. Cataldo, he became particularly angry with his sister's visit to his home several months prior to the murder, as he interpreted such a visit as being intrusive. He also made several statements as the investigation progressed that he thought his sister was plotting to kill him. He had been making such statements to family off and on for many years; however his level of anger and paranoia appeared to intensify following her visit to his home. Included in his recent accusations were that his sister tampered with his heating system in an effort to insert poison gasses into the air to kill him and that she had tapped his phones. In addition, he reported that his sister had asked one of her associates to "taser" him in order to "waken him."

During the course of the investigation and throughout the pretrial process, Mr. Cataldo demonstrated conflicting and concerning thought processes. As a result of his mental state he was court-ordered to engage in a criminal responsibility evaluation at Bridgewater State Hospital. Mr. Cataldo at times attributed his level of anger and violence to his abuse of steroids, and stated that in the absence of his steroid use he would have never become so enraged with his sister. Although admitting to the murder, he provided conflicting testimony ranging from intentionally shooting her, to being surprised that he shot her and that he never intended to kill her. Mr. Cataldo also reported that his intent on the day of the murder was to confront his sister about her unwanted presence in his home, and that he only wanted her to apologize and promise to leave him alone.

In the evaluation for criminal responsibility by Nicholas Petrou, Ph.D., Dr. Petrou stated (excerpts from report) "In my clinical opinion, the current available data strongly suggest that Mr. Cataldo was suffering from symptoms of a mental illness, best described as Delusional Disorder, Persecutory Type, at the time of the alleged offense." Dr. Petrou opined that "the data indicate that at the time of the alleged offense Mr. Cataldo was experiencing delusional beliefs which coalesced around his sister, Gina, perhaps because she was the person who, albeit very modestly and quite innocently, had entered his paranoid process with the most frequency and determination." Dr. Petrou also concluded that his mental illness did cause impairments in his abilities to conform his conduct to the requirements of the law. With regards to his steroid use, Dr. Petrou indicated that if indeed he was using steroids prior to the alleged offense, his steroid use and his psychosis could have been mutually exacerbating his ability to conform, regardless of whether the trigger was his perceived disrespect by his sister. Dr. Petrou recommended that due to Mr. Cataldo's mental state while at Bridgewater State Hospital that he also warranted further involuntary commitment in lieu of a jail setting at that time.

After being transferred per a court order back to Cambridge Jail, Mr. Cataldo was quickly transferred back to Bridgewater State Hospital on September 23, 1997 under the provisions of Chapter 123, Section 18A. The reason for the admission was due to concerns regarding his mental state. Dr. Petrou again evaluated Mr. Cataldo and recommended that "Mr. Cataldo

clearly meets the criteria for continued hospitalization within the strict security of Bridgewater State Hospital for up to six months."

At the time of the governing offense a relative went to Mr. Cataldo's home and discovered numerous marijuana plants. The police confiscated approximately 100 marijuana plants. Mr. Cataldo has since reported that the marijuana was for his personal use only. He reported smoking marijuana daily, occasionally drinking alcohol and taking steroids consistently for the year prior to the murder.

II. INSTITUTIONAL ADJUSTMENT

Mr. Cataldo has had a difficult adjustment to the prison setting. He has been recommended to engage in mental health treatment, including medications for a diagnosis of Paranoid Schizophrenia. He has been sporadically compliant with mental health treatment, and has exhibited periods of decompensating when he refuses treatment. Mr. Cataldo was again transferred to Bridgewater State Hospital on 2/25/2004 for an evaluation of his need for care and treatment of his mental illness after he assaulted a corrections officer at MCI Norfolk. Prior to his admission he was routinely refusing to take his prescribed anti-psychotic medication and exhibited symptoms of paranoia, such as insisting that his food was being poisoned, thus he would only eat butter and was hoarding condiments from the kitchen. He reportedly developed a paranoid, delusional system that included several corrections officers, hence precipitating an unprovoked physical altercation on one corrections officer. Mr. Cataldo was most recently viewed by the staff at Bridgewater State hospital as being delusional and guarded, denying he had a mental illness and refusing treatment. Mr. Cataldo required a court order to take his medications which proved to be helpful to his ability to compensate enough to return to the prison setting. It was noted, however, that although Mr. Cataldo was psychiatrically stable and behaviorally in control, he did not demonstrate any significant changes in mental status. He continued to deny having a mental illness, although, he was accepting medications. The treatment team recommended that Mr. Cataldo be returned to Bridgewater State Hospital should he again refuse to accept medications.

Mr. Cataldo has received 7 disciplinary reports in total, most recently in August 2010 for being in possession of medication that was not prescribed. He has not completed any formal programming within the institution. He was briefly enrolled in the Residential Treatment Program from June to August 2010 at Old Colony Correctional Center to assist with his mental health treatment. Mr. Cataldo however, is not cooperative with treatment as he does not feel he has a mental illness. He is accepting medication reluctantly. Mr. Cataldo continues to insist that his mental health issues were caused by his steroid use and that he has been "normal" since such substances left his system. Mr. Cataldo insists that a month into his incarceration he returned to a normal state.

III. DECISION

Mr. Cataldo pled guilty to a violent attack on his sister by shooting her once in the chest, which resulted in her death. He continues to present conflicting motives for the offense and vacillates on his true intent on the day of the offense. Mr. Cataldo continues to insist that steroid use was the root cause of the murders. He denies having or ever having a mental illness, and while he acknowledges some of his prior statements provided in mental health evaluations, he insists that most of the statements as quoted were fabricated by mental health professionals in an effort to convince the court to force medications on him. Mr. Cataldo furthermore believes that he is not the only target of such a conspiracy among the inmate population. Mr. Cataldo by all accounts as provided in his mental health evaluations was and is mentally ill. His capacity to provide an organized and true account of the offense is

compromised by his mental illness. While this is recognized by the Board, it is of utmost concern that Mr. Cataldo continues to deny that he has a mental illness. The symptoms of Mr. Cataldo's mental illness have unfortunately caused and/or significantly contributed to his violent behavior, as evidenced by the murder of his sister and more recently, the assault on a corrections officer in 2004. Although Mr. Cataldo is accepting medication, he is doing so under duress, and he is not accepting any additional mental health treatment, counseling or programs. During the hearing Mr. Cataldo continued to deny that he is in need of any mental health care, including medications, but reluctantly accepts them because he has no other choice. Mr. Cataldo purported that his prior steroid use caused him to appear mentally ill and did cause him to feel enraged. He insisted that since such use has long passed and has left his system, he is "normal." If paroled, he plans to live with his mother and brother and work in the fields of landscaping or snow plowing. Mr. Cataldo denied any need for mental health treatment or medication in the community. He denied any need for additional supports.

There were members of Mr. Cataldo's family present in support and extended family present in opposition of his parole release. There were no attendees who provided testimony in support of his release. The responding officer, who is also a family friend, provided testimony in opposition to his release, as did several members of the Donahue family. While those testifying in opposition of Mr. Cataldo's release acknowledged that his mental illness played a role in the offense, they shared concerns regarding Mr. Cataldo's threat to the safety of existing family members as well as to the community.

It is the unanimous decision of the Board that Mr. Cataldo continues to pose a risk to public safety and therefore his release on parole at this time is not compatible with the welfare of society. The Board highly recommends that Mr. Cataldo accept all available mental health treatment willingly, and that he establish a plan that would address his ongoing mental health needs in the community if he seeks parole in the future.

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

8/31/12
Date