



**Charles D. Baker**  
Governor

**Karyn Polito**  
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Secretary

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

**PAROLE BOARD**

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**Paul M. Treseler**  
Chairman

**DECISION**

**IN THE MATTER OF**

**THOMAS CHILDS**

**W40430**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 28, 2017

**DATE OF DECISION:** August 23, 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**

On April 26, 1984, in Suffolk Superior Court, a jury found Thomas Childs guilty of first-degree murder in the shooting death of 29-year-old Kostas Efstathiou. Mr. Childs appealed his conviction on the grounds that crimes for which he had been pardoned should not have been introduced at trial.<sup>1</sup> Mr. Childs was released on \$4,000 bail. Two years later, following a new trial, Mr. Childs was convicted of second degree murder and sentenced to life in prison with the possibility of parole. Mr. Childs appealed his conviction again, arguing that recorded testimony from the first trial of an unavailable key witness should not have been admitted. In 1992, the Supreme Judicial Court upheld the second conviction.<sup>2</sup>

<sup>1</sup> *Commonwealth v. Thomas Childs*, 23 Mass. App. Ct. 33 (1986) S.C., 400 Mass. 1006 (1987)

<sup>2</sup> *Commonwealth v. Thomas Childs*, 31 Mass. App. Ct. 64 (1999) S.C. 13 Mass. 252 (1992)

On August 20, 1983, at approximately 3:30 a.m., Thomas Childs (age 41) and two friends pulled into a Roslindale Dunkin' Donuts, after a night of drinking and using cocaine. Mr. Childs and a friend exited their vehicle and got into an argument with three men in another car. As Mr. Childs' friend argued with the driver of the other car, Mr. Childs approached the passenger side of the car. Mr. Childs then withdrew the firearm he was carrying, cocked back the hammer, and pointed it through the open window of the passenger seat. Mr. Childs shot Mr. Efstathiou in the mouth, killing him.

## **II. PAROLE HEARING ON SEPTEMBER 28, 2017**

Thomas Childs, now 76-years-old, appeared before the Parole Board for a review hearing on September 28th, 2017. He was represented by Attorneys Lloyd MacDonald and Ahmed Ahmed. Mr. Childs had been denied parole after his initial hearing in 2001, as well as after his review hearings in 2006 and 2012. Mr. Childs began his opening statement with an argument that the Parole Board had improperly denied him parole in the past. He claimed that he was denied parole in 2012, for denying his responsibility and minimizing his conduct that led to the shooting death of Mr. Efstathiou. Mr. Childs claimed that his shooting of Mr. Efstathiou would more fairly be characterized as manslaughter, but the Supreme Judicial Court determined that it could also constitute murder. Mr. Childs said that "while he did not intend to fire the gun that killed Mr. Efstathiou, he accepts that his unintentional conduct comprised second degree murder as defined by our Supreme Court." Mr. Childs further stated that the 2012 Parole Board decision was "grossly unjust" and that the Parole Board had made statements in past hearings that were untrue.

The Board noted that Mr. Childs was not denied parole in past hearings solely because he denied his responsibility and minimized his conduct. The Board cited a 2006 Parole Board decision that the Board was concerned about Mr. Childs' criminal history and the fact that he had escaped from the Plymouth House of Corrections. Mr. Childs told the Board that at age 20, he escaped from Plymouth County Correctional Facility, threatening guards with a straight-edge razor during his escape. He told the Board he escaped because he was going to another sentence at MCI Concord after finishing his sentence in Plymouth and did not see a light at the end of the tunnel. The Board noted that in the two weeks after his escape, Mr. Childs committed four armed robberies with a gun and that Mr. Childs was paroled on the robberies. Mr. Childs told the Board he was paroled in 1970 and was a good parolee, not only having his parole ended early, but eventually receiving a governor's pardon. Mr. Childs told the Board that after his pardon, he remained free for 13 years. He told the Board he worked for the Court Resource Program and Department of Youth Services in an ex-offender program and became a director of the Drug Addiction Rehabilitation Center. Mr. Childs said that he had problems with alcohol and cocaine starting around 1982, following his divorce and leaving his job at D.A.R.C.. Mr. Childs said he cannot change his past, but he had turned his life around, and was a good citizen for over a decade prior to the shooting.

Board Members questioned Mr. Childs about the murder of Mr. Efstathiou. Mr. Childs said that he had been drinking with a fellow member of his softball team. Childs said he and his teammate went to a party, where they continued to drink and use cocaine. Childs said at some point a woman they knew at the party appeared drunk and they decided to take her home. Childs said when they stopped at Dunkin' Donuts, men in another car yelled rude things at the drunk woman,



as she went into Dunkin' Donuts. Mr. Childs told the Board that he and his teammate decided to confront the men. Mr. Childs said that when he approached the men in the other car, he realized that there were three people inside the car. He said he approached Mr. Efstathiou, who was sleeping in the passenger's seat while his team-mate approached the driver's side. When the argument became more heated, Mr. Childs said that the combination of fear and drinking alcohol led him to the bad decision to pull out a gun and cock the hammer. Mr. Childs said he saw the driver reach for something under his seat. Mr. Childs stated that he had only intended to "freeze the situation," by pulling out the gun. He told the Board he doesn't know why he cocked back the trigger. At that point, Mr. Childs said that Mr. Efstathiou woke up and swiped his arm. Childs said that the gun went off, instantly killing Mr. Efstathiou. Mr. Childs said he ran, but later turned himself into police, telling them what had happened.

The Board asked Mr. Childs why, in his opening statement, he expressed no remorse for his crime or sorrow for the victim's family and friends. Mr. Childs said he knew that Mr. Efstathiou was a good man that had three kids, and that he worked at the Fall River Ship Yard. Mr. Childs said that he thinks about what he did every day. Mr. Childs claims, however, that the family doesn't want to hear him apologize. Mr. Childs added that the two other men in the car were felons.

The Board also questioned Mr. Childs about his institutional record. Mr. Childs said that he had worked in the clothing industry, the metal shop, and the visiting office. The Board asked Mr. Childs what programs he is currently involved in. Mr. Childs said he is not in any programs but he attends church and Alcoholics Anonymous' Twelve Step meetings weekly. Mr. Childs told the Board that his last disciplinary report was in 2011.

Four of Mr. Childs' friends spoke in support of parole. Five members of the victim's family spoke in opposition to parole. Suffolk County Assistant District Attorney Charles Bartoloni also spoke in opposition to parole.

### **III. DECISION**

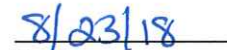
The Board is of the opinion that Thomas Childs has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Childs has extremely concerning criminal behavior. His presentment was not indicative of rehabilitation. Mr. Childs was combative and manipulative throughout the hearing. In addition, he disparaged the victim and minimizes his culpability. Mr. Childs' release does not meet the legal standard.

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

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