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AMENDED DECISION

IN THE MATTER OF

THOMAS M. LITTLE
W37343

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 12, 2016

DATE OF DECISION: December 14, 2016

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 opinion that the inmate is a suitable candidate for parole. Parole is allowed, with special conditions.

I. STATEMENT OF THE CASE

On November 1, 1979, in Suffolk Superior Court, a jury convicted Thomas Little of the second degree murder of Stephen Martin. A sentence of life in prison, with the possibility of parole, was imposed on Mr. Little for the murder of Stephen Martin. Mr. Little was also convicted of assault and battery by means of a dangerous weapon on Charles Martin, who was the brother of Stephen Martin. Mr. Little was sentenced to a concurrent term of not more than five years and not less than three years in prison for his conviction of assault and battery by means of a dangerous weapon.

On February 25, 1979, at approximately 1:10 a.m., Mr. Martin was walking near D'Amato's Lounge, in the Hyde Park section of Boston, when two men seized him, threw him onto the hood of a parked automobile, put a knife to his throat, and repeatedly struck him in the face. Mr. Little was identified by two witnesses as the person holding the knife to Mr. Martin's throat. Mr. Martin had yelled for help, but lost consciousness. Mr. Martin's brother

approached the automobile where the two men were holding him. Mr. Little turned, lunged at Mr. Martin's brother, and was observed striking him three or four times. Mr. Martin's brother fell backward, his shirt covered with blood. Mr. Little was the only person seen near Mr. Martin's brother at the time. A person sitting in a car nearby said that she had seen Mr. Little stabbing Mr. Martin, who died from the injuries he sustained.

II. PAROLE HEARING ON JULY 12, 2016

Mr. Little, now 64-years-old, appeared before the Parole Board on July 12, 2016, for a review hearing and was represented by Attorney Michael Phelan. This was Mr. Little's fourth appearance before the Board. Mr. Little first appeared before the Board on October 18, 1994, for an initial hearing, which resulted in parole being denied. Mr. Little next appeared before the Board on June 13, 1996, for a review hearing, which resulted in a positive parole vote subject to Mr. Little's successful completion of a pre-release program, as well as other conditions. Mr. Little was subsequently released from custody in April 1997, and remained under parole supervision until November 2004. On November 20, 2004, Mr. Little was returned to custody following his arrest in Randolph, Massachusetts for throwing a cup of coffee at a fellow motorist during a road rage incident. Mr. Little was subsequently released from custody following his arraignment on charges of assault and battery in the Quincy District Court. Mr. Little's case was continued without a finding for a period of one year, during which time Mr. Little was placed under supervised release. Mr. Little remained on parole during this time and his case was subsequently dismissed by the Quincy District Court. Mr. Little continued under parole supervision until December 16, 2015, when he was again returned to custody after testing positive for cocaine. Mr. Little made his third appearance before the Board on February 10, 2016, for a final revocation hearing, which resulted in his parole being permanently revoked.

When asked by the Board about his initial crime, Mr. Little testified that, initially, he questioned what actually happened due to his level of intoxication at the time of Mr. Martin's murder. He said that this is not the case now; he accepts responsibility for the murder. At the time of the murder, he stated that he was a member of the Red Motorcycle Club and had been drinking heavily all day with other Club members, which was unusual for him as he did not drink a lot. Mr. Little said that he stabbed Mr. Martin three times and disposed of his knife in a trash barrel. Mr. Little admitted that he knows he is "responsible for Mr. Martin's death."

Mr. Little testified that he was first released on parole 18 years ago and has incurred one other revocation of parole. He receives SSDI and sells leather crafts that he has made. According to Mr. Little, he lost his leg when he was 10-years-old when hit by a trolley. He said that he had a hip replacement and now needs a knee replacement. He testified that he has no mental health issues. While on parole, he initially saw a counselor once a week, but has now been able to decrease to once a month. He has seen his current counselor for five years and stated that he finds it helpful.

The Board Members questioned Mr. Little about the 2004 incident that led to his return to custody. Mr. Little stated that he was involved in a motor vehicle dispute. He said that another driver almost hit him with his car and when the other driver got out of his car, Mr. Little threw his cup of coffee out his car window and drove off. Aside from this incident, Mr. Little told the Board that he had been doing well under parole supervision until December 2015,

when he tested positive for cocaine. Mr. Little discussed the circumstances of his drug use with the Board.

According to Mr. Little, he was making a delivery to a location near Quincy Massachusetts where he knew the person to whom he was leaving the package. After making the delivery, Mr. Little began socializing with his friend and other individuals who were also present. Two other guests offered Mr. Little cocaine, but Mr. Little said that he initially refused it. However, he then thought that cocaine would help him stay awake and drive home. He took the cocaine, and then lied about it when his drug test came back positive. Mr. Little referred to taking cocaine as a "ridiculous decision." He also admitted at the hearing that he used more cocaine that night than he initially admitted to using, but that he only used it on that one night.

Mr. Little said he moved to Cheshire, Massachusetts, while on parole, so that he could remove himself from people who were a bad influence. He said the "use of drugs and alcohol are the road to destruction in my view." Mr. Little testified that he had invested a fair amount of money into supplies to build his leather work into a modest business. He said that he loves the work and learned the trade when he was incarcerated at MCI-Norfolk in the 1980's. He stated that while he is currently incarcerated, his rent and bills are being paid and his vehicles are in storage. Mr. Little commented that he has a good support system. He told the Board that he doesn't have a huge circle of friends, but would rather have a few good friends than people around whom he doesn't know much. Mr. Little said that if paroled, his plan is to stay sober, participate in programs and counseling, work and build his business, and associate with people who support him. He also stated that he would request to see his counselor more often. Mr. Little said he wants to stay involved with AA.

Mr. Little said that, at MCI-Norfolk, he attends AA and NA three times a week and just signed up for an additional fourth time a week. He stated that he has been discipline report free during his present incarceration. Prior to his parole revocation, he was attending AA three times a week on parole. He has completed the 12 Steps and Big Book AA Programs. Mr. Little testified that, while on parole, he had been prescribed Oxycodone for a back problem. He found that he developed an addiction to Oxycodone, so he checked himself into a detox center in Northampton. The detox center put him on Suboxone, which he was taking until his parole was revoked and he was returned to prison. He stated that he was given medicine in prison that took care of his shakes and any other unpleasantness related to withdrawal. He testified that he has been drug free since the end of December 2015.

The Board considered testimony from Mr. Little's friend, who expressed support for Mr. Little's parole. The Board also considered a letter in opposition to parole from the Suffolk County District Attorney's Office.

III. DECISION

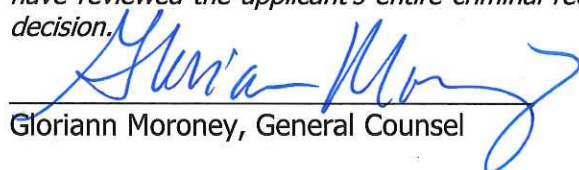
Mr. Little has maintained a positive adjustment throughout his incarceration. The Board is of the opinion that Mr. Little has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition back into the community. In forming this opinion, the Board has taken into consideration Mr. Little'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. Little's risk of recidivism. In reaching this decision, the Board notes that in the circumstances of Mr. Little's case, incarceration has served its purpose. The Board also recognizes Mr. Little's participation in AA / NA and Big Book as contributing factors to their vote to grant parole.

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. After applying this standard to the circumstances of Mr. Little's case, the Board is unanimously of the opinion that Mr. Little merits parole at this time, subject to special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for SSDI; Must be at home between 10pm and 6am; No drug or alcohol use with increased screens for compliance, and in accordance with agency policy; GPS electronic monitoring for six months, then at Parole Officer's discretion; Report to assigned Massachusetts Parole Office on day of release; No contact or association with motorcycle gangs; Must have mental health counseling, continue to meet with therapist weekly; Attend AA/NA as least four times a 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.


Gloriann Moroney, General Counsel

3/16/17
Date