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Paul M. Treseler
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DECISION

IN THE MATTER OF

TIMOTHY DEAL

W84556

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: December 15, 2016

DATE OF DECISION: July 25, 2017

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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On November 23, 2004, in Suffolk Superior Court, Timothy Deal was found guilty of the second-degree murder of 26-year-old William M. Woods after a trial by jury. He was sentenced to life in prison with the possibility of parole.

Mr. Deal and Mr. Woods had been next door neighbors in Dorchester. In September 2001, Mr. Woods (facing charges for multiple drug offenses) agreed to provide information to the Boston Police Department on Mr. Deal's drug-related activities. Mr. Woods purchased marijuana from Mr. Deal in a controlled buy, which led to the issuance of a warrant to search Mr. Deal's home. The search pursuant to this warrant led to the arrest of Mr. Deal and his brother on multiple drug and firearm charges.

¹ Five of the six Board Members voted to schedule a review hearing for parole in four years. One Board Member voted to schedule a review hearing in three years.

On the evening of January 14, 2002, Mr. Woods was in his home with a friend, his brother, and his mother. Mr. Deal, then 17-years-old, and a companion came up the front porch steps and went into the house. Mr. Woods' friend recognized both men and greeted them, but neither responded. Mr. Woods' friend soon heard shouting and objects falling from inside the house. Shortly after, Mr. Deal and his companion emerged, running from the house. Mr. Woods' friend went inside and observed Mr. Woods' bedroom in shambles, the television knocked to the floor, and a trail of blood leading into the bathroom. There, Mr. Woods was hunched over the toilet, bleeding from multiple stab wounds to his chest and back. He succumbed to his wounds in the hospital later that evening. Mr. Deal was arrested on January 30, 2002. Two days later, he telephoned Mr. Woods' mother and stated that the victim was a "snitch."

II. PAROLE HEARING ON DECEMBER 15, 2016

Mr. Deal, now 32-years-old, appeared before the Parole Board for an initial hearing on December 15, 2016, and was represented by Attorney Barbara Kaban. In his opening statement to the Board, Mr. Deal apologized for taking Mr. Woods' life and expressed his remorse. Mr. Deal discussed his lifestyle in the years leading up to the murder, stating that he grew up with his mother, brother, and sister in Dorchester. He said that his mother had a steady job, and provided for the family, until her company closed down and the family started to face financial hardships. At some point, Mr. Deal began to struggle with classes and changed schools. He was introduced to the street lifestyle by his brother, who was involved with drugs and other crimes.

The Board questioned Mr. Deal as to the underlying facts of the crime and how his actions resulted in the murder of Mr. Woods. Mr. Deal explained that he and his brother had been arrested on drug and firearm charges after Mr. Woods informed police of their activities. When he approached Mr. Woods about his involvement with police, Mr. Woods denied the allegations. However, it resulted in a loss of friendship between the two individuals. On the day of the murder, Mr. Deal claims that a fight ensued at Mr. Woods' house, but he cannot remember what triggered the argument between them. The fight started when he grabbed a knife from a friend's clip, and both individuals started swinging at each other. Mr. Deal said that he was not intentionally trying to stab and kill Mr. Woods, but that he was unsure of where he hit him. Mr. Deal said that the fight ended after approximately 10 seconds, when his friend yelled, "Stop, before you kill him." Mr. Deal then left the house, not knowing the extent of Mr. Woods' injuries. The Board noted its concern as to whether the fight was in retaliation for Mr. Woods being an informant for the police, but Mr. Deal stated that it was not.

The Board expressed its concern for the lack of explanation about the murder in Mr. Deal's autobiography, including why it took so long for Mr. Deal to give a full interpretation of the facts from his point of view. Mr. Deal explained that he wrote a separate statement of facts regarding the murder. He did not include it in his autobiography, as he understood it to be a separate document. The Board asked Mr. Deal when he started to fully accept and explain the facts of this case, questioning why he waited 10 years before telling anyone. Mr. Deal explained that he was honest about the facts of the murder with his family and only talked about the murder 10 years later, after trying to get into a specific program. Mr. Deal explained that he was never asked about the underlying facts of the murder. Rather, he always accepted what he did, but wished he told the facts to an authority figure sooner. The Board also

questioned the communications between Mr. Deal and Mr. Woods' mother, describing those communications as odd. Mr. Deal explained that he told Mr. Woods' mother that Mr. Woods was a snitch, in order to inform her of what went on, without going into too much detail about Mr. Woods being an informant.

While incarcerated, Mr. Deal participated in such programs as Microsoft Office, Telecommunications, Life Skills, and Alternative to Violence. He is very active with religious activities and is currently employed full time doing laundry.

The Board considered oral testimony from Mr. Deal's wife, mother, and brother, who expressed support for parole. The Board considered testimony from Dr. Ira Parker, a forensic psychologist, who presented his findings at Mr. Deal's request. The Board also considered the testimony of the victim's mother on audio recording before her passing, who expressed support for Mr. Deal's parole. The Board considered the testimony of Suffolk County Assistant District Attorney Charles Bartoloni, who spoke in opposition to parole.

III. DECISION

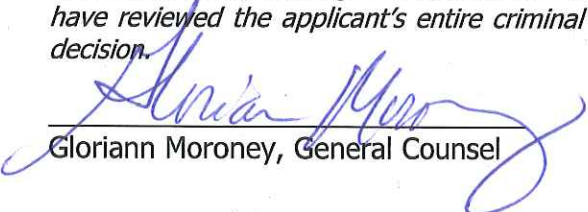
The Board is of the opinion that Mr. Deal has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board recommends that Mr. Deal partake in more programming, such as Criminal Thinking and Restorative Justice. The Board believes that the version of the offense given by Mr. Deal is not plausible. A longer period of positive institutional adjustment and programming would be beneficial to Mr. Deal's rehabilitation. The Board considered all factors relevant to the Diatchenko decision in making this determination.

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 has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Deal's risk of recidivism. After applying this standard to the circumstances of Mr. Deal's case, the Board is of the opinion that Mr. Deal is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. Deal, therefore, does not merit parole at this time.

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

7/25/17
Date