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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**Paul M. Treseler**  
Chairperson

**Michael J. Callahan**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**RALPH CAREY**  
**W38605**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** February 18, 2016

**DATE OF DECISION:** July 25, 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 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 a suitable candidate for parole. Parole is granted with special conditions.

**I. STATEMENT OF THE CASE**

On December 4, 1981, in Suffolk Superior Court, Ralph Carey pled guilty to burglary with intent to commit a felony/armed assault on the occupant of the dwelling, for which he was sentenced to life in prison with the possibility of parole. That same day, Mr. Carey also pled guilty to assault and battery with a dangerous weapon and to armed robbery. He received an 8-10 year sentence for the assault and battery, to be served concurrent with his life sentence, and an 8-10 year sentence for the armed robbery, to be served from and after his life sentence.

On March 13, 1981, at around 1:30 a.m., Mr. Carey and his brother Anthony broke into the residence of a 69-year-old woman in Hyde Park. The victim, who had been sleeping, was awakened by banging on her bedroom door. As the victim started to dial 911, Mr. Carey and Anthony burst through the locked door and threw the victim on her bed. Either Mr. Carey or Anthony began to choke her, while the other began to hit her. She was unsure which man did each particular action. One of the men said, "Where is the money? Give me the money or I'll



kill you." The victim informed the men that her money was in the kitchen stove. One of the men instructed the other to search the kitchen.

Boston police officers arrived on the scene around 1:40 a.m. and encountered the victim's sister, who also resided in the home. The victim's sister cried, "Help, help. They're killing my sister." An officer entered the house and saw Mr. Carey on a stairway landing. The officer ran up the stairs and caught Mr. Carey. After handing Mr. Carey off to two other police officers, the officer proceeded to the victim's bedroom. Upon entering the room, he saw the victim on the bed. Anthony's left hand was around the victim's throat, choking her. In his right hand, he was holding an 18 inch stick. The officer saw Anthony strike the victim in the head several times. He then grabbed Anthony and brought him downstairs. A watch and a necklace were found in Anthony's pocket. Mr. Carey and Anthony were transported to the police station and, during the booking procedure, two of the victim's rings were found on Anthony's fingers.

## **II. PAROLE HEARING FEBRUARY 18, 2016**

After being incarcerated for 18 years, Mr. Carey received a commutation of his sentence in 1999. During that same time, he also received a positive parole vote and was released on parole in July 1999. In December 2014, after 15 ½ years on parole, Mr. Carey was returned to custody for parole violations. The violations included irresponsible conduct, association, and a new arrest for larceny, resulting from falsifying price labels at his place of employment. The Board voted to revoke his parole because of these violations.

Mr. Carey, now 53-years-old, appeared before the Parole Board on February 18, 2016 for his initial review hearing after parole revocation. He was represented by Attorney Bernard Grossberg. In Mr. Carey's opening statement to the Board, he apologized for his actions to the victims of his original crime, the Parole Board, his family, and his friends. He also expressed shame and remorse and thanked his family and friends for their continued support. Mr. Carey stated that although a Nolle Prosequi was filed in the recent larceny case against him, he accepts that he committed the crime and takes full responsibility.

The Board asked Mr. Carey to discuss the events that led to his re-incarceration. Mr. Carey stated that he had been working in a restaurant supply store as the seafood manager. In early October 2014, a regular customer came to Mr. Carey's department and asked him to print a tag for a box of meat because the label had fallen off the box. Mr. Carey said it was not uncommon for employees from other departments to assist with printing a new tag because tags often fell off products, given the cool, damp environment in the store. Mr. Carey stated that he asked the customer if someone in the meat department was available, since he was not familiar with meat labeling. When the customer told Mr. Carey that no one was in the meat section, he agreed to print the label. The customer had been shopping in the store for the past year and claimed he knew the meat label number. Mr. Carey stated that normally he would have called the meat manager to ask him for the label code, but the gentleman was a regular customer and he "had no reason not to believe him." He also said that the customer was a "nice" and "personable" man, who had previously hosted Mr. Carey and his family for two complimentary meals at his restaurant. Mr. Carey indicated that it was common practice for employees at the restaurant supply store to receive complimentary meals or coupons from this particular customer, and other restaurant owners as well.



After printing meat labels for this customer on three to five occasions, Mr. Carey said that he began to get suspicious. He believed that the meat weight that the customer had given him on that particular occasion may not have been the same weight that was written on the meat packaging. The next time that Mr. Carey saw the customer, he questioned the man about the weight discrepancy. Mr. Carey said that the man became "very aggressive," stepped toward Mr. Carey while using profane language, and basically told Mr. Carey, "Don't worry about it, everyone does it for me." In hindsight, Mr. Carey realized that he "shouldn't have let his guard down," but probably felt "compromised" because the customer had hosted Mr. Carey at his restaurant and seemed like a "nice guy."

The Board expressed concern over the fact that Mr. Carey did not notify his boss or parole officer, once he realized that he had been assisting the customer in purchasing meat at a reduced price. Mr. Carey said that he "panicked" and struggled with what to do to rectify the situation. He contemplated going to his employer, but his boss did not know that Mr. Carey was on parole. Mr. Carey was concerned that he would get a parole violation if his employer fired him for stealing. He also considered informing his parole officer, but worried that he would get a violation and be sent back to prison. The day that Mr. Carey realized that something was amiss, he went to his wife and told her that he wanted to leave his job. He did not tell his wife about the situation with the customer because she had been having a difficult pregnancy and had lost one of the twins during the first trimester. Mr. Carey said that his wife was supportive of him finding a new job, but reminded him that a new health insurance plan would not go into effect until after their son's birth in December. In order to extricate himself from the situation (and to keep the insurance until after his wife had the baby), Mr. Carey decided to leave the job at the beginning of the new year. The following day, Mr. Carey informed his boss that he would probably be leaving the position at the beginning of January. Mr. Carey did not tell his boss about the meat labeling scam.

When Mr. Carey told the customer that he did not want to print anymore meat tags, he described the customer putting fingers to his own head, making a gun-like motion, and telling Mr. Carey, "I did 13 months in jail for keeping my mouth shut when a gun was put to my head, we don't rat on each other." The customer had also mentioned names of men that Mr. Carey knew were in the Mafia, in an apparent attempt to indicate that he had Mafia connections. Fearing that the customer may hurt him or his family, Mr. Carey continued to be actively involved in altering labels and preventing the scheme from being detected. At that point, Mr. Carey had already altered labels approximately five or six times beyond the alterations that he made prior to becoming aware of the scam. Mr. Carey said that he had planned to continue participating in the crime until his son was born and then would find a new job. He added that he is not trying to minimize his role and knows that he should not have participated in the crime. The customer's actions were "just a trigger" for his own criminal behavior. He admits that it was a mistake to continue printing labels for the customer.

The Board brought up prior inconstancies in Mr. Carey's story regarding the number of times he altered meat labels, as well as his awareness of the customer's criminal record. In response, Mr. Carey admitted to previously minimizing his role in the crime at times and attempting to conceal his involvement due to the fear that he would be returned to prison. He admitted acting "irrationally," and said that he understood why the Board found these behaviors concerning. When questioned by the Board as to how he would deal with problematic situations if granted parole, Mr. Carey responded that he now has more self-awareness than he



did prior to his re-incarceration. Since returning to prison, Mr. Carey has participated in cognitive programming classes that he believes have helped him process the thinking that led to his re-incarceration. Mr. Carey said that he had always tried to do things on his own, but now realizes that he must seek help from his family, friends, and parole officer, instead of trying to "go it alone." He also realizes that he needs counseling to deal with the fear that he has been experiencing for most of his life. Mr. Carey stated that his wife has reached out to their family physician to make arrangements for counseling services once Mr. Carey is released.

The Board considered oral testimony of Mr. Carey's wife, mother-in-law, and three friends, all of whom expressed support for his release. The Board also received written testimony from individuals supporting Mr. Carey's parole. No one testified in opposition to Mr. Carey's release. The Board received a letter from Suffolk County Assistant District Attorney Charles Bartoloni indicating that his office does not oppose Mr. Carey's release and believes that the Parole Board is in the best position to determine whether Mr. Carey is a suitable candidate for parole.

### **III. DECISION**

During the 15 ½ years that Mr. Carey was on parole, he was consistently employed and held multiple managerial positions. Prior to the actions that resulted in his parole revocation, Mr. Carey had been a model parolee. Since returning to prison, he has maintained a positive record within the correctional institution. Mr. Carey now appears empathetic and is insightful of his actions, as well as the decisions, that led to his parole revocation. The Board is of the opinion that Mr. Carey has demonstrated rehabilitative progress and, consequently, 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. Carey's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Carey'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 appropriately high standard to the circumstances of Mr. Carey's case, the Board is of the unanimous opinion that Mr. Carey merits parole at this time.

**SPECIAL CONDITIONS:** Approve home plan before release; Waive work for two weeks; No drug or alcohol use, testing in accordance with agency policy; Report to assigned parole officer on day of release; No contact with victim's family; Must have substance abuse assessment.

*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

7/25/16  
Date