



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

**CHARLES CHAPLES
W39624**

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: November 4, 2014

DATE OF DECISION: March 17, 2015

PARTICIPATING BOARD MEMBERS: 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, 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 24, 1983, in Bristol Superior Court, Charles Chaples was convicted of the second degree murder of Raymond Santos and sentenced to life in prison. He also received concurrent sentences of three to five years for larceny and for breaking and entering with intent to commit a felony.

During the early morning hours of Saturday, March 6, 1982, Charles Chaples broke into a house in Dartmouth and took a 12-gauge shotgun, two boxes of shells, and a pair of gloves. He then proceeded to the area behind Lincoln Park in North Dartmouth, where he parked his vehicle. He walked through a wooded area into the park and hid behind one of the amusement rides so that he could watch the activity of the night watchmen. He had watched their routine on previous occasions and knew that both night watchmen had different routines.

Chaples observed Raymond Santos, a night watchman employed by Lincoln Park, pass by him and proceed to the Ballroom area. Chaples then walked to the back-side of the park (by a different route and by concealing himself in the shadows) and arrived at the warehouse area before Mr. Santos. As Mr. Santos approach the watchman station, Chaples scuffled his feet to get his attention. Mr. Santos turned around and shined the flashlight into Chaples' face. Chaples told him to shut off the flashlight and to give him the watchman's keys. Mr. Santos refused and, again, Chaples told him to turn off the flashlight and to give him the keys. Mr. Santos refused a second time and Chaples fired the shotgun at him, ejecting the spent shell; fired a second time, ejecting the shell; and fired again for the third time. He then saw Mr. Santos fall to the ground. Chaples left the area, reloaded the shotgun, and exited through the same wooded area where he had entered. Along the way, he accidentally dropped some live shotgun shells and he concealed other shells within the wooded area. He then dropped the shotgun in a briar patch, after wiping it down with the gloves that he was wearing. He made his way to his car and drove away from the scene.

On March 6, 1982, police were dispatched to the maintenance warehouse at Lincoln Park. Maintenance personnel had discovered the body of Raymond Santos near the shed at approximately 7:30 am, when they arrived for work. The following day, Chaples was questioned by police and later confessed to the murder.

II. PAROLE HEARING ON NOVEMBER 4, 2014

Charles Chaples, along with a Northeastern University Law School student attorney, appeared before the Massachusetts Parole Board on November 4, 2014 for a review hearing. Chaples' parole had been revoked in 2007 and then denied for re-parole in 2009 (with a review hearing in five years).

Chaples made a comprehensive opening statement, beginning with a sorrowful apology to the friends and family of Raymond Santos. He expressed the remorse that he feels for the crime and the pain it has caused him over the years. He also apologized to the victim he assaulted while on parole. Chaples told the Board that he has "been back in [prison] for seven years since my return and I have spent a total of 28 years in prison." When asked about his Record of Decision from 2009, Chaples said, "The Board said they were troubled by my propensity for violence, which really bothered me; but was also on point. I was irresponsible and immature. I was ashamed to be back behind the walls on a parole violation. I immersed myself in programs. There were no specific domestic violence programs, but Anger Management, Alternatives to Violence, therapy groups, AA, and individual counseling helped." Chaples specifically stated that he liked both Anger Management and the psychotherapy program. "They helped me with relationship issues and how to better deal with my own personal relationships with women. I learned that I wasn't prepared to have a relationship with any woman. I needed to take care of myself before I could have somebody else count on me."

Chaples described a 1995 incident with a woman that resulted in assault charges being filed against him. "I was working at the Mansfield Police Department through a work-release program at Pondville. I was cleaning the area in back of the police station and there was this girl that was crying because her boyfriend got arrested at a concert. She was sitting on the steps and I went over and told her everything was going to be ok and stuff like that. She was crying and I sat down and put my arm on her shoulder to comfort her. We talked for a little bit

and then I went into the station. A little while later I was told she said I assaulted her." Although Chaples was found not guilty after a jury trial, he was disciplined by the Department of Correction for having contact with a civilian. He said that he was unaware that he was not allowed to have contact with civilians. When pressed about the matter, he admitted that he might have been eager to have a female connection. He also stated that she was a "great-looking woman" and "I can't say I wasn't" attracted to her. He agreed with a Board Member that the situation was similar to his behavior on parole and that he was acting completely outside of his job that night. Indeed, "I was given too much leniency for an inmate from a minimum" security prison.

Chaples told the Board about his parole history. "I was released to the Meridian House for 30 days and then went to Boston Rehab for five months and two weeks until the rape allegations were made." Chaples was accused of raping a woman whom he had met at a cookout. "I was returned to [MCI] Norfolk and I went to church and prayed every day. I was never alone with [that girl]." He said that he had never touched the girl and gave the police an alibi regarding his whereabouts at the time of the alleged crime. Eventually, the case was Nolle Prossed and Chaples was paroled again. He initially lived with his father, graduated from the Harmony House after four months, and then lived with his brother. Chaples eventually moved in with his girlfriend, Terry Gaudreau, whom he had met at an Alcoholics Anonymous meeting. During a difficult time in his relationship with Ms. Gaudreau, Chaples started to date a 25 year-old woman, Stephanie McCarthy, whom he had also met at an AA meeting and described as "young and pretty." Regarding the relationships, he said, "I just wasn't as committed to the relationship [with Ms. Gaudreau] as I should have been. I compounded [me and Ms. Gaudreau's] problems by meeting another girl and lying and cheating."

Chaples answered questions regarding his other transgressions while on parole. He described incidents with Ms. McCarthy and Ms. Gaudreau. On April 24, 2007, he said, "I came home from driving all day and [Ms. McCarthy] was at my apartment with all these people, drinking and raising hell. I told her she had to leave and she refused. Because it was my apartment, I thought I could tell them all to leave. She called 911 and when the police came, she claimed I verbally and physically assaulted her." The police report states that "there was no physical abuse tonight but there has been in the past and she was afraid it was going to happen again tonight." Chaples was neither arrested, nor charged with any crime. "I had nowhere to go, so I called [Ms. Gaudreau] and she came and got me. I moved back in with her and had to tell her that [Ms. McCarthy] told me she was pregnant. I kept it from her for a long time because I knew she would be mad." On July 22, 2007, Chaples and Ms. Gaudreau had a disagreement concerning his relationship with Ms. McCarthy and things escalated. "She got mad. She wanted to call my brother and I didn't want her to because my brother was really sick. When she went to grab the land-line, I knocked it out of her hand. She grabbed the cell phone and I chased her into the living room. We wrestled over the phone; we both fell to the floor and I landed on top of her; she broke her collarbone." He further said, "I grabbed her from behind, like a bear hug and tried to get the phone. There was an awful lot of camping gear and a lot of stuff on the floor; we fell. It was my fault. It was because of my careless behavior." Incredulously, after all the fuss about him not wanting her to call his brother, Chaples called his brother. He then took Ms. Gaudreau to Tobey Hospital. "On the way to the hospital, we talked about a story to tell because of my parole. It was her idea to say she slipped and fell over the cat." It is unclear why Chaples went to Wareham instead of the closer hospital in New Bedford.

On September 6, 2007, Chaples was alerted by his boss at the trucking company that the police and his parole officer were looking for him. With that knowledge, Chaples fled into the nearby woods and hid from authorities for 20 hours. The search for Chaples involved parole officers from across the state, local police, multiple state police K-9 units, and a state police helicopter. Chaples told the Board about his intentional flight. "Ms. McCarthy was with me and my boss had told me that my parole officer was looking for me, so I called him and he said he would call me back. Then I heard the sirens and I told Ms. McCarthy, 'Parole is coming for me.' I took off into the woods. I stayed in the woods all night, walked out in the morning and waved down a patrol car. I endangered a lot of lives that day. My behavior was very irresponsible."

A Board Member challenged Chaples on his minimization of the behaviors that shape his relationships with women. It was pointed out to Chaples that he exhibits controlling behaviors, as exhibited by surrounding himself with women of little means. He admitted that he exerted a certain amount of mental abuse on the women by lying and cheating, and then by leaving one to go to the other, only to return again. He controlled the finances of both women, as Ms. Gaudreau had lost her job and Ms. McCarthy did not work. They both relied on him and he was deceitful to them. He said "I lied to [Ms. Gaudreau] for at least a year. I lied about days off or about going to work early; and instead I would go see [Ms. McCarthy]." He admitted to his complete and persistent deception of his parole officers. Despite telling the Board how much he respected and liked his parole officers, he said he had lied to them; not simply by non-disclosure, but by painting a picture of perfection. In reality, Chaples hid his relationship difficulties from parole officers and failed to ask for assistance when needed. He said, "I am embarrassed and ashamed. I was playing mind games with two women." Another Board Member brought to Chaples' attention the similarities between the two women he dated and the "young, pretty girl" at the police station. Until the discussion at the hearing, Chaples seemed to have never considered that he seeks vulnerable women.

Despite Chaples' completion of programs that teach non-violent conflict resolution, he was unable to use the skills taught to avoid a physical confrontation with his cell mate. He talked about the disciplinary report (for the fight) he received in February 2013 and said, "I tried to get a cell change. I tried talking it through, but that didn't work. He struck me in the face, so I fought him."

When asked about his parole plans, Chaples said, "I want to go to minimum first and then parole to a zero-tolerance sober house. I would want to continue with one-on-one counseling for relationship issues and honesty. For me, right now, a relationship is not a good thing. I would do things differently, too. I would talk to my parole officer and my father about any problems I might have."

Before Chaples' student attorney read her closing, Chaples offered an apology to the Santos' family and described the remorse he feels every day. He also apologized to Ms. Gaudreau by saying it was "my fault" because "I was living life on my own terms. I am embarrassed by my past transgressions." Chaples' brother and a friend spoke in support of Chaples' parole request.

Bristol County Assistant District Attorney Dennis Collins acknowledged the positive strides Chaples has made over the years, noting Chaples' sincere remorse for the murder and regret in errors in judgment. He said, however, that his deceitful and manipulative behavior, coupled with his recent disciplinary reports for violence or threats of violence, raise concern that he is not rehabilitated and is therefore not a suitable candidate for parole.

III. DECISION

Charles Chaples ambushed the night watchman at an amusement park in the middle of the night and killed him with a shotgun. Despite 28 years of incarceration and programming to address his anger issues, he assaulted a girlfriend by pushing her to the ground during an argument, causing her serious injury. He also participated in an assault as recently as February 2013. Chaples claimed to take full responsibility for the injuries sustained by Ms. Gaudreau, but he continued to characterize the event as an accident, by saying things like "she fell" and blaming the fall on clutter. He minimized the violence he perpetrated that day with Ms. Gaudreau and fails to comprehend the assaultive nature of his behavior. Although seemingly working as a productive member of society, Chaples was actually living a life of lies and deceit. He maintained unhealthy relationships with two vulnerable women, marred by both infidelity and allegations of assault. He built a facade for his parole officers to give the illusion that everything was going well. He described Ms. Gaudreau as petite and fragile, but incredulously, he said that the two "wrestled for the phone" and both "fell" to the floor with him landing on top of her. In reality, he destroyed the home phone, chased her into another room, and tackled her from behind, crushing her collarbone against the floor. The Board was troubled by the fact that Chaples called his brother after "the fall," when that was exactly who Ms. Gaudreau was trying to call when she was chased and tackled.

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 Charles Chaples does not merit parole at this time because he is not fully rehabilitated. The review will be in five years, during which time Mr. Chaples should commit to a more comprehensive rehabilitation, including programs that address non-violent conflict resolution, anger management, domestic violence, and candor. He should also continue his one-on-one counseling for relationship issues.

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 Smith, Executive Director

3/17/15
Date