



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

ROY WHITE
W33372

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 29, 2016

DATE OF DECISION: August 24, 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 not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 18, 1971, in Middlesex Superior Court, Roy White was found guilty in the second degree murder of George W. Deane after a trial by jury. He was sentenced to life in prison with the possibility of parole. However, on July 7, 1975, Mr. White escaped from MCI-Norfolk while on furlough. He was captured in California and returned to MCI-Cedar Junction on December 30, 1977. On March 7, 1978, in Norfolk Superior Court, Mr. White received a sentence of 1 year to 1 year and a day, from and after his life sentence, for escape.

Mr. White appealed his second degree murder conviction. On May 24, 1982, Middlesex Superior Court granted his motion for a new trial. The judge allowed the motion on grounds that "having closely examined the trial judge's instructions on malice, joint criminal venture, and felony murder, I conclude that the jury was erroneously instructed regarding the malice portion of the charge..." On that same date, Mr. White was remanded to Middlesex County House of Correction to begin serving his consecutive sentence. On June 25, 1984, the Supreme Judicial

Court ordered the motion for a new trial reversed and, on July 21, 1984, Mr. White was returned to MCI-Cedar Junction to continue serving his life sentence. However, on March 17, 1986, Mr. White escaped again while on furlough from the Northeastern Correctional Center. He was returned to custody on August 5, 1987, after being apprehended in Ohio. On December 23, 1987, in Middlesex Superior Court, he was sentenced to 5 to 10 years from and after his life sentence.

Mr. White first appeared before the Parole Board on February 4, 1992. At this time, and at his hearings in 1995, 1998, and 2001, he was considered for release from his life sentence to his from and after term of imprisonment. This treatment of his sentence structure was erroneous, as he should have been considered for release to the community on the aggregate sentence structure. After his appearance on April 2, 2001, the Parole Board voted to reserve him to his from and after sentence, after his completion of the Correctional Recovery Academy. On December 27, 2001, he was paroled from his life sentence and re-committed on his consecutive 5 to 10 year term. On May 23, 2002, following a review of the case by the Parole Board Legal Department, the Board voted to reverse the decision issued on April 2, 2001, and ordered a parole eligibility hearing on the aggregate sentence structure to be scheduled when appropriate. Mr. White then appeared before the Parole Board on July 22, 2002. On July 25, 2002, the Parole Board voted to release Mr. White to the state of Maine through the Interstate Compact. Mr. White was ordered to be supervised for drugs and alcohol as a condition of his parole. Mr. White was further ordered to attend Alcoholics Anonymous a minimum of three times per week and to have no contact with the victim's family.

On May 16, 2014, Mr. White was taken into custody in Maine after a shotgun and pistol, alcohol, and marijuana were recovered from his home by the Maine Parole Department. Officers found 3 full cans of beer, and a wine cooler, in the refrigerator of his home during a search of the residence. After immediately claiming that the alcohol was not his, Mr. White acknowledged to the officers that he was not supposed to possess alcohol as a condition of his parole. Officers then searched the living room and recovered a cleaning kit for a .22 caliber pistol. While searching the only bedroom in the residence, officers recovered a 12 gauge shotgun from the closet. Officers reported the shotgun to be immediately visible upon opening the closet door. The shotgun was later determined to be loaded at the time it was seized. In a bedroom dresser, officers recovered an empty pistol box for a .22 caliber Ruger pistol, two large boxes and one smaller box of ammunition for a 12 gauge shotgun, and a .22 caliber Ruger pistol in a holster. Like the shotgun, the pistol was also found to be loaded at the time it was seized by the officers. In a nightstand next to the bed, officers recovered a box that contained a bowl for smoking marijuana, tweezers used to hold marijuana roaches, and a baggie of marijuana roaches. Also found in the bedroom was paperwork, from the State of Maine Department of Inland Fisheries and Wildlife, that indicated Mr. White has held a lifetime hunting license in Maine since (at least) 2008. Upon his arrest, Mr. White denied all knowledge of the firearms, and indicated that the shotgun belonged to his brother.

Following Mr. White's arrest, investigators contacted and interviewed the owner of the shotgun and pistol. The owner of the firearms confirmed that while assisting Mr. White in moving to his new residence, he had left the shotgun, pistol, holster, pistol box, cleaning kit, and shotgun ammunition in Mr. White's house (without notifying Mr. White of their presence). The owner, however, stated that he did not leave any ammunition for the pistol at Mr. White's residence, and that both the shotgun and the pistol were left in the bedroom closet. The owner

further stated that the shotgun may have been loaded when he left it in Mr. White's residence, but that the pistol was unloaded.

After being detained on firearm offenses, Mr. White was charged in connection with a theft investigation conducted by the Wells Police Department. The investigation produced substantial evidence, including witness statements and video surveillance footage, that Mr. White stole an Ebenezer Scrooge Doll from the Transportation Center in Wells, Maine on December 17, 2013. Upon being questioned by the police in relation to this incident, Mr. White insisted that he had been given permission to take the doll by the station host after he had gone outside to help him shovel snow. The doll was later recovered from Mr. White's home with the cooperation of his wife on May 20, 2014. Mr. White's wife told investigators that she did not hear the station host give Mr. White permission to take the doll. However, she also noted that Mr. White sometimes uses poor judgment, which she believed to be the result of a deteriorating mental health condition, such as dementia. The station host was interviewed in relation to this investigation. He unequivocally denied either granting Mr. White permission to take the doll, or receiving help with shoveling snow on the day of the theft. On April 10, 2015, the Parole Board affirmed the provisional revocation of Mr. White's parole, and he has remained in custody since that time.

The facts of Mr. White's underlying conviction for the murder of George Deane indicate that on the evening of September 9, 1969, Mr. Deane, Mr. White, Ralph Pisa and three other men drank together for several hours. Mr. Deane, who worked as a security guard, was armed at the time. While drinking, the men drove around in search of more liquor. At some point during the night, Mr. Pisa took Mr. Deane's pistol away from him, after which time Mr. White unloaded it. Subsequently, Mr. Deane was knocked unconscious. Mr. White and Mr. Pisa dragged Mr. Deane to the side of the road, where they left him. Mr. White started to drive away, but traveled only a short distance before stating, "He can recognize us." Mr. White stopped the car and backed up. Both Mr. White and Mr. Pisa then exited the car and shot Mr. Deane three times. After getting back into the car, Mr. White and Mr. Pisa were observed to be in possession of property believed to have belonged to the victim, including a wallet, a ring, and a watch.

II. PAROLE HEARING ON MARCH 29, 2016

Mr. White, now 78-years-old, appeared before the Parole Board on March 29, 2016, for a review hearing and was represented by Attorney Michael Phelan. This was Mr. White's sixth appearance before the Parole Board. Attorney Phelan gave an opening statement on behalf of Mr. White that addressed Mr. White's most recent parole revocation in January 2015. Attorney Phelan stated that the firearms, marijuana, and alcohol were recovered from a cottage Mr. White had rented when the heating system in his previous home malfunctioned, causing the pipes to freeze. Unbeknownst to Mr. White, a shotgun and handgun were stored in the cottage by a friend who had helped Mr. White and his wife move into the cottage. After being detained by authorities in Maine on firearm and theft related offenses, Mr. White entered into a plea agreement on December 15, 2015. Attorney Phelan explained that Mr. White pled guilty to being a felon in possession of a firearm and was sentenced to 5 months in prison, deemed served. The remaining offenses were then dismissed.

Mr. White addressed his parole revocation with the Board. Mr. White stated that he was completely unaware of the alcohol and marijuana in his home, and that he did not know where in the house the police found it. He believed both items belonged to his daughter. Mr. White accepted responsibility for the shotgun and pistol, but maintained that he had never observed either firearm inside his home. He believed that they had been stored in his residence for only one day. According to Mr. White, both the shotgun and pistol had been brought into the home and stored there by a friend without his knowledge. Mr. White also addressed the theft charges. According to Mr. White, he was under the impression that he had been given the doll by the station host of the Wells Transportation Center, after he helped shovel snow while he and his wife were waiting for his daughter's train to arrive.

Mr. White addressed his health issues with the Board. Mr. White explained his need for blood transfusions due to a medical ailment. He stated that he had made his health a priority, so that his ailments would not affect his ability to comply with parole. Mr. White also spoke briefly about his underlying offense. Mr. White denied having been the individual who shot Mr. Deane. Mr. White claimed to have been inside the car when Mr. Pisa shot and murdered Mr. Deane. According to Mr. White, it was Mr. Pisa's idea to murder Mr. Deane.

The Board considered oral testimony from Mr. White's wife, son, friend and pastors, all of whom expressed support for Mr. White's parole. The Board also considered testimony from the victim's son, as well as from Middlesex County Assistant District Attorney Adrienne Lynch, both of whom expressed opposition to Mr. White being granted parole. The Board received letters both in support of, and in opposition to, Mr. White being granted parole.

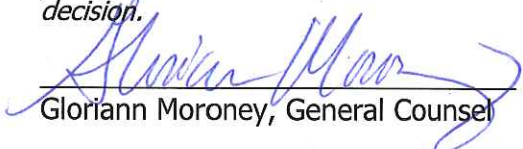
III. DECISION

The Board is of the opinion that Mr. White has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. White's rehabilitation.

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

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


Gloriann Moroney, General Counsel

8/24/16
Date