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Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

THEODORE WALKER

W39137

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 15, 2017

DATE OF DECISION: August 24, 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 two years from the date of the hearing.

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 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,

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

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 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 ten 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 and admitted 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 15, 2017

Theodore Walker, now 57-years-old, appeared before the Parole Board for a review hearing on August 15, 2017. 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. Mr. Walker was ordered to complete a short term residential substance abuse program at Broad House to begin on November 23, 2007. Mr. Walker was not allowed to go to Broad House because on November 20, 2007 Mr. Walker tested positive for cocaine again 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 and ordered to complete a ninety-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, his parole was revoked and he was placed on the next available hearing list.

In Mr. Walker's opening statement to the Board, he apologized for violating parole, stating that he created this predicament. Mr. Walker said that he is addressing his addiction and character defects. Going forward, he is "determined to disassociate himself from negative behaviors." Mr. Walker told the Board that since his return to prison, he participates in substance abuse programs twice a week, works on his relationship with God, and is employed in the barbershop.

The Board questioned Mr. Walker about his return to custody on September 22, 2016. Mr. Walker said he was arrested for soliciting a prostitute and for having two bags of heroin. A Board Member noted that Mr. Walker also had a large sum of money on him when he was arrested. Mr. Walker said that he obtained the money when he had returned items (that he had purchased with his Health Savings debit card) to CVS for cash. He said he planned to use the money to buy his daughter a television. The Board asked Mr. Walker when had he last used heroin prior to being arrested on September 22. Mr. Walker reported that he used heroin a couple of times prior to his September 22 arrest. Walker said he used it in June once for joint pain and once in July because he was engaging in addictive behavior and liked the feeling. Mr. Walker also admitted to occasionally going to prostitutes while on prior parole supervision. The Board remarked that throughout his parole, including revocations that quickly got turned around, Mr. Walker had been using drugs and alcohol and going to prostitutes and that it is a problem that he is not using parole as a source of support. Mr. Walker said that it was a character defect of his, but offered that he was always truthful when he was caught violating parole conditions.

The Board asked Mr. Walker if this was the first time he had used drugs while on parole supervision. Mr. Walker said no, he had been returned before for cocaine use. The Board noted that Mr. Walker had prior parole violations for alcohol use, cocaine use, and heroin use. The Board asked Mr. Walker if he thinks he can function on parole without the use of drugs. Mr. Walker said that through his devotion to having a relationship with God, many things had been revealed to him about his character. Mr. Walker said he believes he can lead a good life with God and the support of his family and friends. The Board asked Mr. Walker whether he thought he was more addicted to cocaine or heroin, he responded, "To be honest with you, I am not addicted to anything... I am addicted to bad behavior." The Board asked Mr. Walker why he felt he was not addicted to drugs or alcohol when he had disciplinary reports for home brew and marijuana, and multiple parole violations for drugs and alcohol use. Mr. Walker said that his behavior leads him to drug and alcohol use but his devotion to Christ will keep him from engaging in bad behavior.

The Board noted the Mr. Walker was arrested for killing Gerald Walsh and asked Mr. Walker what was his drug use like at the time of the murder. Mr. Walker said that his drug use was "rampant" at the time; he was robbing people to support his cocaine and alcohol habit. The Board asked Mr. Walker if it needed to be concerned about his reverting back to substance abuse if he were released. Mr. Walker said that if you look at his adjustment prior to prison to where he is now, as far as working and providing for his family, he believes his relapses are transitional periods. Mr. Walker said he is getting better and will fix it.

The Board asked Mr. Walker about his parole history. Mr. Walker said he was paroled in 2005 and completed Hope House sometime in March of 2006. Mr. Walker said after leaving Hope House he lived with his mother and stayed with his girlfriend two or three nights a week. He told the Board he worked some temporary jobs then got a job with Thermofisher where he worked for a little over a year prior to his relapse with cocaine in 2007. The Board asked what triggered the relapse. Mr. Walker said that he started hanging around his old crowd of friends in his old neighborhood and he relapsed. Mr. Walker told the Board that after testing positive for cocaine he was sent to Broad House for a two week substance abuse program. Mr. Walker said that after Broad House, he then worked at Walmart and eventually got a job in Milford where he worked for five years. The Board noted that Mr. Walker also tested positive for alcohol use in 2012 and asked Mr. Walker what triggered the 2012 relapse. Mr. Walker told the Board that he had been dealing with the death of his son in 2007 and that at some time in 2012 he began drinking cognac every day. The Board noted that Mr. Walker was returned to custody on February 14, 2012 and parole was provisionally revoked but that the Parole Board voted not to affirm revocation and instead ordered Mr. Walker to go back to Broad House. Mr. Walker told the Board that after completing Broad House he went to school to become a substance abuse counselor but his unemployment ran out and he left his studies to work until he was arrested September 22, 2016 for soliciting a prostitute.

Mr. Walker's parole plan is to be released to a recovery program and to return to his old job. From there, he would find a place to live and continue with Bible studies. Mr. Walker stated that through his relationship with God and various support networks, such as ex-offender programs and charities, he knows that he will succeed. Mr. Walker also agreed to individual counseling and any other stipulations, if paroled.

Mr. Walker's sponsor, his stepdaughter, his daughter's mother and his nephew all testified in support of parole. Boston Police Commissioner William Evans submitted a letter of opposition.

III. DECISION

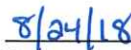
The Board is of the opinion that Theodore Walker has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Walker should continue to address the factors that led to his re-incarceration, including his substance abuse and arrest. In addition, Mr. Walker should maintain a positive adjustment.

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 has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Walker's risk of recidivism. After applying this standard to the circumstances of Mr. Walker's case, the Board is of the opinion that Theodore Walker is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Walker'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. Walker 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


Date