



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**CURTIS EARLTOP**

**W33301**

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** October 30, 2012  
**DATE OF DECISION:** February 17, 2015

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner,  
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, institutional record, the views of the public as expressed at the hearing or in written submissions to the board, and the inmate's testimony at the hearing, we conclude by a unanimous vote that we are in need of additional information concerning the inmate's mental health needs.

Earltop had a hearing on March 13, 2012; however, the Parole Board stopped the hearing after it was apparent that he was not competent to proceed with his hearing and that he needed assistance from an attorney. Earltop was afforded an attorney, Margaret Fox, for his new hearing which occurred on October 30, 2012. The Parole Board voted Action Pending and hired Dr. Robert Kinscherff to provide a mental health evaluation to assist with informing the Parole Board as to Earltop's current mental status and mental health needs. Based on Dr. Kinscherff's evaluation, the Parole Board requested an assessment from the Department of Mental Health (DMH) prior to making a final decision on parole. The official vote is Action Pending. This decision will remain in Action Pending status as the Parole Board awaits the results of the assessment by DMH.

**I. STATEMENT OF THE CASE**

On February 7, 1971, Curtis Earltop approached a group of prostitutes on Massachusetts Avenue in Boston. While many of the prostitutes rejected his offers, Kathleen Johnson did

accept and went with Earltop to 413 Massachusetts Avenue. She was found dead the next day by Boston Police. The cause of death was a gunshot to the head. Earltop's clothing was found in the apartment and he was arrested a few days later.

Earltop was found guilty of second degree murder after a trial by jury in Suffolk Superior court on September 29, 1971. Earltop appealed his conviction but his appeal was denied.

## **II. PAROLE HEARING ON OCTOBER 30, 2012**

Curtis Earltop is 62 years old. This was Earltop's eleventh appearance before the Parole Board. Earltop had a hearing on March 13, 2012; however, the Parole Board stopped the hearing after it was apparent that he was not competent to proceed with his hearing and that he needed assistance from a lawyer. Earltop was afforded an attorney, Margaret Fox, for his new hearing which occurred on October 30, 2012.

Earltop has consistently denied that he committed the offense for which he now serves. He described how the facts of the case against him were flawed and has always maintained his innocence. He provided some details as to why he could not have committed the crime for which he now serves.

The majority of the hearing focused on how Earltop has adjusted throughout his incarceration and what his current needs are in order to maintain his current level of functioning. It was clear throughout the hearing that Earltop has both profound cognitive and mental health impairments. He had difficulty answering questions that required abstract thinking. Earltop responded to concrete questions and described his daily routine. Earltop has approximately ten psychiatric hospitalizations at Bridgewater State Hospital, the first being while awaiting trial in 1971. He was eventually diagnosed with Schizophrenia in the 1980's, and appears to have had his last commitment to Bridgewater State Hospital in 1999 and was discharged in 2000 to Old Colony Correctional Center. His range of symptoms have included significant paranoia, disorganization, auditory hallucinations that are primarily sexual in nature, but non-violent. Earltop agreed that he has experienced all of those symptoms, but remarked that he has been stabilized for many years. He stated that at times he hears voices "to masturbate," but denies having any command hallucinations to hurt himself or others. He stated "I do Chinese exercises" when he does hear voices telling him to masturbate. He also stated "the medications help me. I hear the voices but I just ignore them." He insisted that he knows how important it is to continue to comply with them. Earltop described his daily routine, which consists of attending "current events" groups and he continues to work on getting his GED. He stated that he also "cleans the social worker's office" and he attends the Native American group. Earltop stated he also enjoys watching television and going outside. He stated that "a bad day is when it rains all day and I can't go outside, and a good day is when I see my attorney so I have someone to talk to." Earltop stated he does have some friends within the institution who he is able to socialize with, but does not have any support in the community. Earltop has not had any disciplinary issues in over ten years and stated that he feels the setting he is in now and the treatment he has received have been highly beneficial to him. Earltop requested to be paroled to a group home that would provide him with similar structure and mental health services that he receives in the institution.

There were no members of the public present at the hearing in support or opposition of Earltop's parole. A letter from Boston Police Commissioner Edward Davis was submitted in opposition to Earltop's release.

**III. DECISION**

Due to Curtis Earltop's lengthy history of mental illness, long incarceration and institutionalization, the Parole Board requested a mental health evaluation from Robert Kinscherff, Ph.D. to assist the Board with an assessment of Earltop's mental health status and treatment needs. Among many recommendations, Dr. Kinscherff advised that Earltop be evaluated by the Department of Mental Health (DMH). Dr. Kinscherff opined that Earltop would "be a strong candidate for DMH eligibility given the chronicity of his mental illness along with the pronounced functional impairments arising from his positive symptoms (auditory hallucinations) but primarily from the pronounced negative symptoms of his chronic psychotic disorder."

Due to the Parole Board's concern regarding Earltop's profound functional limitations, which coincide with his need for more support and structure, the Parole Board is seeking an assessment from DMH prior to making a decision regarding his suitability for parole.

*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.*

  
James DiLoreto Smith, General Counsel

2/17/15  
Date