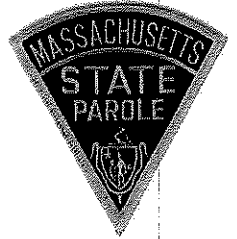


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

THEODORE WALKER

W39137

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 6, 2019

DATE OF DECISION: March 23, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Gloriann Moroney, Colette Santa

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 to the Phoenix Rising Sober House with special conditions.

I. STATEMENT OF THE CASE

On August 19, 1982, in Suffolk Superior Court, and after a trial by jury, Theodore Walker was convicted of second-degree murder in the death of 39-year-old Gerald Walsh and sentenced to life in prison with the possibility of parole. He also received an 18 to 20 year concurrent sentence for assault with intent to rob and a 3 to 5 year sentence for possession of a firearm. In 1983, the Massachusetts Appeals Court affirmed the second-degree conviction.¹

On the night of July 26, 1981, Theodore Walker (age 19) was at a party. He was partaking in drugs (including cocaine), as well as drinking alcohol, when he and a friend at the party decided to "go hustling," i.e. rob people and rob stores. Mr. Walker and his accomplice left the party, approached a man in Roxbury, and stole his car at gunpoint. Shortly after stealing the car, the two men robbed a gas station on Washington Street in Jamaica Plain. As

¹ Commonwealth v. Theodore Walker, Jr., 17 Mass. App. Ct. 194 (1983)

the gas station attendant, Gerald Walsh, began to run away, he was shot in the back by Mr. Walker's accomplice. Mr. Walsh died from the gunshot wound. The pair then drove to Blue Hill Avenue, where they robbed a convenience store at gunpoint. The clerk recognized one of the assailants as having the last name "Walker." About 10 minutes after robbing the convenience store, the two men robbed another gas station, again at gunpoint. After being chased by police, the men abandoned the car and fled on foot. Mr. Walker was found at his mother's house, where he was arrested after admitting to his role in the murder and robberies. According to Mr. Walker's statement to police, he had a pistol on him that night because he led a life of crime.

II. PAROLE HEARING ON AUGUST 6, 2019

Theodore Walker, now 57-years-old, appeared before the Parole Board for a review hearing on August 6, 2019. He was not represented by counsel. Mr. Walker was paroled after his initial hearing on May 5, 2004. On August 27, 2007, Mr. Walker was held on a 15-day detainer after he tested positive for cocaine. He was ordered to complete a short term residential substance abuse program at Broad House that was to begin on November 23, 2007. However, on November 20, 2007, Mr. Walker tested positive for cocaine and was returned to custody under a provisional revocation. On December 10, 2007, the Parole Board voted to place Mr. Walker on Final Warning. On February 14, 2013, Mr. Walker was returned to custody for violating the no alcohol prohibition. He was issued a warning and ordered to complete a 90 day treatment program. On September 21, 2016, Mr. Walker was arrested for soliciting and possession of heroin with intent to distribute. As a result, Mr. Walker was returned to custody, and his parole was revoked. He was denied parole after his 2017 review hearing.

In his opening statement to the Board, Mr. Walker apologized for the senseless death of Gerald Walsh. He also apologized for violating the stipulations of his parole, adding that he has been able to "dig deep" within himself. Mr. Walker hopes that the Board believes he is now a candidate for parole, stating, "I am just extremely grateful that you haven't given up on me." When questioned as to why he had not been successful on prior parole supervision, Mr. Walker explained that he did not have an adequate understanding of the disease of addiction. The Board noted that his prior returns to custody involved drug relapses. Mr. Walker explained that his character defects are arrogance and pride, and that his relapse triggers include "womanizing." Since his return to custody, he has been seeking a relationship with God. He now understands that he must abide by parole supervision, rather than doing what he wants.

Over the last two years, Mr. Walker has addressed substance abuse issues through one on one grief counseling, weekly participation of substance abuse meetings, and bible study. He told the Board, "I think I'm making progress." Mr. Walker stated that employment and family were important aspects of his previous parole supervision, which provided him with a sense of value. He stated that his programming efforts include: Doing the Right Thing, Anger Management, and Cognitive Skills. Currently, he is employed in the institution as a licensed barber and attends bible study. Mr. Walker also said that he participates in Alcoholics Anonymous/Narcotics Anonymous (AA/NA), as his drug of choice was cocaine. If paroled, Mr. Walker hopes to attend the Phoenix Rising Sober House, continue his education, and participate in grief counseling. Mr. Walker told the Board that one of his children passed away. He also plans to find a church, where he could focus on his relationship with God.

The Board considered testimony in support of parole from Mr. Walker's nephew, stepdaughter, sister, and friend. Suffolk County District Attorney Rachael Rollins submitted a letter stating that she does not oppose parole.

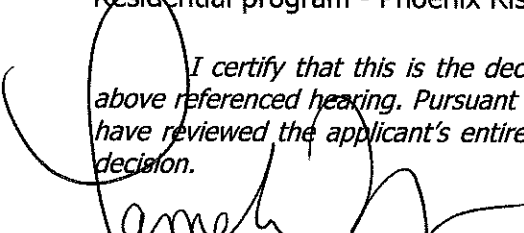
III. DECISION

The Board is of the opinion that re-incarceration has served its purpose. Mr. Walker has made a level of rehabilitative progress that would make his release compatible with the welfare of society.

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. Walker'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. Walker's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Walker's case, the Board is of the opinion that Theodore Walker merits parole at this time. Parole is granted to the Phoenix Rising Sober House with special conditions.

SPECIAL CONDITIONS: Waive work for 2 weeks; Must be at home between 10pm and 6am at Parole Officer discretion; ELMO-electronic monitoring at Parole Officer discretion; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for grief counseling; Residential program - Phoenix Rising minimum 6 months; AA/NA at least 3 times/week.

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.



Pamela Murphy, General Counsel

3/23/2020
Date