

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Gloriann Moroney
Chair

DECISION

IN THE MATTER OF

TYRONE CLARK

W34419

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 21, 2019

DATE OF DECISION: October 9, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

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 three years from the date of the hearing.²

I. STATEMENT OF THE CASE

On January 24, 1974, a Suffolk County jury convicted Tyrone Clark of rape, robbery, and kidnapping. He received a life sentence with the possibility of parole for the rape conviction. He also received 25 to 35 years for robbery, to be served from and after the life sentence, and 8 to 10 years for kidnapping, to be served concurrently with the robbery sentence. Mr. Clark filed an appeal, but the Appeals Court affirmed the convictions.³

At trial, the 23-year-old victim testified that Tyrone Clark forced his way into her Back Bay apartment at 3:00 p.m. on June 23, 1973. Mr. Clark was 18-years-old at the time of the crime. He beat her, using a knife to coerce sexual intercourse. He continued to beat and choke her in an attempt to coerce additional sexual acts. After the sexual assault, Mr. Clark forced the

¹ Board Member Treseler was present at the hearing, but was no longer a Board Member at the time of vote.

² One Board Member voted to deny parole with a four year review.

³ *Commonwealth v. Clark*, 3 Mass.App.Ct. 481 (1975)

victim to walk with him to Roxbury, where he sexually assaulted her again. The victim sustained a fractured orbital bone under the right eye, a badly bruised and swollen face, and vaginal injuries. Five people who saw the victim walking with the perpetrator, including four firefighters, identified Tyrone Clark as the man they had seen.

II. PAROLE HEARING ON FEBRUARY 21, 2019

Tyrone Clark, now 64-years-old, appeared before the Parole Board on February 21, 2019, for a review hearing. He was represented by Attorney Reyna Ramirez and Attorney Christine Sunnerberg. After his initial hearing in 1988, Mr. Clark was paroled on his life sentence and began serving his 25 to 35 year from and after sentence. Later, as part of the settlement of a civil lawsuit, the Parole Board agreed to release Mr. Clark to the community on parole supervision. He was released on parole on February 23, 2005, on his life sentence. Mr. Clark was on parole for 14 months, when Boston police arrested him on May 24, 2006, for stealing clothing worth \$435 from a Roxbury store. He pleaded guilty to larceny, and the case was placed on file. Parole was revoked, and Mr. Clark was returned to custody on the life sentence. He was denied parole after both his 2007 and 2012 review hearings. Mr. Clark postponed his 2014 review hearing.

In Mr. Clark's opening statement to the Board, he made an "open apology concerning the crime that happened back in 1973." He wanted the victim to know that he has empathy for the crime that occurred, but denied that he was the person who committed it. He described the crime as vicious, adding that it should never happen to any female. Regarding his 2006 revocation, Mr. Clark claims that he made a mistake and was returned to prison. He apologized to the victim for shoplifting and to the Parole Board for his criminal thinking and behavior. Mr. Clark also asked for forgiveness from family members and supporters because he "let them down." When asked to describe the challenges he faced on parole, Mr. Clark said that he struggled because he lacked the necessary resources and support when he left prison. He doesn't blame anyone, but himself, and takes full responsibility for the crime that put him back in custody. If paroled again, Mr. Clark indicated that he would not put his freedom in jeopardy. When Board Members questioned him as to why he stole the clothing, Mr. Clark stated that he had a "material thinking rush" and relapsed.

The Board noted that Mr. Clark has incurred over 20 disciplinary reports since his last parole hearing, including a report in August 2018 for fighting. In response, Mr. Clark explained that he needs help in dealing with his emotions, including anger. He claims to be working on this issue in the Correctional Recovery Academy (CRA) program, where he learns pertinent coping skills. When asked about his engagement in three fights, Mr. Clark admitted that he still struggles with fighting, since he has to defend himself in the prison environment. When Board Members questioned him about other issues he needs to address, Mr. Clark responded, "Just my adjustment to deal with people that I do not feel comfortable with." After Mr. Clark spoke about his efforts in the Restorative Justice and Criminal Thinking programs, the Board questioned him as to why it took so long to engage in programming. He told the Board that he had not been serious about himself, but realized that he had to change. He acknowledged that substances have not been an issue for him. If paroled, he hopes to attend a long term treatment program and seek employment. His network of support includes, but is not limited to, his brother and his brother's girlfriend.

The Board considered oral testimony in support of parole from a member of the community and from Mr. Clark's friend. The Board also considered multiple letters of support. A letter in opposition to parole was submitted by Suffolk County Assistant District Attorney Charles Bartoloni.

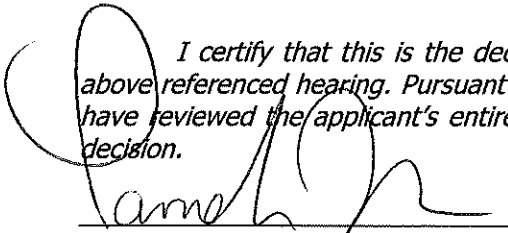
III. DECISION

Despite making strides in his rehabilitation, Mr. Clark has yet to demonstrate [that] his release is compatible with the welfare of society. Mr. Clark should invest in programming to address his causative factors and maintain a positive adjustment.

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 forming this opinion, the Board has taken into consideration Mr. Clark'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. Clark's risk of recidivism. After applying this standard to the circumstances of Mr. Clark's case, the Board is of the opinion that Tyrone Clark is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Pamela Murphy, General Counsel

10/9/2019
Date