



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

WILLIAM MITCHELL
W51474

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 4, 2015**

DATE OF DECISION: **September 9, 2015**

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, 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, 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 two years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 14, 1991, after a jury trial in Essex Superior Court, William Mitchell was convicted of second degree murder in the death of 25-year-old Jeffrey Teague. He was sentenced to life in prison with the possibility of parole after serving 15 years. Mitchell was 36-years-old at the time of the murder. Mitchell appealed his conviction several times, with the most recent appeal on a motion for new trial being denied on April 2, 2003 (*Commonwealth v. Mitchell*, 439 Mass. 1102 (2003)).

The facts of the underlying offense are as follows: On April 25, 1990, at about 8 pm, Jeffrey Teague and some of his friends gathered in his motel room at Salisbury Beach to play cards and watch television. At some point in the evening, Mr. Teague left to make a quick trip to a convenience store. Almost as soon as Mr. Teague left, William Mitchell arrived at Mr. Teague's room with a hammer in the waist band of his trousers. About 15 minutes after his

arrival, Mitchell and one of Mr. Teague's friends had an argument. Mitchell was asked to leave but, on his way out, smashed a window in the hotel room with his hammer. About 10 minutes after Mitchell left, Mr. Teague returned and was informed by his landlord that because of the damage to the window, he would have to vacate the premises. Mr. Teague became angry and went across the street with four of his friends to confront Mitchell. Upon arriving at his apartment, Mr. Teague called out to Mitchell, who opened the door a few inches. Mr. Teague demanded entrance, saying that he wanted to talk to him. Mitchell released the chain lock, opened the door, and came at Mr. Teague swinging two knives. Mitchell stabbed Mr. Teague several times in his chest and numerous times in his leg. When Mitchell stepped back, Mr. Teague's friends pulled him (Mr. Teague) out of the apartment and helped him out of the building, where he collapsed and soon died. Mitchell fled the scene, but the police found him shortly thereafter in a nearby house. They arrested him and brought him to a hospital. Mitchell was intoxicated, and there was blood on his face, clothing, and hands.

II. CRIMINAL AND PAROLE HISTORY

William Mitchell has a criminal history that began when he was 18-years-old. He has numerous adult convictions for breaking and entering, assault and battery, and assault and battery with a dangerous weapon. In addition to several sentences that placed him on probation, Mitchell has six prior incarcerations in the House of Correction for various larcenous and assault and battery convictions. He also has charges on his record for illicit drug and alcohol use.

In 2005, Mitchell was eligible for his initial parole hearing, but voluntarily waived. On August 10, 2010, Mitchell appeared before the Parole Board for his initial hearing, but was denied parole with a review in five years. The Board noted that "although [Mitchell] receives positive housing and adjustment evaluations, he has completed few programs meant to address the underlying causative factors of his crime, which involves extreme violence and anger while intoxicated...he has limited support in the community."

III. PAROLE HEARING ON AUGUST 4, 2015

On August 4, 2015, William Mitchell appeared before the Parole Board for a review hearing. This was his second appearance before the Board, and he did not have representation at this hearing. Mitchell is currently 60-years-old and has been incarcerated at MCI-Norfolk for the past 23 years.

In Mitchell's opening statement, he testified that "I am guilty and solely responsible for taking the life of Mr. Teague." He said that he sincerely regrets his actions and is now a "rehabilitated man." Mitchell further stated that he addressed all of the comments provided by the Board in his 2010 parole denial. At this hearing, the Board focused on Mitchell's family and upbringing, and his substance abuse history. Mitchell testified that he was raised by family members who were dependent on alcohol, and that he was given alcohol at the dinner table when he was as young as 9-years-old. Mitchell said that he was a victim of domestic violence as a child and that he was "beat up, kicked up, and smacked up" by his stepfather and stepmother. At age 12, Mitchell said that he and his younger brother ran away and went to their mother's home. Mitchell said that he was bullied in school, and so, he learned how to fight. Mitchell said that he became involved in drugs at school, including speed and crystal

meth. He originally dropped out of school at age 15, re-enrolled in a trade school, and was subsequently expelled after he was caught smoking marijuana. Mitchell told the Board that he became involved in a party lifestyle and "was on a path to destruction." He was involved with "bikers" and "was trying to make a name for myself." He said that he would expect trouble when he went to parties and would carry either a hammer or a knife with him for protection.

Mitchell told the Board that there was a period of time in his life where he had a girlfriend for 10 years, fathered two children, and obtained employment in a leather shop. He said that he was able to maintain employment working the evening shift and was even promoted. Mitchell described an evening when he went with a coworker to a party, drank strawberry daiquiris, and got into an accident while driving drunk. This incident resulted in Mitchell requiring a full leg cast and spending many months in the hospital. Mitchell said that he subsequently lost his job and family.

At the time of the murder, Mitchell stated that he had been using cocaine throughout the previous night. In the morning, he had traveled to a bar, where he was to be picked up and taken to a construction site for work. Mitchell said that he was not picked up for work, so instead, he drank first at the bar and then on a nearby beach. He then went home and continued to drink. When he ran out of beer, Mitchell said he went to a motel across the street. On the way there, he encountered Mr. Teague, who was on his way to acquire alcohol. Mitchell asked Mr. Teague to purchase beer for him. While the victim was purchasing alcohol, Mitchell joined the victim's friends in the motel room, where they were drinking from a vodka bottle. Mitchell testified that he drank the last shot of vodka from the bottle and that one of the individuals in the room became angry at that. Mitchell and this individual began to fight, until the fight was interrupted by another individual in the room. Mitchell said he was told to leave the motel room, but that he used his hammer to smash a window on his way out before returning to his own apartment across the street. The motel management instructed the individuals to vacate the room because of the damage to the window. Mitchell said that he was at his apartment when he heard knocking on his front and back doors. He testified that he grabbed a kitchen knife, opened the front door, and was punched by Mr. Teague. Mitchell said that he then stabbed Mr. Teague several times. Mitchell told the Board that there was "no thought process to it" and that he ran out the back door after the stabbing. The Board confronted Mitchell on details of his version that appeared to be in conflict with known facts, and that painted him in a light in which he was justified for defending himself. Mitchell continued to state that he accepted responsibility for his actions, and at times, appeared to contradict himself. Mitchell was also questioned regarding the level of rage he displayed, which cannot be explained by his level of intoxication alone. Mitchell responded to the Board by describing where such anger stemmed from, and how he has worked to resolve his anger.

The Board questioned Mitchell on his relatively recent involvement in programming. Mitchell said that he spent years filing numerous appeals, but that he "always said I did it." He acknowledged that he did not participate in programming during the time that he filed the appeals, but that he worked as a janitor and at the law library. Mitchell said that he was a "late bloomer," and finally became involved in programming because "I wasn't getting any younger." Mitchell described how he learned to use his mind, rather than an act of violence, to manage conflicts in ABLE Minds. He gained an understanding of his childhood and domestic violence through Jericho Circle and Emotional Awareness. He obtained his G.E.D., he has remained sober for 20 years, completed the Correctional Recovery Academy (CRA), and is he currently

enrolled in the Graduate Support Program, where he has filed an application to teach CRA classes to other inmates. Mitchell has only received two minor disciplinary reports throughout his entire incarceration. Mitchell testified that he has "learned what caused me to commit my crime" and is now able to identify his triggers. Mitchell identified the Salvation Army, SPAN, St. Francis, and Delancey Street as possible programs that may accept him, if he is granted parole.

There was one person who testified in support of parole. She is a life-long friend of Mitchell, who said that she has known him since he was 7-years-old. She stated that he has "been humbled" and has learned the "right way to go." She testified that Mitchell enjoys attending programs and sends her his certificates.

Essex County Assistant District Attorney Elin Graydon spoke in opposition. She described the facts of the case that were in direct conflict with Mitchell's testimony. Attorney Graydon expressed doubt that he has been rehabilitated based on his testimony, and she raised concerns regarding his lack of insight into his history of domestic violence.

IV. DECISION

Mitchell murdered Jeffrey Teague in 1990. Rather than invest in his rehabilitation, Mitchell spent the first 14 years of his incarceration focusing on appeals. The Board recognizes that Mitchell has engaged in meaningful programming since his 2010 parole denial, and now appears to be benefitting from program participation. He has also maintained a positive adjustment, received positive housing and work evaluations, and incurred only two minor disciplinary infractions throughout his incarceration. However, while the Board recognizes Mitchell's accomplishments and rehabilitative efforts over the past five years, he has more intensive work to do before he would be considered for parole. Mitchell is encouraged to gain more insight into the history of dysfunctional and abusive relationships, the precipitants to his drinking, and what his needs would be in the community in order to maintain a positive adjustment.

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 here, it is the unanimous opinion of the Board that William Mitchell does not merit parole at this time. The review will be in two years, during which time Mitchell should continue his program involvement to enhance his level of 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.


Michael J. Callahan, General Counsel

September 9, 2015
Date