



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Paul M. Treseler
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DECISION

IN THE MATTER OF

SHEILA BERRY

F80523

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 25, 2017

DATE OF DECISION: August 22, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

In 2006, a jury found Sheila Berry guilty of first degree murder in the death of Admilson Goncalves on a theory of extreme atrocity or cruelty. The court reversed Ms. Berry's conviction because of an error in the jury instructions on lack of criminal responsibility and remanded the case for a new trial. Ms. Berry was tried again in 2011, and was again convicted of murder in the first degree on a theory of extreme atrocity or cruelty. Upon appeal, the verdict of murder in the first degree was vacated, and a verdict of guilty of murder in the second degree was imposed.

On August 14, 2002, after drinking two to three glasses of rum, Sheila Berry walked to a small neighborhood market. After an altercation ensued outside the market, Ms. Berry entered the market, screaming and swinging a plastic market basket. At some point, Admilson Goncalves arrived at the market, leaving his bicycle outside. He approached Ms. Berry, put his

arm around her (trying to calm her), but she pushed him away. The clerk told her to leave and locked the door behind her. Ms. Berry then took Mr. Goncalves' bicycle and pedaled to her friend's house. At some point, Mr. Goncalves arrived at the friend's house to retrieve his bike. When the friend went outside, she found Mr. Goncalves restraining Ms. Berry, by holding her arms against the side of the house. When Mr. Goncalves told the friend that Ms. Berry had been hitting him, the friend told Ms. Berry to go to the backyard. While Ms. Berry was in the backyard, a car arrived at the house. Mr. Goncalves sat on his bicycle, alongside the car, and talked to the passengers. Moments later, witnesses saw Ms. Berry carrying a cinder block from the back yard down the driveway. She hit Mr. Goncalves in the back of the head with the cinder block. Even after Mr. Goncalves lost consciousness and fell off of his bicycle, Ms. Berry continued hitting him in the head with the cinder block. Ms. Berry did not respond to any pleas to stop; she continued striking him, while making a growling sound. She only stopped when the cinder block broke into pieces.¹

Ms. Berry then left her friend's house on the victim's bicycle. When Brockton police officers arrived at her home 15 minutes later, they heard her yelling inside. When officers attempted to put handcuffs on Ms. Berry, she continued screaming and threatening to "blow up the police station." Eventually, officers were forced to use pepper spray to subdue her. At the police station, it took three police officers to hold her down to remove the handcuffs.

II. PAROLE HEARING ON JULY 25, 2017

Sheila Berry, now 44-years-old, appeared before the Parole Board for an initial hearing on July 25, 2017. She was represented by Attorney Elizabeth Caddick, who provided an opening statement. Attorney Caddick noted Ms. Berry's medical and mental health conditions, which she said were contributing factors in Ms. Berry's inability to control her behavior at the time of the governing offense. Additionally, she provided the Board with an overview of Ms. Berry's institutional adjustment, as well as a proposed parole plan. Ms. Berry apologized to the victim's family.

Ms. Berry provided the Board with a comprehensive overview of the governing offense, including her culpability, to the best of her recollection. Board Members asked Ms. Berry to reflect and identify the precipitant as to why she had become so enraged. Prior to the offense, Ms. Berry said she smoked marijuana on a regular basis and was suffering an undiagnosed brain tumor. On the day of the offense, Ms. Berry said she consumed alcohol with a friend, but does not recall if she was under the influence of marijuana. She had known the victim for some time; she described their relationship as contentious, with a long history of animosity. Ms. Berry perceived Mr. Goncalves as a threat to her well-being, believing he would kill her. Ms. Berry said she experienced a wide-range of emotions leading up to the murder: rage, anger, fear, and confusion. During the physical confrontation, Ms. Berry recalled Mr. Goncalves stating what he had done to her brother, before she delivered the fatal blow. At that point, "she retrieved the brick again from beside him and broke it over his face, again."

Ms. Berry described a troubled upbringing, wrought with verbal, emotional, physical, and sexual abuse from a young age. The Board questioned Ms. Berry as to her progress in rehabilitation since her commitment and noted her level of insight and candor. The Board

¹ Ms. Berry denied at trial, and during interviews with expert witnesses, that she hit the victim with a cinder block, claiming, instead, that the act was committed by other individuals.

acknowledged the multitude of programming and rehabilitative efforts that Ms. Berry has engaged in. Ms. Berry is currently incarcerated in the Residential Treatment Unit at MCI-Framingham, where she is employed in the industries program and participates in Fun with Flowers, Long Haul, and anger management groups. She has successfully participated in programs covering a variety of topics, including those recommended by the Department of Correction in her risk reduction plan: Criminal Thinking, Violence Reduction, Mindfulness and Meditation, Women's Recovery Academy, and Experiencing Anger. During her incarceration, Ms. Berry accrued numerous credits from Boston University and completed the culinary arts program. The Board also spoke with Ms. Berry at length regarding her institutional adjustment, as her behavior has been deemed problematic at times. At the time of this hearing, Ms. Berry had been charged in the Framingham District Court for Assault and Battery on Correctional Officers.

Ms. Berry had several supporters in attendance at her hearing. The Board considered testimony from her sister, who expressed strong support for parole. Plymouth County Assistant District Attorney Stacey Gauthier spoke in opposition to parole.

III. DECISION

The Board is of the opinion that Sheila Berry has not yet demonstrated a level of rehabilitative progress that would make her release compatible with the welfare of society. Ms. Berry has been incarcerated for the past 15 years for the violent and senseless murder of 23-year-old Admilson Goncalves, who was unarmed. She has an ongoing pattern of anti-social behavior that remains a concern. Her behavior remains volatile and manipulative. A longer period of positive adjustment and program participation is a necessity in her 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 Ms. Berry's institutional behavior, as well as her participation in available work, educational, and treatment programs during the period of her incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Ms. Berry's risk of recidivism. After applying this standard to the circumstances of Ms. Berry's case, the Board is of the unanimous opinion that Sheila Berry is not yet rehabilitated and, therefore, does not merit parole at this time.

Ms. Berry's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Ms. Berry to continue working towards her 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.

 p.p. gmb
Gloriann Moroney, General Counsel

8/22/18
Date