



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



PAROLE BOARD

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Paul M. Treseler
Chairman

DECISION

**IN THE MATTER OF
THOMAS YOUNG
W35434**

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **April 24, 2018**

DATE OF DECISION: **June 4, 2018**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

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 by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long term residential program with special conditions.

I. STATEMENT OF THE CASE

On March 25, 1976, in Middlesex Superior Court, Thomas Young pleaded guilty to the second degree murders of Robert Guerin and Carmelo Rosado Gonzalez, as well as armed robbery, conspiracy to commit murder, and assault and battery by means of a dangerous weapon. Separate sentences of life in prison with the possibility of parole were imposed on Mr. Young for the murders of Mr. Guerin and Mr. Gonzalez. Mr. Young was also sentenced to a term of life in prison with the possibility of parole for his conviction of armed robbery. A term of not more than 20 years and not less than 18 years in prison was imposed on Mr. Young for his conviction of conspiracy to commit murder. Mr. Young was also sentenced to a term of not more than 10 years and not less than 8 years in prison for his conviction of assault and battery by means of a dangerous weapon. The sentences were to run concurrently. At the time he committed these offenses, Mr. Young was 17-years-old.

On March 15, 1975, Mr. Young and his co-defendant, Wayne Purtell, went to the home of Mr. Guerin in Lowell. Mr. Young and Mr. Purtell planned to borrow Mr. Guerin's gun for the purpose of robbing a drug store. Mr. Young ingested 10 Quaaludes at the home of Mr. Guerin and then went with Mr. Purtell to a local café, where both men consumed multiple alcoholic beverages. Mr. Young and Mr. Purtell returned to Mr. Guerin's residence with the intent of stealing money and drugs located inside his home. However, when Mr. Guerin showed Mr. Young how to use the gun, Mr. Purtell approached Mr. Guerin from behind and stabbed him multiple times. Mr. Purtell then held a pillow over Mr. Guerin's head, while Mr. Young shot him in the head and chest. When Mr. Gonzalez entered the apartment, he was subsequently stabbed in the back by Mr. Purtell and shot in the head and chest area by Mr. Young.

II. PAROLE HEARING ON APRIL 24, 2018

Mr. Young was denied parole after his initial hearing 1990, as well as after his review hearing in 1991. On November 18, 1993, Mr. Young was released on parole. On October 18, 1994, however, Mr. Young's parole was revoked for a number of violations, including his relapse with cocaine. On October 6, 2006, Mr. Young was released on parole for the second time. In February 2007, he was discharged from a residential treatment program after failing to notify staff that he was taking prescribed medication. He was then returned to custody for a short period of time. In March 2007, he was again released on parole. After relapsing on cocaine, his parole was revoked and he was returned to custody. Mr. Young has since been incarcerated for 11 years, having been denied parole after review hearings in 2010 and 2015.

Mr. Young, now 60-years-old, appeared before the Parole Board for a review hearing on April 24, 2018, and was represented by Attorney Stephen J. Weymouth. In his opening statement to the Board, Mr. Young expressed his remorse about taking the lives of two human beings. He also apologized to the Board for his prior parole failures. Since his last hearing, he has received no disciplinary reports, has maintained a job within the facility five days a week, and is program involved. He states that AA, a therapeutic addiction group, and the graduate maintenance program are the most important programs he has participated in. He credits these programs with his ability to stay clean and sober for more than a decade.

The Board questioned Mr. Young about his parole violations and revocations. Mr. Young was open and honest about his choices and actions that resulted in his returns to prison. Mr. Young took full responsibility for his actions, but maintains that he has been sober for more than a decade. He admits that he needs a great deal of structure, so he has devised a home plan to meet that need. He requests to be sent to the Gavin House, where he will continue to treat his addiction and address his mental health needs. He has already set up counseling in the community, if paroled. Mr. Young also realizes that AA sponsorship is necessary, as well as obtaining a job. If paroled, Mr. Young has requested that he be placed at the Gavin House, a long term residential treatment program, where he can maintain his sobriety in a structured environment. After completing the Gavin House, he hopes to find a sober house in the Boston area, as he is seeking medical treatment in a Boston hospital.

The Board considered testimony in opposition to parole from the Office of the Middlesex District Attorney.

III. DECISION

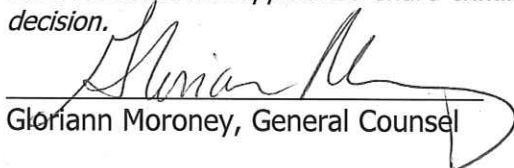
The Board is of the opinion that Thomas Young has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. Re-incarceration has served its purpose. Mr. Young has been active in addressing his addiction and his sobriety, as well as his other causative factors.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board has also considered whether risk reduction programs could effectively minimize Mr. Young's risk of recidivism. After applying this standard to the circumstances of Mr. Young's case, the Board is of the unanimous opinion that Thomas Young is a suitable candidate for parole to a long term residential treatment program with special conditions.

SPECIAL CONDITIONS: Waive work for LTRP; Must be home between 10:00 pm and 6:00 am; GPS at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact or association with victim's family; Long Term Residential Program; Must attend AA at least three times/week; Mandatory - sign release to disclose medical documents prior to release.

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.


Gloriann Moroney, General Counsel

6/4/18
Date