



The Commonwealth of Massachusetts
Executive Office of Public Safety
ADVISORY BOARD OF PARDONS

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Kevin M. Burke
Secretary

Telephone # (508) 650-4500

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December 18, 2007

Arnold King W-33734
Bay State Correctional Center
P.O. Box 73
Norfolk, MA 02056

RE: Commutation Petition

Dear Mr. King:

After careful objective analysis, the majority membership of the Advisory Board of Pardons voted to submit a favorable recommendation concerning your petition for executive clemency in the form of a commutation (6-0).

Enclosed, please find a copy of the Board's Opinion.

A copy of the Board's report will be forwarded to His Excellency, the Governor, for review.

Sincerely,

A handwritten signature in cursive script that reads "Maureen E. Walsh".

Maureen E. Walsh

Chairman

Advisory Board of Pardons

Cc: Edward Berkin, Esq. w/ enclosure ✓
J. Soffiyah Elijah, Esq. w/enclosure
District Attorney Daniel Conley w/ enclosure



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In the Matter of

ARNOLD L. KING

Petition for Commutation

REPORT AND RECOMMENDATION

YOUR EXCELLENCY:

The Advisory Board of Pardons (herein after "the Board") respectfully submits this report and recommendation concerning the commutation petition of Arnold L. King. Mr. King is serving a life sentence for murder in the first degree, imposed on June 20, 1972, in Suffolk Superior Court. Based upon the same incident, he was also convicted of assault with intent to rob and unlawfully carrying a firearm and was sentenced to serve concurrent eight to twelve year sentences for each offense.

The effective date of Mr. King's sentence was January 7, 1972 and he is not eligible for parole due to his first-degree life sentence.

On June 18, 2007, Mr. King submitted a petition for commutation. (Attachment A). On October 25, 2007, the Board conducted a public hearing regarding Mr. King's petition. On November 28, 2007, after due consideration, the Board voted unanimously to recommend favorable consideration. The reasons for the Board's recommendation are set forth in the body of this opinion.

PROCEDURAL HISTORY

On November 8, 1971, the Suffolk County Grand Jury indicted Mr. King for Murder in the First Degree, Conspiracy, Assault with Intent to Rob, and Unlawfully Carrying a Firearm.¹ The victim was Mr. John J. Labanara. Mr. King committed the offenses two days after he had been released on parole from an accessory to robbery conviction out of New Hampshire.

On June 13, 1972, after a jury trial, Mr. King was convicted of all the charges and on June 20, 1972, was sentenced to life in prison for the first degree murder charge. As to the Assault with Intent to Rob conviction and the Firearm conviction, Mr. King was sentenced to 8 to 12 years for each offense to be served concurrently with the murder sentence. The Conspiracy conviction was filed.

Mr. King appealed his conviction. On July 12, 1974, the Supreme Judicial Court affirmed the conviction in Commonwealth v. King, 366 Mass. 6 (1974). (Attachment C).

Mr. King subsequently filed a motion for a new trial. On October 16, 1979, the motion was denied.

Mr. King has applied for commutation relief on five prior occasions.

On December 21, 1987, Mr. King submitted his first petition for a commutation of sentence. On November 1, 1989, the Board voted to deny Mr. King a hearing by a vote of 5 to 2. The majority of the Board noted Mr. King's poor institutional record, his prior criminal record, the nature of his offense and the fact that he committed the crimes while on parole. The two members of the Board who voted to grant a hearing noted Mr. King's educational accomplishments and program involvement.

On October 15, 1990, Mr. King submitted his second petition for a commutation of sentence. On November 1, 1991, the Board voted 5 to 1 to grant a hearing. On June 22, 1992, Mr. King appeared for his scheduled hearing before the Board. On April 9, 1996, the Board voted unanimously to refer the matter to the Governor with an unfavorable recommendation. The Board noted that Mr. King's sentence was appropriate given the nature of the offense, the fact that the offense was a senseless murder of an innocent victim, and that he did not accept full

¹ Neither the current Board of Probation Record dated October 10, 2007 nor the Department of Correction Classification Report dated March 9, 2007 reference Mr. King's firearm conviction. The Supreme Judicial Court's Opinion affirming Mr. King's convictions also does not reference this conviction. The firearm conviction is, however, referenced in the Case Summary submitted to the Advisory Board of Pardons by the Suffolk County District Attorney's Office on May 14, 1992 and the original Board of Probation record. (Attachment B).

responsibility for the offense. Although Mr. King did not present a compelling need for a favorable recommendation, the Board noted that he had shown exceptional strides in self-development. The Board also noted Mr. King's strong community support. (Attachment D).

On January 7, 1998, Mr. King submitted his third petition for a commutation of sentence. On July 8, 1998, the Board voted unanimously to deny Mr. King a hearing, stating that Mr. King committed a first degree murder two days after being released on parole (for accessory to robbery) in New Hampshire and that he failed to accept responsibility for his criminal actions. Noting that Mr. King's sentence was appropriate under the circumstances, the Board concluded that commutation relief was not appropriate. The Board did, however, acknowledge his improved institutional record and his volunteer work in the community.

On July 26, 2001, Mr. King submitted his fourth petition for commutation of sentence. On February 25, 2002, the Board voted 4 to 2 to grant Mr. King a hearing. On April 18, 2002, the Board conducted the hearing. On October 3, 2002, the Board issued a split recommendation. Three members of the Board, voting in favor of commutation, noted Mr. King's age at the time of his offense, his length of incarceration, his positive strides in self-development and self-improvement, and his impressive community support system. Three members of the Board, voting in opposition, noted the nature of Mr. King's crime, his refusal to provide details regarding his involvement in the crime, his accumulation of disciplinary reports while incarcerated, the opposition from the victim's family and the District Attorney, and his inappropriateness for community supervision given the fact that he committed the offenses while on parole. The three opposing members also noted that, although Mr. King's community support was impressive, it was largely based on misperceptions concerning his prosecution and conviction. (Attachment E).

On February 20, 2004, Mr. King submitted his fifth petition for commutation of sentence. On May 12, 2004, the Board voted 6 to 1 to grant Mr. King a hearing. On July 28, 2004, the Board conducted a public hearing. On September 30, 2004, the Board voted 4 to 3 to refer the matter to the Governor with a favorable recommendation. The four members who voted in favor of commutation were of the opinion that Mr. King had demonstrated exceptional strides in self-development since he committed his crimes. (Attachment F).

As noted, on June 18, 2007, Mr. King submitted his most recent petition for commutation. (Attachment A). On July 30, 2007, the Board voted to grant him a hearing. On October 25, 2007, the Board conducted a public hearing on Mr. King's commutation petition.

OFFICIAL VERSION²

At approximately 1:40 A.M., on October 20, 1971, Boston police officers, responding to a radio call, proceeded to a location in the vicinity of Gloucester and Newbury Streets in Boston. Between 275 and 279 Newbury Street, the officers observed a Volkswagen parked at an irregular angle. Upon investigation, they found a male slumped over in the driver's seat and observed what appeared to be blood on the car seat. The body, later identified as that of John J. Labanara, was removed from the car and taken to Boston City Hospital where he was pronounced dead on arrival.

At trial, Barbara Zelenka testified that, on the evening of October 19, 1971, Peter Yuhas introduced her to Arnold King at a coffee house in Portsmouth, New Hampshire. She drove Mr. King and Mr. Yuhas to a gas station located on Route 95 southbound out of Portsmouth, where she got gas and had the attendant repair her brake lights. They then drove towards Boston. Mrs. Zelenka testified that two days prior, she had purchased a .32 caliber revolver, serial number 1813, and a box of .32 caliber cartridges at a store called the Trading Post in Kittery, Maine. One day before the murder, Mrs. Zelenka placed the gun, which was loaded with five rounds of ammunition, inside the padding in the convertible top of her car.

While en route to Boston, Mr. Yuhas announced that he wanted to rob a drug pusher. Mrs. Zelenka stated that they arrived in Boston around 11:30 p.m. Shortly after 1:00 a.m. on October 20, 1971, she stopped the car so Mr. Yuhas could ask directions from a man whom she identified as the victim, John Labanara. She then drove about a block away and Mr. Yuhas asked her to pull over. Mr. Yuhas and Mr. King got out of the car and walked toward the back. After about three minutes, Mr. Yuhas ran back to the car screaming, "Oh, my God, he killed him. He killed him." Mr. King also returned, carrying the .32 caliber revolver. Mrs. Zelenka testified that Mr. Yuhas said, "You shouldn't have shot him," and that Mr. King answered, "The man shouldn't have give[n] me no jive." Mr. Yuhas then said, "You didn't have to, you know, kill

² The facts of the criminal case are gleaned from the Case Summary submitted to the Advisory Board of Pardons by the Suffolk County District Attorney's Office on May 14, 1992. (Attachment B).

him. He was too drunk to stand up.” Mr. King responded that he didn’t kill him, and that he had only shot him in the shoulder. He then changed his story, stating that he had killed the man, that he had put him out of his misery, and that he had died happy because of his drunken state. Mrs. Zelenka also testified that Mr. King said the victim had gotten in the car and ignored him. She also recalled that Mr. Yuhas stated, “We tried to hold up a man and Arnie shot him.”

Mrs. Zelenka further testified that she filed the serial numbers off of the gun with the help of another individual. At that time, the cartridges were removed from the gun. She observed one discharged cartridge casing and four live rounds of ammunition.

Another witness, Michael Vincent, testified that in October of 1971, he was a private in the Army assigned to Fort Dix, New Jersey. At approximately 2:00 a.m., on October 16, 1971, while hitchhiking, he met Barbara Zelenka who took him to her home in Portsmouth, New Hampshire. Mr. Vincent stated that he saw Mrs. Zelenka leave her house on the evening of October 19, 1971 and that he next saw her at about 3:00 A.M. on October 20, 1971 in the company of Arnold King. Mr. Vincent stated that he saw Mr. King take a pistol out of his pocket and unload it. There were four live rounds and one empty cartridge. He testified that he then assisted Mrs. Zelenka in filing the serial numbers off of the gun.

At trial, Dr. Leonard Atkins, an associate medical examiner for Suffolk County, testified that on October 20, 1971, at 12:55 P.M., he examined the body of John J. Labanara. External examination revealed a bullet entrance wound over the mid-portion of the left side of the nose. An internal examination disclosed that the bullet, which was removed from the occipital part of the head, had passed through the nasal bone, cheekbone, ethmoid bone, sphenoid bone, right temple bone, and into the occipital bone as it passed on a level plane from front to back. In Dr. Atkins’ opinion, the cause of death was a gunshot wound to the head.

Margaret Labanara, the mother of the victim, testified that she had talked with John Labanara on the morning of October 19, 1971. They discussed his having passed the Massachusetts bar examination.³

CO-DEFENDANT—Peter Yuhas

According to documentation submitted by the Suffolk County District Attorney’s Office, Peter Yuhas offered a plea of guilty to so much of the indictment as constituted second-degree

³ It was later learned, through testimony at Mr. King’s commutation hearings, that the victim had traveled to Boston to share the news of his bar admission with his mentor.

murder. The Court accepted his plea and he was remanded to the custody of the Sheriff pending Mr. King's trial. Mr. King's trial began on June 13, 1972. On June 14, 1972, however, Mr. Yugas became seriously ill and was transported to Boston City Hospital. Mr. Yugas died of acute leukemia ten weeks later on September 3, 1971. (Attachment B).

CO-DEFENDANT — Barbara Zelenka

According to a Head Correctional Social Worker Investigative Report, dated August 10, 1972, all charges against Barbara Zelenka were dropped, as she was the main witness in the prosecution of Mr. King and Mr. Yugas. (Attachment B).

SOCIAL HISTORY

Family

Mr. King was born on December 12, 1952, to Leroy and Mary (Mason) King in Baltimore, Maryland. Mr. King states that he is the third eldest of eight children born of this union. He also claims he has one half-brother, who was his father's ninth child. According to a Suffolk County Probation Department report dated January 24, 1972, and a Department of Correction Classification Report ("Classification Report") dated September 8, 1972, Mr. King is one of eight children. Mr. King claims that he and his family relocated to Portsmouth, New Hampshire when he was in the first grade because his father, who was in the Air Force, was stationed there.

Classification Reports dated July 15, 1987 through September 27, 2000, indicate that Mr. King married his wife Kathleen ("Kate") Kunze, who was also his furlough sponsor at the time, and became a step-parent to her daughter Wakeitha Kunze. The Board independently verified Mr. King's marriage to Ms. Kunze and has obtained a certified copy of Mr. King's marriage certificate. (Attachment G). Mr. King's current marital status is, however, unclear. A Classification Report dated March 9, 2007, states that Mr. King is divorced with no children. (Attachment H). A letter from Kate King, dated October 22, 2007, states that she and Mr. King are "separated," but they are still married and continue to communicate with each other. (Petitioner's Pre-Hearing Documentary Submission at Attachment 4). At the October 25, 2007 hearing, Mr. King's attorney stated that Mr. King's wife, Kate King, was unable to attend because of work obligations, but he noted that she had submitted a letter in support of Mr. King.

The March 9, 2007 Classification Report indicates that Mr. King receives weekly visits from his family and friends. (Attachment H).

Education

According to a Suffolk County Probation Department report, dated January 24, 1972, Mr. King entered Portsmouth High School in New Hampshire in the seventh grade on September 9, 1964. He subsequently left the school in the 11th grade on January 28, 1970 for disciplinary reasons and because his mother had moved back to Maryland to live with his grandmother. His scholastic rating was described as average to poor. (Attachment B).

According to a Department of Correction Classification Report, dated July 15, 1987, Mr. King obtained his G.E.D. in June of 1972 while at the Suffolk County Jail. Mr. King claims he has received an Associate's Degree in Science from Massasoit Community College in June of 1983, a Bachelor's Degree in Liberal Studies from Boston University in September of 1986 and a Master's Degree in Liberal Arts from Boston University in June of 1990. The Board independently confirmed the degrees from Massasoit Community College and Boston University in October 2004. (Attachment I).

Employment

According to a Classification Report dated September 8, 1972, prior to Mr. King's arrest, he was employed as a social worker for the Rockingham County Action Program from October 24, 1971 until his indictment in November, 1971. The report also indicated that Mr. King previously held jobs as a gas station attendant and a construction worker.

According to the Classification Report dated March 9, 2007, Mr. King does not hold a job assignment at this time. (Attachment H).

Substance Abuse

In a personal statement to the Board (included in his 1991 petition), Mr. King wrote that after he had dropped out of high school in the eleventh grade, his life consisted of drug and alcohol use on a daily basis. Mr. King stated that even when incarcerated in the New Hampshire State Prison in March of 1971, he continued to use drugs and alcohol. From the time he was released from the New Hampshire State Prison until the night of the murder (two days), he

consumed a large amount of alcohol and pills. At various hearings, Mr. King has admitted to being a poly-substance abuser.

According to Mr. King's Disciplinary Chronology, obtained through the Department of Correction, Mr. King has incurred one substance related disciplinary report on August 23, 1982, where he was found guilty of using marijuana.

According to Classification Reports, Mr. King has participated in alcohol and substance abuse counseling during his incarceration.

Medical

With regard to medical issues, the Classification Report dated March 9, 2007, indicates that from October 14, 2004 to June 17, 2005, Mr. King used two knee braces. The March 9, 2007 Classification Report also indicates that from November 23, 2004 to November 23, 2005, and from January 12, 2006 to January 12, 2007, Mr. King needed a foot basin. In addition, from January 12, 2006 to January 12, 2007 his physical activity was limited. Mr. King does not claim of any other medical issues in the Classification Reports. (Attachment H).

Mental Health

There are no mental health issues claimed or noted in the March 9, 2007 Classification Report. (Attachment H).

Military

There is no military service claimed or noted in the March 9, 2007 Classification Report. (Attachment H). A Suffolk County Probation report dated January 24, 1972 indicates that Mr. King stated that he enlisted in the United States Army in November of 1970, at the Boston Naval Shipyard and that shortly thereafter, he went AWOL. (Attachment B).

PRIOR CRIMINAL RECORD

The following information was obtained from a Massachusetts Board of Probation record, dated September 17, 2007 and an Interstate Identification Index dated June 21, 2007. (Attachment J).

Massachusetts

December 21, 1970

Cambridge District: **Operating to endanger and use without authority.** Default/default removed. On January 27, 1971, Mr. King received a one-year House of Correction sentence on each charge, which he appealed. On October 12, 1972, both charges were dismissed.

Cambridge District: **Operating recklessly.** Default/default removed. On January 27, 1971, the charge was dismissed.

Cambridge District: **Breaking and entering a motor vehicle in the daytime, with intent to commit a misdemeanor.** On January 27, 1971, Mr. King was found not guilty.

November 8, 1971

Suffolk Superior: **First-degree murder.** Committed.

Suffolk Superior: **Assault to rob.** 8-12 year concurrent sentence.

Suffolk Superior: **Unlawfully carrying a firearm.** 8-12 year concurrent sentence.

Suffolk Superior: **Conspiracy to rob.** Filed.

October 12, 1972

Wrentham District: **Attempt to commit a crime: escape custody.** Continued to February 20, 1976, then nolle prossed by the Commonwealth.

New Hampshire

May 17, 1971

Accessory to robbery. Sentenced to serve 1 to 3 years in New Hampshire State Prison.⁴

INSTITUTIONAL HISTORY

The Department of Correction Classification Report dated March 9, 2007, states that Mr. King is residing in the main housing unit at Bay State Correctional Center, a medium security facility, where he receives average evaluations. As noted, this report also indicates that Mr. King receives weekly visits from family and friends. (Attachment H).

⁴ Also, on November 2, 1971, Mr. King was arrested by the Sheriff's Office in Brentwood, New Hampshire for being a fugitive from justice.

Chronological Movement

June 21, 1972	Sentenced and committed to MCI Cedar Junction
December 21, 1972	Transferred to MCI Concord
June 14, 1973	Transferred to Northeast Correctional Center
July 3, 1973	Returned to MCI Concord
July 25, 1973	Transferred to MCI Cedar Junction
September 21, 1977	Transferred to MCI Norfolk
August 4, 1978	Transferred to Southeastern Correctional Center
September 28, 1978	Returned to MCI Cedar Junction
July 15, 1980	Transferred to Southeastern Correctional Center
March 1, 1983	Returned to MCI Cedar Junction
September 13, 1983	Transferred to Bay State Correctional Center
November 13, 1984	Transferred to Bay State Correctional Center
December 30, 1987	Transferred to Old Colony Correctional Center
January 8, 1988	Transferred to MCI Norfolk
June 26, 1991	Transferred to Bay State Correctional Center

Returns to Higher Custody - Reasons

July 25, 1973	MCI Cedar Junction from MCI Concord - poor adjustment
September 28, 1978	MCI Cedar Junction from Southeastern Correctional Center - participation in work stoppage
March 1, 1983	MCI Cedar Junction from Southeastern Correctional Center - disciplinary report for stealing, dated December 8, 1982 ⁵

⁵ On December 30, 1987, Mr. King was transferred from Bay State Correctional Center to Old Colony Correctional Center due to the Commissioner's order to return Lifer's from lower security.

Disciplinary Chronology⁶

August 22, 1972	Swearing at an officer and disrespect. (No further description is available) Guilty, reprimand and released. Warning on insolence to officers and instructors.
September 20, 1972	Refusal to obey and shirking. (No further description is available) Guilty, loss of weekends. Report to metal shop on Monday.
September 22, 1972	Refusal to obey. (No further description is available) Guilty, 3 days isolation.
October 4, 1972	Refusal to obey. (No further description is available) Guilty, 3 days isolation, suspended 3 months. Requests room change.
November 27, 1972	Refusal to obey and insolence. (No further description is available) Guilty.
December 12, 1972	Refusal to obey. (No further description is available) Guilty, recommend indefinite segregation. Should be transferred to MCI Concord or MCI Norfolk.
January 7, 1973	Disobedience of orders and out of place. (Mr. King ignored the order of a correctional officer) Guilty, 5 days isolation.
January 16, 1973	Disobedience, instigating, rebellion against authority. (Mr. King ignored the order of a correctional officer) Guilty, 5 days isolation.
January 29, 1973	Disobeying an order, stealing. (Mr. King refused to remove his hood) Guilty, special work detail 6:30 p.m. to 10:00 p.m.
February 21, 1973	Disobeying an order, stealing. (Mr. King stole sugar from the dining room) Guilty, 3 days isolation, 9 days special work detail instead of 3 days isolation.

⁶ Recent Department of Correction Classification Reports suggest a discrepancy in the total number of disciplinary reports incurred by Mr. King. Advisory Board of Pardons staff members have counted a total of 52 guilty findings.

March 21, 1973 Insolence, leaving place of work without permission, malingering. (Mr. King left his work assignment without permission)
Guilty, 1 day isolation in lieu of 3 days work detail, plus 2 days isolation. Total, 3 days isolation.

July 2, 1973 Refusing a direct order, refusing to work and inciting a riot. (Mr. King left his work assignment without permission)
Guilty, 15 days isolation.

March 27, 1974 Refusing to obey. (Mr. King refused to turn down his radio)
Guilty, reprimand and loss of radio with next report.

May 9, 1974 Refusing to obey. (Mr. King refused to remove his shirt for a shakedown)
Guilty, reprimand and released.

August 16, 1974 Assault and battery on a correctional officer, refusal to obey. (Mr. King pushed his typewriter into the chest of two correctional officers)
Guilty, 10 days isolation, suspended for 3 months.

August 16, 1974 Assault and battery on a correctional officer. (Same incident as above)
Guilty, in absentia, 10 days isolation and room change to maximum section.

August 27, 1974 Out of place. (Mr. King was on the tiers and should not have been)
Guilty, 5 days room detention, suspended for 30 days (reduced to minor).

December 22, 1974 Obscene conduct in the visiting room. (Mr. King was acting inappropriately with his visitor)
Reprimand and release.

December 29, 1974 Making or having in possession any type of dangerous weapon. (A homemade knife was found concealed in Mr. King's room)
Guilty, 15 days isolation.

February 27, 1975 Making or having in your possession any type of dangerous weapon. (An officer found a steel rod, sharpened to a point in Mr. King's personal belongings)
There was no finding made, and the matter was filed.

March 1, 1975 Refusing to obey. (Mr. King refused to change his seat in the visiting room)
Guilty, 7 days isolation, suspended 60 days without prejudice.

June 17, 1975 Disrespect to a correctional officer. (Mr. King did not follow the order of an officer)
Guilty, reduced to a minor, reprimand and release.

July 5, 1975 Failing to report work assignment and/or destination without authorization, permission or excuse. (Mr. King was out of place)
Guilty, reduced to minor, 5 days room detention.

July 25, 1975 Leaving of cell or place of assignment or other appointed place without permission. (Mr. King left the visiting area and went to the deputy office without permission)
Guilty, 5 days room detention.

September 5, 1975 Commit any assault and/or fighting; inciting a riot/general disturbance (Mr. King and other inmates refused to return to their room, which resulted in an altercation with a correctional officer)
Guilty, 15 days isolation to see DSU (Departmental Segregation Unit) Board. Not referred to the District Attorney.

September 5, 1975 Commit any assault and/or fighting; violating the laws of the Commonwealth, committing of any mutinous act, inciting a riot and/or general disturbance, disobeying an order and threatening language toward an officer. (Same incident as above)
Guilty, 15 days isolation and recommended to DSU Board.

February 3, 1976 Taking part in a general disturbance, disobeying a prison rule. (Mr. King barricaded a door)
Guilty, 15 days isolation and 90 days loss of good time. Appeal denied.

May 6, 1976 Refuse to obey the order of an officer. (Mr. King ignored an order to return to his room)
Guilty, 5 days isolation, suspended for 90 days.

October 18, 1976 Disobeying an order of an officer; disobeying a prison rule, disrespect to an officer. (Mr. King ignored an order from an officer, then swore at the officer)
Guilty, 10 days isolation, recommend 30 days loss of good time. Appeal denied.

October 5, 1977 Being out of place. (Mr. King missed a major count)
Guilty, 3 days isolation. Mr. King appealed. The superintendent suspended the 3 day isolation for 60 days.

September 23, 1977 Possession of anything, including money or currency. (Mr. King had \$20 in his possession)
Guilty, 7 days isolation.

August 17, 1978 Participating in or encouraging a work stoppage or unauthorized group demonstration. (Mr. King encouraged other inmates to continue a strike)
Guilty, 5 days isolation, suspended for 90 days, plus time served in A.A.

August 17, 1978 Participating in or encouraging a work stoppage, or unauthorized group demonstration. (Mr. King encouraged other inmates to strike) **Guilty, see above.**

October 15, 1978 Possession of money and currency.
Guilty, 10 days loss of free time.

February 27, 1980 Fighting. (Mr. King was fighting with another inmate)
Guilty, 5 days isolation, suspended 30 days.

May 28, 1980 Being out of place. (Mr. King was in another inmate's room)
Guilty, 5 days detention, suspended.

August 15, 1980 Unauthorized possession of property belonging to another and possession of anything not authorized. (Mr. King had in his possession another inmate's dairy bar tickets)
Guilty, 5 days isolation for each charge, to run concurrently.

December 21, 1980 Disobeying an order and violating any departmental rule. (Mr. King refused to move his chair while in the visiting room)
Dismissed with a warning.

June 5, 1981 Being out of place. (Mr. King missed a major count)
Guilty, verbal warning.

July 26, 1981 Violating any departmental rule, being out of place and conduct which disrupts. (Mr. King missed a major count)
Guilty, 3 days extra duty at 1 hour per day.

November 9, 1981 Violating any departmental rule. (Mr. King used the telephone in the computer room)
Filed without a finding.

August 23, 1982 Use of unauthorized controlled substance - marijuana. (A urinalysis tested positive for the presence of cannabinoids)
Guilty, 3 days isolation, suspended sentence 60 days.

October 30, 1982	<p>Possession of money. (Mr. King had \$10) Guilty, 10 days isolation. Appealed. Reduce sanction to extra work.</p>
December 8, 1982	<p>Stealing and violating any law of the Commonwealth of Massachusetts (A large quantity of cigarettes, valued at \$2.100 was stolen from the inmate canteen) Guilty, 30 days isolation with 300 days loss of good time.</p>
November 21, 1986	<p>Violating any departmental rule; unauthorized possession of property belonging to another person; possession of anything not authorized for retention; stealing; violating any laws of the Commonwealth; attempting to commit any of the above offenses. (Mr. King used a telephone card issued to the Department of Correction) The charges were consolidated. Guilty, 10 days isolation, re-classification to higher security with OUS (Outside Under Supervision) Status to be re-evaluated and restitution paid. Mr. King appealed the sanctions and received 10 days isolation, suspended for 60 days and no re-classification.</p>
March 29, 1989	<p>Disobeying an order; unexcused absence from work; conduct which disrupts. (Mr. King refused to perform his work assignment) Charges were consolidated. Guilty, 3 days extra work.</p>
December 3, 1997	<p>Violating any departmental rule; conduct which disrupts; and possession of unauthorized items. (During a searched contraband was found and confiscated.) Guilty, loss of participation in prison voice program</p>
February 4, 1998	<p>Violating any departmental rule; being out of place; and conduct which disrupts. (Mr. King did not have inmate identification properly displayed.) Pled guilty, reprimand</p>
September 25, 1998	<p>Being out of place; violating any departmental rule; and conduct which disrupts. (When a conducting a major count, Mr. King was out of place in the Main 1 South restroom.) Pled guilty, 3 days room detention, suspended 60 days</p>
November 14, 1998	<p>Violating any departmental rule; and conduct which disrupts. (Mr. King was in Library and had not signed in.) Pled guilty, 3 days room detention, suspended 60 days</p>

January 6, 1999	Violating any departmental rule; and conduct which disrupts (During a security check two KOPs (Keep On Person) ⁷ were discovered under Mr. King's bed.) Guilty, 60 days loss of KOPs
October 6, 1999	Lying to staff; violating any departmental rule; conduct which disrupts; and unauthorized possession of property belonging to another. (Mr. King was in possession of a newspaper, when asked who it belongs to, Mr. King lied.) Guilty, Warning issued
January 19, 2000	Violating any departmental rule; and conduct which disrupts. (Mr. King was sleeping when count was being conducted.) Guilty, 5 days room detention, suspended 60 days
February 1, 2001	Disobeying an order of staff; violating any departmental rule; failure to keep one's quarters in accordance with rules; conduct which disrupts; and attempting to commit a crime. (Mr. King was not wearing headphones while watching television) Guilty, 1-month loss of TV, suspended for 60 days, reduced to minor
February 7, 2001	Violating any departmental rule; failure to keep one's quarters in accordance with rules; conduct, which disrupts; and possession of items not authorized for retention or receipt. (When a search of Mr. King's cell was conducted, items were confiscated due to being in excess of property inventory or for not being authorized for retention.) Guilty, 3 days room detention
March 16, 2005	Disobeying an order, lying, and insolence; violating any departmental rule or regulation; possession of items, not authorized; and conduct with disrupts. (Mr. King was corresponding with program participant after being directed not to.) Charges were consolidated. Pled guilty, Loss of PRA (Program Related Activity) for 90 days. (Attachment K).

⁷ "KOPs" are described as non-narcotic medications that an inmate is allowed to either "keep on his person" or in a locker, but not in any other location.

July 5, 2006

Communicating, directly or indirectly with any staff member or contract employee, volunteer, or a member of their family at their home address or home telephone number, or for non-official business. (Mr. King was sending correspondence to a permanent volunteer's address after being directed not to on several occasions.)

Pled guilty, Loss of PRA for 30 days (Attachment K).

Attempting to commit any of the above offenses, making plans to commit any of the above offense or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself. (Attachment K).

Dismissed

Programs/Work Involvement

MCI Cedar Junction 1973 - 1977

- Honeywell Computer Project
- Reach-Out Project
- New Birth, Inc.
- Methods of Teaching Adult Education
- G.E.D.

MCI Norfolk 1977 - 1978

- Norfolk Drug Reform Project
- Higher Education
- Norfolk Communications Lab
- Store & Finance
- Lifer's Group

Southeastern Correctional Center 1978

- Honeywell Computer Project

MCI Cedar Junction 1978 - 1980

- Honeywell Computer Project
- Short Order Cook
- Farm Worker
- Teacher Aide
- Director, Southeast Programmers, Inc.
- AA
- Maintenance

- Higher Education

MCI Cedar Junction 1983

- Writer's workshop
- Accounting Clerk

Bay State Correctional Center 1983 - 1987

- Seminars in juvenile counseling
- Maintenance
- Renovation Crew
- Executive Board Member. REVAMP
- AA

MCI Norfolk 1988 - 1991

- Culinary Arts Program
- Family Awareness

Bay State Correctional Center 1991 - present

- Fellowship
- Gym
- Lifer's/Long-Termers
- AA
- Growing Together
- Family Awareness
- Culinary Arts
- Caminemos
- Second Thoughts
- NA
- Computer courses
- Prison Voices
- Health Awareness
- Emotional Awareness
- Audits Classes for BU
- Poetry

FURLOUGHs

According to a Classification Report dated January 30, 1997, Mr. King has successfully completed a total of 25 furloughs.

