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# *The Commonwealth of Massachusetts*

## *Executive Office of Public Safety*

### **PAROLE BOARD**

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Josh Wall  
Chairman

### **DECISION**

#### **IN THE MATTER OF**

#### **THOMAS CHILDS**

**W40430**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 18, 2012

**DATE OF DECISION:** June 12, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe. Josh Wall did not participate due to recusal.

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

### **I. STATEMENT OF THE CASE**

Eight years after receiving a Governor's pardon in 1975, Thomas Childs murdered 29-year old Kostas Efstathiou. He was sentenced to serve life in prison on April 26, 1984, in Suffolk Superior Court after being found guilty of second-degree murder. Mr. Childs successfully appealed his conviction and was released on bail in October 1986, pending a new trial. Two years later, following the new trial, he was again convicted of second-degree murder, sentenced to serve life in prison, and recommitted to MCI-Cedar Junction. He was pardoned for 23 offenses, including four armed robberies using a gun. The armed robberies were committed after he and six other inmates made a violent escape from the Plymouth House of Correction.

In the early morning of August 20, 1983, Mr. Childs shot and murdered Kostas Efstathiou. Mr. Efstathiou succumbed to a single gunshot wound that had entered his mouth, penetrated his throat, and lodged in his skull. Mr. Childs and Kevin Murphy had engaged in an argument with three men in a Dunkin Donuts parking lot in Roslindale. These three men were

seated in a car. One of the three men was the victim, Mr. Efstathiou, who was seated in the passenger seat. Another man was seated in the driver's seat. The third man was seated in the back.

Mr. Childs and Mr. Murphy believed that the man in the driver's seat had insulted a female companion of theirs. Mr. Childs and Mr. Murphy approached the car, and Mr. Murphy engaged in a heated argument with the man in the driver's seat. As this was occurring, the man seated in the back was laughing and mocking Mr. Murphy.

Meanwhile, Mr. Childs stood by the passenger side where Mr. Efstathiou was seated. Mr. Efstathiou was slumped down, had his head back, and was not engaged in the argument. Reacting to the man laughing in the back seat, Mr. Childs leaned into the car and confronted him. Mr. Childs then pulled out a handgun and shot Mr. Efstathiou in the mouth. Mr. Childs and Mr. Murphy immediately fled the scene. Mr. Childs surrendered to police later that day.

When initially questioned by police, Mr. Childs maintained that he had "pulled the gun to scare the driver and the backseat passenger who were arguing and laughing," and that "somehow his thumb was on the hammer," "the victim went to block his arm," and "the gun went off." Evidence at trial, however, established that the firearm did not discharge accidentally, as it had to be cocked by Mr. Childs and a significant amount of trigger pressure would be necessary to fire.

On November 26, 1975, Mr. Childs was pardoned for the following crimes: armed robbery, armed robbery, armed robbery, armed robbery, assault and battery with dangerous weapon, conspiracy to rob, conspiracy to rob, escape, conspiracy to escape, assault and battery with dangerous weapon, robbery, larceny, larceny, larceny, larceny, larceny, breaking and entering, larceny as habitual, larceny, larceny, disorderly conduct, false name, and use of motor vehicle without authority.

## **II. INSTITUTIONAL HISTORY**

Thomas Childs has served approximately 27 years of his life sentence. During this time, he has had one return to higher custody and has incurred four major disciplinary reports. His last disciplinary infraction occurred in January of 2003 during which he attempted to send money to another inmate through a third party.

During his incarceration he has completed several programs including, Men's Recovery Group, Anger Management, Correctional Recovery Academy, and the CRA Graduate Maintenance Program. Since his last parole hearing in 2006, he has completed two phases of Alternatives to Violence and Jericho Circle. He participates in 12-Step meetings and attends Catholic services.

Most of Mr. Childs' incarceration has been served at MCI-Norfolk. He currently works as a clerk in the metal shop, a position that he has held for eight years.



### **III. PAROLE HEARING ON SEPTEMBER 18, 2012**

Mr. Childs appeared before the Massachusetts Parole Board for a review hearing on September 18, 2012. He had postponed this hearing, which was originally scheduled for March 2011. This is Mr. Childs' third appearance before the Board concerning his life sentence for second degree murder. Mr. Childs appeared before the Board for his initial hearing in March of 2001 with a review hearing conducted in March of 2006. On both occasions, the Board denied his petitions for parole with a review in five years. In its 2001 decision, the Board noted that Mr. Childs "minimized the intentional nature of his actions and it is questionable whether Mr. Childs was amenable to community supervision." In its 2006 decision, the Board stated that Mr. Childs "abused that privilege and trust" associated with his pardon. Mr. Childs' criminal history includes seven prior commitments, an escape from custody, parole violations and revocations, and a Governor's pardon, after which he committed his current offense.

Mr. Childs seeks a parole to the Hope House in South Boston. He believes that the six month residential treatment program will provide him with the proper structure and transitional services to allow him to reintegrate successfully into the community. He plans on continuing his involvement with a 12-Step Program to maintain his sobriety. Mr. Childs will be eligible for social security benefits, and would supplement his income with whatever employment he could find. He will have limited community support as he no longer has contact with his three children or his three former wives. His support network would consist of his AA sponsor and the staff and residents at the Hope House.

For decades, Mr. Childs has falsely claimed that the gun discharged accidentally due to the victim's actions in striking the gun. At this hearing, Mr. Childs provided the following account of the murder. He had been drinking alcohol since mid-afternoon and he used cocaine that night. He and Kevin Murphy heard a lewd comment directed at their female friend in the parking lot; they went to the car to speak with the occupants. While Kevin Murphy argued with the driver, Mr. Childs stood at the front passenger window. The front passenger was asleep. Mr. Childs removed his handgun from its holster, "double cocked" it, and stuck the gun in the open window. The passenger woke up, swung his hand and struck the gun, and the gun fired. Mr. Childs ran home, which was two blocks away. Mr. Childs said, "I was drunk and I pulled my hand away, and in doing so fired a weapon. I don't think it was an accident. I didn't make a decision to fire, but I know I fired a weapon." He said he had a permit to carry the firearm. Mr. Childs has taken a confusing position on the killing: he no longer insists on describing the murder as an accident, but he denies an intentional shooting.

Mr. Childs has an extensive criminal history commencing in April of 1955. In January of 1963, during one of his many incarcerations, Mr. Childs and six other inmates escaped from the Plymouth County House of Correction after taking two correction officers hostage. Mr. Childs used his position as the institutional barber to obtain a straight razor that he used to assault the corrections officers. Mr. Childs and his co-perpetrators bound, gagged, and locked the officers in a cell. Prior to fleeing the facility, they attempted unsuccessfully to steal guns from the sheriff's arsenal. Mr. Childs committed four armed robberies while on escape and then fled the state. He was apprehended in Boston on February 14, 1963. In total, Mr. Childs has served two prior state sentences and four prior house of correction sentences in the Commonwealth along with one Rhode Island sentence. He has also served time in the custody of the Department of Youth Services and has had arrests in New York and New Jersey. He had a failed



adult parole in 1961 when he went whereabouts unknown. He had three parole failures as a juvenile serving DYS commitments.

On November 26, 1975, Mr. Childs received a full and complete pardon from several offenses, including the four armed robberies for which he received concurrent 15 to 20 year sentences. Mr. Childs murdered Mr. Efstathiou approximately eight years following this pardon. During this period, Mr. Child's life was spiraling downward, as evidenced by a failed marriage, strained relations with his children, his addictive consumption of alcohol, and his cocaine abuse. Mr. Childs said, "I wasn't a very good husband and I wasn't a great father, that's for damn sure; I have no relationship with my kids now; I wasn't there for them when they needed me."

Board Member Bonner asked Mr. Childs about a 1993 mental health evaluation which resulted in the psychiatrist's diagnosis "sociopathic personality disturbance." Mr. Childs was asked, considering this long pattern of antisocial and destructive behavior, "How does one rehabilitate from this history?" Mr. Childs answered that his improved self-esteem was the most important factor for his change. A Board Member noted that Mr. Childs' history shows he behaves much better in prison than he does in the community, which leads to the conclusion that he is "institutionalized" and needs the pattern and rules of prison life to restrict his antisocial behavior.

Several members of Mr. Efstathiou's family spoke in opposition to parole. In addition, Suffolk Assistant District Attorney Charles Bartoloni strongly opposed parole based on Mr. Childs' long history of criminal conduct. Mr. Childs had two friends speak in support of his petition for parole.

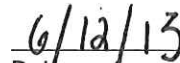
#### **IV. DECISION**

Thomas Childs has an extraordinary history of violent criminal conduct, with much of that conduct involving firearms. He has an extensive history of juvenile and young adult crime. His persistent criminal activity turned more violent in 1963 when he and six others attacked and kidnapped corrections officers in order to escape. While on escape, Mr. Childs committed four armed robberies. After receiving his pardon, Mr. Childs returned to violent criminal behavior by shooting an innocent and unarmed Kostas Efstathiou. His claim through the decades that the shooting was accidental was a clear signal that he was not rehabilitated. Through his long history of antisocial and violent behavior, Mr. Childs has established that he presents an unacceptable risk to the community.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, the Board finds that Thomas Childs is not a suitable candidate for parole. Accordingly, parole is denied, with a review in five years.

*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.*

  
Caitlin E. Casey, Chief of Staff

  
Date