

# JOSH WALL'S PAROLE BOARD DIMINISHES PUBLIC SAFETY

## GOOD MEN ARE DYING IN PRISON

### DOES THIS SERVE THE WELFARE OF SOCIETY

\* \* \* \* \*

Josh Wall has decimated the public safety protection system of parole supervision. His anger toward prisoners does not allow him to see real rehabilitation in men. He considers himself a new trial judge and retries cases without a jury or constitutional protections. The results of his dire retribution will be angry men being released directly to the streets of your cities and towns. When parole eligible men, especially lifers, are forced to live in hopelessness in prison, that hopelessness permeates the entire prison population. Low level drug dealers are then instilled with such anger and fear that they return to prison as murderers. Josh Wall hates hope and loves fear. Prosecutors like Josh Wall make their living off of the continuation of crime. If men are rehabilitated this could inhibit the planned upon decades of jobs for the families of these failed public servants. When did the public forget that the job of their servants is to work to reduce crime? How does Josh Wall get away with ignoring the fact that other countries have proven parole systems which reduce crime, enhance public safety, and work to continue to support the offender upon release. Josh Wall's parole board cares nothing about success. He tortures families, both offender and victim families, by delaying decisions for over a year. He routinely disrespects family members who come to hearings to testify about the real changes they have seen in their loved ones. Josh Wall must be removed from the parole board.

### JUVENILE LIFE WITHOUT PAROLE

The Governor wants to convert the first degree, life without parole, sentences of juveniles to second degree life sentences with parole eligibility after 15 years. This is the same DEATH SENTENCE that the first degree sentence afforded them. Why? Because of Josh Wall and his desire to retry every case before him. These juvenile offenders will be convicted all over again by Mr. Wall. He will ignore the scientific facts revealed in Miller v. Alabama which is what sparked the Governor's desire to author the bill in the first place. These kids, which science has proven could not be fully culpable for their actions, will be forced to die in prison because of Josh Wall's desire to be king. May God forgive him for his evil intent. The Governor cannot allow this. These juvenile offenders must be afforded a meaningful opportunity for release and to have Josh Wall in charge of these kids will ensure they are old and gray before they are released. Josh Wall must be removed from the parole board.

MEN WHO HAVE TRULY REHABILITATED - JOSH WALL CANNOT SEE IT - YOU WILL SUFFER

Frank Soffen

Frank Soffen is featured in depth on my blog. He is dying - slowly and painfully. Frank sought a medical parole (he has been eligible for parole since 1987) but Josh Wall retried Frank's case, talked about d-reports, and fully ignored the fact that Frank is wheelchair bound and cannot even hold an ink pen. When we asked Mr. Wall to reconsider his decision based

on his ever worsening medical conditions, but Mr. Wall denied Frank's plea with two words, "No Merit". This evil utterance resonates in hell. Josh Wall needs to be removed from the parole board.

Hung Truong

You will find the decision from Hung's 2010 parole hearing, at which he was granted parole, as well as from his 2012, hearing before Josh Wall. All Hung did to be brought back to prison was drink some of his sister in laws cough syrup which had codien in it! Hung was working under the table (for \$4.00 per hour) in order to pay a lawyer so he could get his work permit. Josh wall branded him a "liar" because of this! Josh wall is making him spend four (4) more years, at least, in prison for drinking cough syrup. Please read his parole decisions herein.

Wall makes a very troubling statement in his decision: he states that a man can not be rehabilitated in 20 years. Is he kidding? Josh Wall is a threat to public safety, I believe in far more ways than Hung, and Josh Wall must be removed from the parole board.

Bryce Noonan

Please read the following letter about a very good man, Bryce Noonan, who was arrested as a juvenile and has become a good man in prison. The only person who has ever encountered Bryce who did not see this was Josh Wall. Please read about Bryce, he is a good man. Josh Wall must be removed from the parole board.

#### ARTICLE ABOUT ANNIE DOOKHAN

One of my friends, Darin Bufalino, wrote a nice piece about the Annie Dookhan and the Drug Lab Scandal. Please find that piece herein.

#### SOLITARY CONFINEMENT COMMENTARY

Find two articles about "Solitary Confinement" two of my friends authored. Check em' out.

**BOTTOM LINE: JOSH WALL MUST BE REMOVED FROM THE PAROLE BOARD!!!**

\* \* \* \* \*





Deval L. Patrick  
Governor

Timothy F. Murray  
Lieutenant Governor

Mary Elizabeth Jeffernan  
Secretary

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

*12 Mercer Road*  
*Natick, Massachusetts 01760*

*Telephone # (508) 650-4500*  
*Facsimile # (508) 650-4599*



Mark A. Conrad  
Chairman

Donald V. Giancioppo  
Executive Director

**RECORD OF DECISION**

**In The Matter of**  
**HUNG TRUONG**  
**W-52523**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** August 3, 2010

**DATE OF DECISION:** August 23, 2010

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Mark Conrad, Candace Kochin, Pamela Lombardini, Thomas F. Merigan, Jr., Roger Michel, Leticia Muñoz

**DECISION OF THE BOARD:** Reserve 9/23/2010 to ICE Detainer. If released from ICE must report to parole for supervision.

Hung Truong appeared before the Parole Board on August 3, 2010. Mr. Truong was convicted in the Superior Court of the second degree double murder of Ngo Le, age 34, and her daughter, Dixie Poulin, age 15. In the same proceedings, he was also convicted of armed robbery, receiving a concurrent sentence of nineteen to twenty years.

The underlying facts are as follows: On or about November 21, 1989, Mr. Truong and a co-defendant, Tam Bui, entered the victims' apartment in Everett for the purpose of robbing Ms. Le. When they arrived, Ms. Poulin was home alone. At Mr. Bui's direction, Mr. Truong bound and gagged Ms. Poulin. Shortly thereafter, Ms. Le returned home. She was then bound and gagged, as well. Mr. Truong and Mr. Bui searched the apartment for valuables, ultimately discovering about \$1000 in cash. Mr. Bui then stabbed Ms. Le to death and ordered Mr. Truong to kill Ms. Poulin. Mr. Truong repeatedly stabbed and beat Ms. Poulin. However, she survived the attack. Shortly thereafter Mr. Bui stabbed Ms. Poulin to death. Both men fled and were not arrested for approximately ten months.

Mr. Truong's institutional adjustment has been mixed. He has incurred more than thirty disciplinary infractions and has been returned to higher custody twice. However, since his last hearing in 2006, he has received only a single disciplinary report.

Further, since 2005, he has been heavily program-involved. Nearly all elements of the risk reduction plan established for Mr. Truong in his classification report have been completed. Further, he has been consistently involved in mental health treatment. We note in particular that he has completed a number of programs aimed at abating violent misbehavior and drug/alcohol abuse, including the Correctional Recovery Academy,

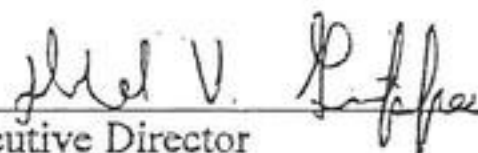
During his hearing, Mr. Truong spoke with sincerity about the remorse he feels as a result of his actions. While the horrific nature of his crime cannot be overstated, the Board has reached the conclusion that Mr. Truong has achieved significant rehabilitation while incarcerated. This is reflected in both his recent disciplinary record and his significant program involvement. We believe that his release at this time is not inconsistent with the welfare of society.

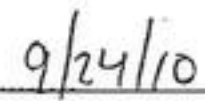
ICE has lodged a detainer against Mr. Truong. It is the judgment of the Board that he should be paroled to the detainer for possible deportation. If Mr. Truong is not deported, he must report to the nearest Massachusetts Parole Office and comply with all conditions of parole imposed on him.

*Special Conditions:* Release to other authority ICE detainer. Waive Work for 2 weeks or Father Bells Program. Supervise for Drugs; testing required. Supervise for liquor Abstinence; testing required. If released from ICE report to assigned Massachusetts Parole Office on day of release. No contact with victim's family. Mandatory participation in Father Bells Program.

Board Member 1: PFV [Per Final Vote].  
Board Member 2: Concur with final vote.  
Board Member 3: Concur.  
Board Member 4: Concur.  
Board Member 5: Concur.  
Board Member 6: Concur.  
Board Member 7: Concur.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

  
Executive Director

  
Date



Deval L. Patrick  
Governor

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# *The Commonwealth of Massachusetts*

## *Executive Office of Public Safety*

### PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Telephone # (508) 650-4500  
Facsimile # (508) 650-4599



Josh Wall  
Chairman

### DECISION

IN THE MATTER OF

HUNG TRUONG

W52523

**TYPE OF HEARING:**

Review Hearing after Revocation

**DATE OF HEARING:**

May 31, 2012

**DATE OF DECISION:**

January 22, 2013

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

**DECISION OF THE BOARD:** Re-parole is denied with a review in four years. The decision is unanimous.

### I. STATEMENT OF THE CASE

On November 21, 1989, 34-year-old Ngoc Le and her 15-year-old daughter Dixie Poulin were stabbed to death in their apartment in Everett. Two men, Hung Truong and Tam Bui, broke into the victims' apartment in order to rob Ms. Le. Using duct tape they bound and gagged both mother and daughter and ransacked the house. After finding money and jewelry, they stabbed Ngoc Le and Dixie Poulin multiple times.

Hung Truong and Tam Bui were armed with a handgun and a knife when they entered the victims' apartment and found Ngoc Le alone. While Bui pointed the gun at the mother, Truong used the duct tape to gag her and bind her legs and arms. Truong took possession of the gun and used it to threaten Dixie Poulin when the child came home and walked in on the crimes. Truong used duct tape to gag the child and bind her arms and legs. After finding money and jewelry, the two men stabbed Ngoc Le and Dixie Poulin. Truong said at his prior parole hearings that Tam Bui stabbed the mother and that Truong beat and stabbed the child, with Bui concluding the attack on the child with a few final stabs.



Dixie Poulin, age 15, was stabbed 12 times to the neck and chest. Six of the stab wounds to the neck perforated either her jugular vein or carotid artery. One of the stab wounds to the chest penetrated six inches deep into the chest cavity. In addition, she had six lacerations to the head due to blunt force trauma. Truong admitted at a prior parole hearing that he struck the child with the gun many times in the head during the murder. Ngoc Le suffered multiple stab wounds to her neck and chest. A stab wound to the neck severed her carotid artery; a stab wound to her chest passed through the rib cage and struck her heart.

After Tam Bui was convicted at trial of two first-degree murders, Hung Truong pleaded guilty on May 13, 1992 to two second-degree murders and two armed robberies. He received concurrent life sentences for the two murders, and two concurrent 9 to 10 year sentences for the armed robberies, which were also concurrent with the life sentences. The armed robbery sentences have been served.

## **II. PAROLE HISTORY**

Hung Truong's initial parole hearing was in 2005. Truong's account of the murders included several significant lies, apparently offered to make himself look less culpable or violent. The Board denied parole and set a review in five years. At his second parole hearing in 2010, Truong gave a more truthful account of his violent conduct in murdering Dixie Poulin and Ngoc Le. The Parole Board voted to release Truong. He is not a United States citizen so he was released on October 5, 2010 to the custody of ICE (Immigration and Customs Enforcement) due to a deportation order. Deportation, however, was never going to be the outcome of the parole to ICE because Vietnam does not accept its citizens for repatriation from the United States. As would be expected, ICE released Truong from custody on January 28, 2011 to parole supervision in Massachusetts.

Hung Truong served 20 years on two life sentences for murders and two 9 to 10 year sentences for armed robberies. In releasing Truong, the previous Parole Board stated in its decision that Truong "since 2005 has been heavily program-involved; he has been consistently involved in mental health treatment; during his hearing he spoke with sincerity about the remorse he feels; and the Board has reached the conclusion that Mr. Truong has achieved significant rehabilitation while incarcerated."

While on parole Hung Truong lived in Quincy with his brother, sister-in-law, and their three children. His immigration status did not allow him to work legally although he was in the process of seeking legal employment status. He attended counseling for anger management and substance abuse issues.

He tested positive for opiates on October 3, 2011 and was returned to custody. He offered the explanation that he took his sister-in-law's prescription cough medicine that contained codeine. A subsequent test of Truong's sample by a laboratory was negative for opiates. Based on Truong's admission, parole was revoked for taking unauthorized prescription medication containing an opiate.

### III. PAROLE HEARING ON MAY 31, 2012

Hung Truong appeared for his parole hearing to determine if he should be re-paroled after revocation. Truong was born in Vietnam, probably in 1970. He is one of ten children. For reasons he does not know, he and one of his older brother were selected for immigration to the United States. He and his brother spent four years in refugee camps in Malaysia and the Philippines awaiting immigration. Despite being together in refugee camps, Truong and his brother were not close and spent little time together. In the camps he developed habits of stealing, excessive alcohol consumption, and fighting. He and his brother arrived in the United States in 1989, six months before the murders. Truong was 19 and attended Brighton High School. He said that in the United States "I continued my negative behaviors, hanging around with negative people, drinking, drugging, and stealing, but now it was on a more severe scale."

Hung Truong told the Board that he "mostly stayed home" during his eight months on parole because Immigration laws did not permit him to work. He said he did not work but did attend the counseling required by parole. He said that he tested positive for opiates because he took his sister-in-law's cough medicine.

The inmate's first 10 years of incarceration were marked by frequent violence and gave no sign of rehabilitation. He accumulated 32 disciplinary reports, including two returns to higher custody for fighting and two lateral transfers for fighting. His disciplinary reports include the following: a group attack on another inmate; beating another inmate with a weapon; numerous other fights; possession of metal pick weapon; encouraging a group demonstration; stealing; possession of homebrew; incidents of disruptive behavior; and kicking an inmate who was being held down by another inmate. He had no program participation. He improved his behavior in later years and began program participation in 2004.

In its decision granting parole, a previous Parole Board noted Truong's ability at his 2010 parole hearing to demonstrate insight, sincerity, remorse, and rehabilitation. The inmate did not do as well in this hearing: he was guarded and not very communicative; he offered little insight or report on his rehabilitative progress; he gave no indication that he planned a more energetic or productive approach to another parole.

Two supporters testified: Hung Truong's older brother (in whose house Hung Truong lived during parole) and Reverend Adolph Wismor who assisted with sponsorship of the Truong brothers when they came to the United States in 1989.

Two credibility issues developed during the hearing after testimony from the inmate's supporters. First, supporters said that Hung Truong was working at a restaurant during his parole. Hung Truong lied to the Board under oath on this issue. When asked why he lied, Truong said he did not want to get in trouble for working in violation of the law. Second, Truong and his brother could not keep their stories straight on the cough medicine story: the inmate said it was his sister-in-law's medicine; his brother wrote a letter saying the medicine was prescribed for him; when he testified the brother said the medicine was not his but Hung Truong's, and then later testified it was his wife's medication. Hung Truong and his brother have confused rather than clarified the circumstances involving the medicine, but the matter is less significant than other issues and does not factor into the parole decision.



#### IV. DECISION

Hung Truong was the beneficiary of a very generous parole decision by a previous Parole Board. He violated parole by taking unauthorized prescription medication containing an opiate. The Board now applies the legal standard to his current situation with consideration of all the facts and circumstances related to his crimes, his background, his institutional record, and his performance on parole. The inmate chose to lie under oath at his parole hearing on the significant issue of employment. This choice demonstrates a lack of rehabilitation and sends the clear signal that he would not be a trustworthy parolee. It would be an extraordinary feat for an inmate who murdered two people, including a child, to achieve rehabilitation in 20 years of incarceration. This is particularly so when the inmate spent many years of incarceration engaging in violent behavior and avoiding programs of rehabilitation, and then told a series of lies at his initial parole hearing. Five years of good prison conduct and program participation is not sufficient to reform a person who planned and committed these acts of violence against an innocent mother and daughter. There are no facts of provocation or circumstances of mitigation, which indicates an even more difficult path to rehabilitation. Because he is not rehabilitated, Hung Truong is likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, re-parole is denied. The review will be in four years. Mr. Truong needs a longer period of program participation and good conduct; he needs to address issues of honesty and trustworthiness; and construct a parole plan that deals realistically with issues of financial support, employment, and productivity. The unproductive and secretive circumstances of this parole are unacceptable for a person serving two life sentences for murder.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.*

  
Josh Wall, Chairman

January 12, 2013  
Date



January 24, 2013

Hung Truong W52523  
P.O. Box 1218  
Shirley, MA 01464

Stern, Shappiro W&G, LLP  
Patty Garin, Attorney at Law  
90 Canal St.  
Boston, MA 02114

**RE: RECENT DECISION OF PAROLE BOARD FROM REVOKATION HEARING**

Dear Attorney Garin:

Thank you for the work you are doing on the important matter of parole reform. I have previous written to you as well as sent in a package of material to both PLS (Stephanie Marzouk) and the Coalition for Effective Public Safety who I know you are affiliated with. I previously sent them the following documents:

- 1) Parole incident Report 10/3/11
- 2) Parole Violation Report 10/4/11
- 3) Preliminary Hearing Summary 10/11/11
- 4) Client Case Note Report 10/5/10 through 10/27/11
- 5) Provisional revocation of Parole decision 1/24/12
- 6) Record of Decision 1/27/11
- 7) Parole Revocation Response Letter by my sister-in-law at whose home I was staying 2/24/12
- 8) Reconsideration of Decision that I submitted 3/1/12

I am writing now because I received my review hearing result (from 5/31/12 hearing) this week and am taken back. I am being punished for what Domenic Cinelli did on parole. After 55 weeks of incident-free parole, and on the very day I was to finally get a Work Permit, for which I had to pay a lawyer over \$1,000 to get, I was revoked and brought to Walpole because I had taken cough syrup when I had a cold. When I went back before the Parole Board on a Parole Hearing, they retried the crime for which I had already been paroled and discussed disciplinary tickets I got in the 1990's.

The decision belittles the parole I got, saying I was "the beneficiary of a very generous parole decision" by the previous board. They also stated that because of my crime in 1992, it would be an "extraordinary feat to achieve rehabilitation in 20

years of incarceration." And that "[I am] not rehabilitated and am likely to reoffend." That my 363 days on parole were "unproductive and secretive circumstances" that are unacceptable.

Where it is true that I did not inform my parole officer/board that I was working under the table (being paid less than minimum wage washing dishes in a restaurant), for obvious reasons, it is also true that I had to raise the funds to pay a lawyer so that I could get a card to legally work in the United States. This "catch-22" situation is not considered by parole - they say I lied by not revealing I was working illegally. If I had said I was working illegally, they would have said that was unacceptable because I needed a work card. But how was I to get a work card unless I got the funds to pay a lawyer? And yet the parole board decision states how I need to construct a parole plan that deals realistically with issues of financial support, employment, and productivity. I ask - just who had an unrealistic view?

A review of the "Client Case Note Report" on my parole (10/5/10 through 10/27/11) reveals that I met every parole expectation with no failure/reprimands. On the day I hit my key goal to get a work card, I was revoked. When I openly informed them that I took a spoon of my sister-in-law's prescription cough syrup for a cold - that was the basis to revoke my parole and destroy all the progress I made.

The Board states that they "now apply to legal standard to [my] current situation with consideration to all the facts and circumstances to [my] crime, background, institutional record, and performance on parole" as if it was not done before in the 'generous parole decision.' (Apparently I was not the only one being judged, but the old parole board too!) However, I argue that the present parole board are the ones who failed to consider all the facts but were selectively focused on the crime and disciplinary tickets alone.

They boldly stated that there were "no facts of provocation or circumstances of mitigation" in my crime which I pled out to. I believe it is clear that the previous board was able to not be narrowly focused on the horrible crime itself but to look at the three years prior to the crime where I went from a boy living in Vietnam's rice fields caring for a water buffalo to someone trying to survive in two refugee camps, to a confused, non-English speaking teenager whose sponsor family backed out when I was in route to the U.S. and ended up in a group home and attending Brighton High School even though I hardly had any education prior to that. The only familiarity I had was with people who spoke my language - and that became the first step of the downfall of a few months of criminal behavior ending in the needless loss of two lives. This is what the first parole board considered as mitigating circumstances of a series of events where the "system" failed and I was left out. This is why the first parole board considered that I learned enough English in prison to finally then attend positive programming, break from a



cultural tie with criminal elements, and change my life around - albeit for 5 or 6 years.

Further, this board treated my two supporters - my brother who barely knows the English language and the pastor who managed the refugee adoption program that failed in my case - as hostile witnesses in a prosecution rather than a support system for me. The result was a four year set back for me having a spoon of cough syrup when I had a cold. Enclosed is a copy of the decision just made as well as the initial favorable decision for your review.

I am not sure there is an argument to be made for a parole appeal in the next 30 days but I know there is an argument for mitigating factors that can be made for reconsideration. Yet, if I send it in, it will be handled like others - a one word decision, "denied."

Sincerely,

Hung Truong

December 12, 2012

Bryce Noonan W55845  
P.O. Box 1218  
Shirley, MA 01464

Timothy J. Muise  
Between The Bars  
Blog 101

I'm writing in regards to the negative message of hopelessness that this current parole board is infecting the prison population with. Most of us 2<sup>nd</sup> degree lifers who came to prison as juveniles have applied ourselves in finding causative factors to our wretched past and have replaced that thinking with healthy, sociable ways are now losing hope. There are many other prisoners caught in this same trap. You can do something to appropriate the justice intended from this summer's Supreme Court ruling of *Miller v. Alabama* concerning juvenile sentencing.

I was 17 years old when I committed murder; I am now 38 years old. I'm serving an adult 2<sup>nd</sup> degree life sentence (15 yrs to life) as I pled guilty to second degree murder after awaiting trial for nearly two years. With a 1<sup>st</sup> degree murder charge and the prospect of a life without parole verdict, the plea "deal" seemed prudent at that time.

My crime happened in 1992, back then 17 years of age was not considered juvenile in Massachusetts. Now, with the *Miller* ruling, a juvenile is anyone under 18 years of age. *Miller* recognizes that the human brain is not fully developed, and a child's ability to reason and make well informed, rational adult-like decisions are not realistic, especially if a child came from a troubled home-setting as I did. I was never looked at as a juvenile, nor were the brain science findings of a juvenile's mind or my abusive home-setting ever discussed at any of my criminal proceedings.

I and many juveniles were sent to MCI-Cedar Junction as teens. Walpole, as it was known back then, was one of the most dangerous prisons in the United States. Inmates were raped, victimized in various ways, and murders occurred in the prison. We were taught how to "do time" by the worst possible influences. I don't know of a single juvenile from back then that doesn't have a disciplinary history while incarcerated.

I thought I was fortunate as the years went by because I could one day be paroled, and I still had/have a loving family, and now a kind-hearted wife who is looking forward to my eventual release. It saddened me to think of my friends doing natural life sentences who would probably never make it home – until the *Miller* decision came out.



I have always felt remorse and taken responsibility for killing James Margeson, but as I learned later in life, remorse doesn't mean just being sorry and feeling horrible for what you've *done* it means finding out why you did it, and making sure it never happens again. I have done everything I can to gain insight into my crime through years of counseling and programs. I fully understand the pain and suffering I caused Mr. Margeson's family, my own family, and lastly, myself. The ripple effect will never end, there's nothing I can do to stop it, the crime is done. But I have learned to live my life with respect and empathy for others; in this way I atone for what I have done.

I have a co-defendant that was fortunate enough to have a transfer hearing after we were charged as he was 16 at the time of the crime and kept as a juvenile. He was convicted of 1<sup>st</sup> degree murder (as a juvenile), given an 18-20 year sentence, served 11 years, 8 months before his release, and has lived a productive life for the last seven years back in society.

### **CONCERNING THE PAROLE BOARD**

I and many of my friends have experienced and heard the most frightening, disheartening stories about the parole board. I myself attended my initial hearing in 2007 and was given a four year setback stating I wasn't "quite ready just yet." The reason for denial was the seriousness of the crime (mind you, the *Miller* ruling states now that juveniles are "less culpable" than adults because of the brain sciences) and my disciplinary history while incarcerated (please keep in mind where I was sent upon receiving my sentence – and to survive, drastic measures were needed). And I was told to stay d-report free and continue with cognitive programming prior to my next hearing. I did just that, in fact, I went above and beyond that because I wanted to ensure that I would never come back to prison again.

Shortly before I was expecting my subsequent hearing Dominic Cinnelli shot Police Officer John Maguire, killing him and himself in the process. Great public outcry against paroling Cinnelli followed. The previous parole board, under Chairman Conrad (which I never had a hearing with as Chairman Maureen Walsh's board conducted my initial hearing) was let go (forced resignations) and the new board chaired by veteran prosecutor, ADA Josh Wall resumed following the lobbying of police unions. This new board began lifer hearings just before I saw them in June 2011.

Professor James Fox from Northeastern University, a man nationally known for his work on juveniles, attended my hearing and could be a source of information to you. I felt it went well though it concerned me a bit when, after 10 minutes, Josh Wall, excused himself from the hearing saying he had to go somewhere. The forensic psychologist, Mrs. Bonner, asked me about my abusive home-setting and seemed sympathetic. I did sincerely apologize to Mr. Margeson's family from my heart as I always have. I turned in a plethora of certificates from various programs as well as my Apprentice Barber's license which I had worked very hard to attain and pay for. In this whole institution with a population of 1300, I am one of the most active inmates in program attendance. My institutional record also showed seven years of disciplinary report-free behavior and nearly a decade of non-violence, as well as years of mental health counseling and group therapy.

Josh Wall sent my parole decision to me nearly a full year after the hearing (a practice never heard of until this board came into being). I received a denial with the maximum set-back of five years - even more severe than my initial hearing and despite the fact I addressed all that I was asked to from that first hearing! The disciplinary reports Chairman Wall chose to cite in his reason for denial were 14 years in the past and had been previously considered. This was

extremely disheartening to my family, my wife (who just had been diagnosed with breast cancer) and the other juveniles here who have looked to me as a role model.

My hopes of getting home on parole were crushed. I could not help my sick wife who needed me there to help support her and my step-sons. Had I been a year younger in 1992, I would have completed my sentence with my co-defendant in August of 2005 for a more severe 1<sup>st</sup> degree murder conviction. I have appealed the parole board's decision and, over five months later, still have not received a reply.

My wife recently called the board and asked if they, in fact, received my appeal. They said "yes" and "it was under consideration." She then asked if they'd take the new *Miller* ruling under consideration, specifically the new brain sciences pointing to less culpability. She was told, "That's judicial." That was an interesting response since the majority of my recent parole hearing was retrying the crime – also judicially done.

When inmates have sincerely applied themselves to all avenues of rehabilitation offered as I have these past nine plus years rather than continuing in their destructive thinking/ways as I initially did and the result is a maximum set-back from the parole board, it crushes any prison climate to focus on rehabilitation; not just for lifers but for everyone! For me, a sincere consideration of my prison record shows a remarkable turnaround that is sustained for a decade now. The parole board, to the best of my knowledge, had no conversation with any of the prison staff, volunteers, work supervisors, or Catholic chaplain who have sustained observations of me that would further evidence a changed/rehabilitated man who no longer poses a public safety threat and now has a fully developed brain to handle stress correctly. I and the dozens of others who come to adult prison as juvenile offenders should have the *Miller* decision heavily considered when evaluated.

I am willing to provide you with more information – my parole board packages I submitted, the parole decisions, the outstanding appeal of the decision – should you want it. The U.S. represents over 98% of juveniles worldwide who were incarcerated with life sentences. Our Supreme Court called this unconstitutional this summer in the *Miller* decision. This issue should be taken seriously.

I ask you to take this issue seriously. I invite you to come into prison and meet individuals like me. For instance, you could come to a Sunday morning Catholic Mass that is followed with an hour's fellowship time afterwards. Get some firsthand exposure to the issue as well as us individuals. I implore you to get involved in this moral issue that is polluting the criminal justice system.

Thank you for your time and I hope to hear back from you.

Sincerely,

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Bryce Noonan