



Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

Daniel Bennett  
Secretary

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

**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

*Telephone # (508) 650-4500*

*Facsimile # (508) 650-4599*



Paul Treseler  
Chairperson

Michael J. Callahan  
Executive Director

**DECISION**

**IN THE MATTER OF**

**THOMAS YOUNG**

**W35434**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** December 1, 2015

**DATE OF DECISION:** March 1, 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 that the inmate is not a suitable candidate for parole.<sup>1</sup> Parole is denied with a review scheduled in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On March 25, 1976, in Middlesex Superior Court, Thomas Young pled guilty to the second degree murders of Robert Guerin and Carmelo Rosado Gonzalez, as well as to armed robbery, conspiracy to commit murder, and assault and battery by means of a dangerous weapon. Separate sentences of life in prison, with the possibility of parole, were imposed on Mr. Young for the murder of Mr. Guerin and Mr. Gonzalez. Mr. Young was also sentenced to a term of life in prison, with the possibility of parole, for his conviction of armed robbery. A term of not more than 20 years and not less than 18 years in prison was imposed on Mr. Young for his conviction of conspiracy to commit murder. Mr. Young was also sentenced to a term of not

<sup>1</sup> The composition of the Board's vote on Mr. Young's petition for parole included 6 votes to deny parole with a review hearing in 3 years, and 1 vote to reserve parole upon the successful completion of 1 year in lower security and mental health counseling.



more than 10 years and not less than 8 years in prison for his conviction of assault and battery by means of a dangerous weapon. At the time he committed these offenses, Mr. Young was 17-years-old.

Between November 1993 and March 2007, Mr. Young was granted parole on 3 separate occasions, each of which was revoked. On November 18, 1993, Mr. Young was first released on parole. On October 18, 1994, Mr. Young's parole was revoked for a variety of offenses that included testing positive for cocaine and failing to participate in mandatory mental health and substance abuse counseling. On October 6, 2006, Mr. Young was released on parole for the second time. On February 15, 2007, however, Mr. Young was discharged from a residential treatment center because he had failed to notify the staff about medication that he had been prescribed. Mr. Young was then briefly returned to custody on a parole detainer. On March 1, 2007, Mr. Young was released on parole for the third time. While waiting for a housing placement, Mr. Young used cocaine and failed to report his location. He was returned to custody on March 5, 2007, and has remained in custody since that time.

The facts of the governing offense are as follows: On March 15, 1975, Mr. Young and his co-defendant, Wayne Purtell, went to the home of Mr. Guerin in Lowell, Massachusetts. Mr. Young and Mr. Purtell planned to borrow Mr. Guerin's gun for the purpose of robbing a drug store. Mr. Young ingested 10 Quaaludes at the home of Mr. Guerin and then went with Mr. Purtell to a local café, where both men consumed multiple alcoholic beverages. Mr. Young and Mr. Purtell then returned to Mr. Guerin's residence with the intention of stealing money and drugs located inside his home. Upon returning to the apartment, Mr. Guerin met Mr. Young and Mr. Purtell downstairs with the gun in his hand. All three men then went back into the apartment. While Mr. Guerin showed Mr. Young how to use the gun, Mr. Purtell approached him from behind and stabbed Mr. Guerin multiple times. Mr. Purtell then held a pillow over Mr. Guerin's head, as Mr. Young shot him in the head and chest. Mr. Gonzalez then knocked on Mr. Guerin's door. Mr. Young let Mr. Gonzalez into the apartment, while Mr. Purtell hid behind the door. Mr. Young then told Mr. Gonzalez to lie on the floor as he held the gun to his head. Mr. Purtell stabbed Mr. Gonzalez in the back when he did not immediately comply with Mr. Young's command. Mr. Young then shot Mr. Gonzalez in the head and chest area 3 times.

## **II. PAROLE HEARING ON DECEMBER 1, 2015**

Mr. Young, now 57-years-old, appeared before the Parole Board on December 1, 2015 for a review hearing and was represented by Attorney Stephen Weymouth. Mr. Young's previous appearances before the Board in 2007 and 2010 both resulted in the denial of parole. In Mr. Young's opening statement to the Board, he apologized for his prior parole violations and expressed remorse for his actions. During the course of the hearing, Mr. Young spoke about the day of the murder.

According to Mr. Young, he was previously acquainted with Mr. Guerin as someone he could buy drugs from. On the day of Mr. Guerin's death, Mr. Young and Mr. Purtell had gone to his home for the purpose of purchasing pills. After obtaining the pills from Mr. Guerin, both Mr. Young and Mr. Purtell decided to rob him. Prior to the robbery, however, both men went to a nearby bar where they drank alcohol and took the pills Mr. Guerin had given them. After returning to Mr. Guerin's apartment, Mr. Purtell stabbed Mr. Guerin. At the time they entered Mr. Guerin's apartment, Mr. Young was unaware that Mr. Purtell had been carrying a knife.



After stabbing Mr. Guerin, Mr. Purtell told Mr. Young to place a pillow over his head and shoot him. After Mr. Young shot Mr. Guerin, they heard a knock at the door. Mr. Purtell told Mr. Young to stand by the side of the door and open it. Mr. Young followed the orders he was given and Mr. Gonzalez entered the apartment. Mr. Purtell then came out from behind the door and stabbed Mr. Gonzalez. Afterward, Mr. Young placed a pillow over Mr. Gonzalez's head and shot him in the same manner that he murdered Mr. Guerin.

Over the course of the hearing, Mr. Young discussed his criminal behavior as a juvenile. Mr. Young cited his troubled childhood as the reason for this behavior. At approximately 11- or 12-years-old, Mr. Young learned that his mother and father were incarcerated. He also learned that the woman who had been raising him, whom he thought was his mother, was actually his grandmother. However, due to his behavior, Mr. Young was sent away to a program for juvenile delinquents. Mr. Young reported to the Board that he was sexually molested by a priest during this time. He then left the program and reported the abuse to his grandmother. Although the abuse stopped, it was at this point in his life that Mr. Young began to engage in substance abuse, particularly alcohol and drugs.

Mr. Young described the activities he has engaged in during his incarceration. Mr. Young told the Board that he has participated in a course on violence reduction, a dog training program, and a graduate maintenance course for inmates who have completed the Correctional Recovery Academy. He also reported having participated in programs to address his mental health and substance abuse issues. Mr. Young, who has struggled with mental health issues over the course of his incarceration, is currently being treated for depression and has attempted suicide 3 times. He also admitted to having had suicidal thoughts as recently as 3 years ago. Mr. Young assured the Board that, if released, he intends to pursue mental health and substance abuse counseling. Mr. Young also expressed a desire to become involved in the lives of his daughter and grandchildren. He further expressed his confidence to the Board that he would not have any difficulty becoming reacquainted with his family, should he be released. Despite Mr. Young's assurances, the Board notes that no family members or friends appeared to testify in support of Mr. Young's petition for parole.

The Board also considered the testimony of a representative of the Middlesex District Attorney's Office opposing Mr. Young's parole.

### **III. DECISION**

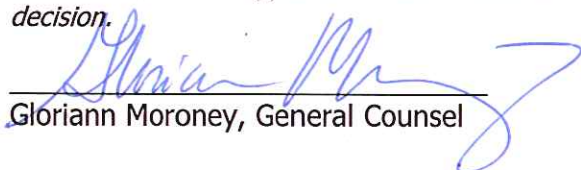
The Board is of the opinion that Mr. Young has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming would be beneficial to Mr. Young's rehabilitation.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly

situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes a juvenile homicide offender's right to be represented by counsel during his initial appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk reduction programs could effectively minimize Mr. Young's risk of recidivism.

After applying this standard to the circumstances of Mr. Young's case, the Board is of the opinion that Mr. Young is not yet rehabilitated and his release is not compatible with the welfare of society. Mr. Young, therefore, does not merit parole at this time. His next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Young 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

3/1/16  
Date