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

**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**WILLIAM SYLVIA**

**W61782**

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** December 18, 2012  
**DATE OF DECISION:** September 3, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Shelia Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**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 writing, we conclude that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

William Sylvia appeared before the Massachusetts Parole Board for a review hearing on his life sentence for second degree murder. This is his second appearance before the Board.

On December 16, 1996, in Bristol Superior Court, Mr. Sylvia pleaded guilty to the second degree murder of his estranged wife, Kristine Sylvia, age 40, and was sentenced to serve life in prison. The Court also sentenced Mr. Sylvia three to five years in prison for three counts of unlawful possession of a firearm, all to be served concurrently with his life sentence. Mr. Sylvia has not appealed his sentences.

On December 17, 1994, Mr. Sylvia, then age 48, shot and killed Ms. Sylvia. The two were married in 1984, but had separated in the spring of 1994 and resided in separate apartments in Fairhaven, Massachusetts. They had two children together, an 11 year old son and a 7 year old daughter. Kristine was employed as an advertising sales representative for a

local newspaper and was the primary support for the family. Mr. Sylvia had recently lost his full-time job at a retail store and his part-time job at a liquor store. The children lived with Kristine, but they would spend time with Mr. Sylvia while she was at work.

By November of 1994, Kristine was in a serious dating relationship with Thomas Barbero who owned an area restaurant. Once they began dating, Kristine, her co-workers, friends, and others noticed that, while she was at Mr. Barbero's apartment, Mr. Sylvia would be at an adjacent coffee shop. Mr. Sylvia would also follow Kristine during her routine travels with clients and drive his van by Kristine while she was having lunch with co-workers. He would leave messages on Kristine's voice mail that led her to believe that he would harm himself.

On December 12 or 13, 1994, Mr. Sylvia left her a message at work stating that he hoped Kristine had a good life and that he was happy for her if she was happy being with Mr. Barbero. On December 14, Mr. Sylvia visited and spoke to his sister, relating that seeing Kristine and Mr. Barbero together with their daughter depressed him. On December 16, 1994, the day before her murder, Kristine was upset because Mr. Sylvia was "constantly" at the local coffee shop next to Mr. Barbero's apartment. When Kristine asked Mr. Sylvia what he was doing, Mr. Sylvia responded that he was drinking coffee. Kristine also noted that Mr. Sylvia appeared dirty and unkempt. Mr. Sylvia's behavior and demeanor made Kristine worry that he would hurt himself.

During the morning of Saturday, December 17, 1994, the children were with Mr. Sylvia. Mr. Sylvia drove them to Kristine's apartment so that they could pick up something for his daughter. Mr. Barbero, his two year old son, and Kristine were present, and everyone was polite during the interaction.

When he returned to the van, with his children present, Mr. Sylvia gave his son his wedding band stating that he did not need it anymore. Mr. Sylvia also gave his son his watch and his military police badge. Mr. Sylvia drove them to his apartment and, in the presence of his son, loaded three handguns, placed two of them into holsters and put them on, and placed the third one in his back pocket. Mr. Sylvia and his children got back into the van where his son saw Mr. Sylvia put a box of ammunition between the two front seats. His son reported that Mr. Sylvia drove by his mother's apartment several times, and sent his son to the door of the apartment. Mr. Sylvia then drove the children to his mother-in-law's Fairhaven home and dropped them off.

Meanwhile, Kristine and Mr. Barbero had been shopping for Christmas presents. They returned to Mr. Barbero's apartment at approximately 2:45 p.m. Kristine, Mr. Barbero, and his son were present. Kristine did not expect to see Mr. Sylvia or the children again that day. About 15 minutes after they arrived, Mr. Barbero heard four loud knocks at the door.

Kristine walked downstairs to answer the door. Immediately after she got downstairs, Mr. Barbero heard her say, "Bill, no," and heard a single gunshot. Mr. Barbero ran to the top of the stairway and saw Kristine struggling with Mr. Sylvia. She was holding Mr. Sylvia's arm with both of her hands. Mr. Sylvia was holding a handgun and, because of the struggle, it was pointed toward the ceiling.

Mr. Barbero took his two-year-old son and ran into the bathroom. As Mr. Barbero was closing the bathroom door, he heard several more gunshots. After a short time, Mr. Barbero left the bathroom and walked to the top of stairs and saw Kristine lying against the front door at the bottom of the stairs. Mr. Sylvia was not present. Mr. Barbero called the police and Kristine was transported by emergency personnel to an area hospital where she was pronounced dead. A subsequent autopsy revealed that Kristine had sustained six entrance bullet wounds and two exit wounds with four projectiles recovered from her body.

At approximately 3:30 p.m., Mr. Sylvia called and spoke to his brother-in-law (his sister's husband), and told him that he shot Kristine six times. Mr. Sylvia then contacted Fairhaven police at approximately 4:45 p.m. that day, asking whether his wife was dead. Mr. Sylvia was arrested later that day while driving in Wareham. Mr. Sylvia reported to police that he was driving in that location because he planned to kill himself by a family gravesite located in the area.

During the December 1996 plea colloquy, Mr. Sylvia made a statement in which he said, "I want to apologize to everybody and I want you to know that the death sentence will be carried out very shortly. That's all I have to say."

### **III. PAROLE HEARING ON DECEMBER 18, 2012**

William Sylvia had an initial parole hearing on December 8, 2009. The Board denied parole and set a three year review date, noting that he had only recently engaged in any rehabilitative programs to address the causative factors surrounding the rage which resulted in the murder of his wife. The Board in 2009 was also concerned that Sylvia was not forthcoming and had not dealt with the rage that was exhibited during the commission of that murder. Sylvia now seeks parole to the Veterans Transitional Housing Program in New Bedford, asserting that he can support himself on his military retirement and access counseling services for depression through the Veterans' Administration.<sup>1</sup>

Sylvia has now completed several rehabilitative programs. He has completed the Correctional Recovery Academy, Alternatives to Violence (1<sup>st</sup> and 2<sup>nd</sup> level), Anger Management, and Jericho Circle. Sylvia has had no disciplinary reports during his incarceration. He has not held any institutional jobs since 1988.

Board members questioned Sylvia about his life history, his marriage, the murder, his institutional record, his mental health, and his plans for parole. He was unable to explain the cause of his anger or the reason he murdered his wife. He did not explain why he went to his wife's residence armed with three guns. He has an extensive mental health history. Sylvia reported that he had "25 to 30 suicide attempts" before the murder, including driving the wrong way on Route 6 on Cape Cod at 2:00 a.m. He has received extensive mental health treatment during his incarceration, including five commitments to Bridgewater State Hospital. He said that currently he is not receiving mental health counseling and is not taking any medication. Mental health records document that in 1998 he "voiced chronic thoughts about killing himself or his minister whom he felt betrayed him" and was viewed as "potentially homicidal." He showed little insight at the hearing about the implications of his mental health history and how he would manage his mental health issues if paroled.

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<sup>1</sup> Mr. Sylvia was a member of the National Guard.



In describing his marriage, Sylvia emphasized that he worked very hard at two jobs and he identified his wife's conduct as the cause of every marital issue. A Board member inquired further about the claim of working two jobs, and Sylvia did acknowledge that leading up to the murder he had been unemployed for two years, during which time he cared for the children after school when Mrs. Sylvia was at work. By obscuring the long period of unemployment, Sylvia gave indication that he is not insightful or forthcoming about the events in his life that were connected to his depression, anger, and marital conflict.

There were no supporters of parole in attendance. He has no contact with his three adult children and he does not know where they are or what they do. Bristol Assistant District Attorney Dennis Collins attended in opposition to parole.

#### **IV. DECISION**

William Sylvia tracked down his estranged wife and shot her to death. When asked to reflect on his criminal conduct, Sylvia shows no insight into his anger and violence. He is more loquacious in recounting his wife's alleged faults and assigns no role to himself in contributing to the marriage's deterioration. He has completed some programs, but their rehabilitative messages have not reformed his thinking or assisted him with insight. He has a complicated mental health history that includes an observation in 1998 that he is potentially homicidal and he does not adequately account for mental health issues in his parole plan. The four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – have not been met.

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, the Board finds that Mr. Sylvia is not a suitable candidate for parole. The review will be in five years, during which time Mr. Sylvia should make more meaningful rehabilitative attempts by examining the causes of his domestic violence in order to be more insightful about his criminal thinking and conduct. He also needs a more focused understanding of his mental health issues and needs.

*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.*

  
Janis DiLoreto Noble, General Counsel

  
Date