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DECISION

IN THE MATTER OF

THOMAS KING

W34620

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 22, 2015

DATE OF DECISION: January 13, 2016

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

I. STATEMENT OF THE CASE

On November 23, 1973, Thomas King (age 18), along with two co-defendants, forced their way into a 32-year-old female's apartment in Boston. They tied her up, robbed her, physically assaulted her, and raped her multiple times at gun and knife point. All three men were convicted of armed robbery, rape, and other related crimes after a jury trial in Suffolk Superior Court. On June 7, 1974, Mr. King received second degree life sentences for armed robbery, rape, and breaking and entering in a building with intent to commit a felony.¹ He

¹ Co-defendants Steven Nicholson and Gary Mitchell (AKA Saif Sabree) were also given second degree life sentences for rape, armed robbery and armed assault in a dwelling convictions. Nicholson is currently serving his sentence at MCI-Shirley and last appeared before the Board for a review hearing in September of 2011. He was denied parole with a review in five years. Mitchell/Sabree is currently serving his sentence at the Massachusetts Treatment Center and voluntarily postponed his 2012 review hearing before the Board.

received from and after sentences of 9 to 10 years for assault by means of a dangerous weapon, and 3 to 5 years for unnatural acts.

On December 12, 1973, shortly after the brutal attack and robbery of the first victim, Mr. King broke into another woman's apartment and robbed her at gunpoint. In 1975, he was sentenced for this second armed robbery, receiving 12 to 20 years for armed robbery, 9 to 10 years for breaking and entering in the daytime with intent to commit felony, and 2.5 to 5 years for assault by means of dangerous weapon. These 1975 sentences were to run consecutive with each other, but concurrent with his 1974 from and after sentences.

In late 1973, at the time of these brutal attacks, Mr. King was on parole from a sentence for armed robbery, for which he was paroled in April of 1973. His arrest for the rape and robberies resulted in his parole being revoked in February of 1974. That parole violation was lodged behind his conviction for the life sentences and remained there until being withdrawn by a Parole Board vote in 1990.

II. PAROLE HEARING ON OCTOBER 22, 2015

On October 22, 2015, Thomas King appeared before the Parole Board for the sixth time, having been consistently denied parole since his first hearing in June of 1990. Mr. King was represented by a student attorney from Northeastern University Law School.

The Board asked Mr. King for his understanding of why he has been previously denied parole. Mr. King acknowledged that being on parole for a violent offense when he committed additional violent offenses was understandably concerning to the Board. He also acknowledged his previous denial that he initiated the rape, both at trial and at his 1996 parole hearing. Mr. King stated that through treatment he has since admitted that he initiated the rape of the victim, and that his previous testimony at other proceedings was false. Mr. King said he deeply regrets his deceit, but reiterated that he has benefitted from treatment and he now accepts full responsibility for all of his criminal offenses.

The Board reviewed Mr. King's criminal history and the precipitants to his criminal behavior. Mr. King described his own history of being sexually victimized and physically abused and neglected as contributing to his downward spiral. Mr. King also described his failure to thrive in a chaotic and failing school system, his experiences with racism, and a lack of any consistent safe haven or feelings of belonging as precipitating his gravitation to the street life. Mr. King said his mindset essentially became one of victimizing others before they had an opportunity to victimize him. To further compromise his decision making, Mr. King stated he began to abuse drugs on a regular basis.

The Board spent a large portion of the hearing reviewing Mr. King's institutional adjustment and history of treatment while incarcerated. The Board voiced concerns about his institutional history and questioned him about his numerous disciplinary issues and treatment failures. Mr. King responded to specific disciplinary reports involving substance use and admitted to using unauthorized drugs while in custody. He said he has been sober since 1995, largely due to his commitment to AA/NA and other programs.

The Board was particularly concerned about the number and quality of disciplinary reports Mr. King has received, both in Massachusetts and during his periods of incarceration in other states.² Mr. King received over 50 disciplinary infractions in Massachusetts alone. Mr. King's disciplinary issues seem to follow a pattern of manipulative and deceitful behavior. For example, while incarcerated in Rhode Island, Mr. King was moved to maximum security for infractions that included manipulating staff and inmates to circumvent the operation of the institution. Mr. King acknowledged he has a long history of lying and manipulative behavior to get what he needs. He stated "today I have to use my interventions when my thoughts go that way." The Board described many incidents where he was portrayed as using strong-arming and extortion to gain items of value to him. Mr. King replied "Yes, I did that for money, power and control over people because I felt weak." He described a long standing pattern of observing people and who they associated with, and then beginning a grooming process to target them. He stated "that behavior stopped when I went to the treatment center."

Mr. King was then asked to speak about his relationships with women since engaging in sex offender treatment, and to describe his pattern of relationships with women throughout the recent years. Mr. King admitted that he has corresponded with approximately 30 women during his incarceration. A Board member relayed concerns to Mr. King that in light of his history of preying on women, such correspondence could be viewed as attempts at manipulating or victimizing such women in order to get his needs met. Mr. King stated that he is now only corresponding with one other female, besides his wife. Mr. King was unclear as to the nature of such correspondence, and he admitted to the Board that this woman is not aware of his governing offense.

The Board also reviewed Mr. King's history of disciplinary issues that consist of threats to staff and inmates, and acts of violence. Mr. King acknowledged that he has had to work on his coping skills and on becoming a more honest person. He stated he has learned that his continued lying and manipulation has caused serious obstacles in his rehabilitation. He stated "criminal thinking is embedded in me. It is going to be with me for the rest of my life. It is the way I choose to intervene on them that matters, to stop, slow down, clear your thoughts." Mr. King emphasized that he has significantly improved his conduct and that he has not received any disciplinary reports since 2012.

In terms of his progression in the Sex Offender Treatment Program (SOTP), Mr. King was asked why he has been terminated from SOTP on multiple occasions, including in 2012 after approximately 17 months of participation. Mr. King described his struggles with his treatment, and stated that since his re-engagement in SOTP in February of this year (2015), he believes he has benefitted from such programming and counseling. He told the Board he expects to finally complete SOTP and requested that he be given a provisional parole with the expectation that he will successfully complete all phases of SOTP. One Board member expressed the opinion that the expectation for a positive vote would begin with the completion of SOTP, followed by a comprehensive review of what the providers of SOTP have conveyed in

² In November of 1979, Mr. King was transferred to Federal custody due to his poor behavior and protection issues in Massachusetts correctional facilities. Mr. King returned to Massachusetts custody in January of 1984. In July of 1998, Mr. King was transferred to the Rhode Island Department of Correction due to his poor behavior and protection issues in Massachusetts. In May of 2000, he was returned to the custody of the Massachusetts Department of Correction.

terms of risk assessments, areas in need of further attention, and recommendations set forth by the treatment panel.

Speaking in support of Mr. King's parole were three members of the community: a retired judge; a retired Department of Correction Lieutenant; and a former inmate. Judge Harris provided the board with an explanation for how and why Mr. King chose a destructive path in his life, and what character traits Mr. King has that will enable him to succeed. Retired Lieutenant Gaetano Scarpaci provided testimony from his oversight of King during a violent period of time in the institutional setting. Lieutenant Scarpaci testified that Mr. King saved his life and that of a fellow corrections officer during a violent altercation with another inmate. He described Mr. King as exhibiting significant courage and positive conduct during a tumultuous period in the institutions. Finally, a former inmate testified as to how helpful Mr. King was during his period of incarceration and how he would not have benefitted from the experience if not for Mr. King's assistance.

Speaking in opposition of parole was Charles Bartoloni of the Suffolk County District Attorney's Office. Attorney Bartoloni emphasized Mr. King's extensive criminal history, including committing the rape and robberies while on parole for armed robbery. Attorney Bartoloni also emphasized Mr. King's poor institutional adjustment, his minimization and denial of pertinent facts of the offense until recently, and the concerns as to his motivation for finally being forthcoming about his role in the offenses, particularly the rape. Attorney Bartoloni concluded by stating that Mr. King remains a risk to public safety. Boston Police Commissioner William Evans also submitted a letter in strong opposition to parole for Mr. King.

III. DECISION

Thomas King has been incarcerated for 41 years on life sentences for rape and armed robbery. He was on parole for armed robbery when he committed these violent offenses, which raises significant concerns for the Parole Board.

Of further concern for the Board is Mr. King's history of serious disciplinary issues while incarcerated, including violent offenses, substance use, and conduct that is replete with manipulation and deceit. While Mr. King has improved his behavior, he has taken a very long time to do so, and he has disciplinary issues as recently as 2012 that involve his admission to extorting items from another inmate. His explanation and motivation for this conduct demonstrates a continued pattern of manipulative and deceitful behavior, character traits which Mr. King admitted he has struggled with throughout his life. Mr. King's self-reported embedded criminal thinking is a significant concern for the Board. While Mr. King states he has developed coping skills to negotiate conflicts and resist his self-serving impulses in a healthy manner, he has spent the large majority of his life finding ways to victimize others in various ways. Finally, Mr. King has only recently re-engaged in SOTP having been terminated from the program on numerous occasions. His provider's progress notes indicate a need for continued treatment in many areas.

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, it is the unanimous opinion of the Board that Mr. King does not merit parole at this time. His review will be in five years, during which time Mr. King should remain free from disciplinary reports, continue with SOTP, and continue with his rehabilitation and positive institutional adjustment.

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.


Michael J. Callahan, Executive Director

January 13, 2016
Date