



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

**GARY CURTIS
W41437**

TYPE OF HEARING: Review Hearing
DATE OF HEARING: December 15, 2011
DATE OF DECISION: March 15, 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: 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, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. The review will be in five years.

I. INTRODUCTION

Gary Curtis appeared before the Massachusetts Parole Board on December 15, 2011, for a review hearing on the sentence he is serving for second degree murder. On May 21, 1985, in Suffolk Superior Court, Mr. Curtis pleaded guilty to second degree murder, unlawfully carrying a firearm, and assault and battery by means of a dangerous weapon. The victim of the murder was Roy McDonough, age 28. The victim of the assault was James Morgan, age 28.

II. STATEMENT OF THE CASE

On February 5, 1983, at approximately 1:30 a.m., Gary Curtis walked into Joey D's bar in East Boston. Mr. Curtis, armed with a gun, proceeded directly to the rear of the bar where victims Roy McDonough and James Morgan were situated. Mr. Curtis pointed the gun at Mr. McDonough and, without saying a word, fired four times. Three bullets struck Mr. McDonough, in his head, back, and spine. Mr. Curtis ran from the bar, pointing the gun at Richard Morgan,

James Morgan's brother. Roy McDonough died from his injuries the next day; James Morgan survived the shooting.

Earlier in the evening, the men had been drinking inside the bar when Mr. Curtis and Mr. McDonough had an argument that spilled outside and turned into a shoving match. James Morgan, who was also in the bar along with his brother and other people, witnessed the altercation outside and helped to break it up. Shortly after that, Mr. Curtis went home, retrieved a gun and returned to shoot both victims. Mr. Curtis maintains that his intent was to shoot only Mr. McDonough and that Mr. Morgan was caught in the cross fire. After the murder of Mr. McDonough and the shooting of Mr. Morgan, Mr. Curtis fled to California and was subsequently extradited back to Massachusetts five months later. Mr. Curtis spent eight and a half months in the Charles Street Jail before posting a cash bail and, once again, fleeing to New York and California.

III. CRIMINAL AND INSTITUTIONAL HISTORY

Mr. Curtis is serving his first state incarceration with one prior house of correction commitment at Deer Island in 1980. He served a one-year sentence for carrying a weapon with a six-month concurrent sentence for possession of class D.

Until recently, Mr. Curtis' overall institutional conduct has been poor. During his incarceration Mr. Curtis has received 33 disciplinary reports, one placement in the Disciplinary Detention Unit, and two returns to higher custody.

On May 12, 1998, he was returned to higher custody after an investigation established that he was responsible for organizing a group demonstration. He was sentenced to the Disciplinary Detention Unit after an incident on November 11, 1998, in which Mr. Curtis attacked several corrections officers. On January 17, 2008, he was removed from Shirley Medium and returned to the Souza-Baranowski Correctional Center after incurring three disciplinary reports in August and September 2007, all of which were for refusing housing assignments.

Overall, Mr. Curtis' disciplinary record documents a history of confrontational, violent, and insolent behavior. Mr. Curtis was granted a reduction in security in December of 2008, transferring to MCI-Norfolk where he has remained disciplinary report free.

IV. PAROLE HEARING ON DECEMBER 15, 2011

This is Mr. Curtis' second appearance before the Parole Board. Mr. Curtis postponed his initial parole hearing in September, 1999 and in January, 2002. He waived his parole hearings in October, 2000 and October, 2006. On January 9, 2003, Mr. Curtis appeared before the Parole Board for his initial hearing. His Parole was denied at that time due, in part, to his poor institutional adjustment, his lack of preparation for parole, and his continued high risk to public safety.

At this appearance, Board Members questioned Mr. Curtis about the crime, his actions following the crime, factors underlying his criminal conduct, family history, substance abuse, institutional record, and plans for parole. Mr. Curtis has been incarcerated since 1984, yet has only recently begun to make earnest and meaningful strides in self-improvement and rehabilitation. He participated in a few programs between 1990-1992, six years after entering prison, yet hardly of the kind or degree of programming necessary for him to address his pervasive anger issues, his substance abuse, and his poor institutional conduct.

Board Members had expressed serious concerns regarding the progress of Mr. Curtis' rehabilitative efforts. Despite the setback at his last hearing in 2003, Mr. Curtis made no efforts to improve his opportunity for parole via any program involvement until 2009, a full six years later. Upon questioning by the Board, Mr. Curtis stated that his parole hearing in 2003 made him "wake up," yet from 2003 to 2009 he failed to engage in any programming and admitted he did not sign up. There is a prolonged period of time during Mr. Curtis' incarceration where he engaged in little or no programming. Remarkably, between the fall of 1993 and 2009, Mr. Curtis failed to engage in any programming whatsoever.

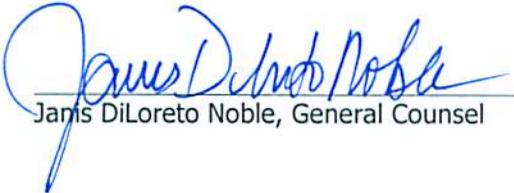
Mr. Curtis was still accumulating disciplinary reports as recently as 2007 for refusing direct orders or conduct disrupting the orderly running of the institution. Upon questioning by Board Members, Mr. Curtis could not identify his triggers for anger, appeared to lack meaningful insight and while he states that he takes responsibility for his actions, he maintains that he does not remember the shooting.

The Board pointed to positive factors during the hearing including Mr. Curtis' good presentment at the hearing, recent positive behavior, and recent program involvement. Two people testified in support of parole, including Mr. Curtis' sister. Mr. McDonough's sister and Suffolk Assistant District Attorney Charles Bartoloni testified in opposition. Mr. McDonough's sister has been involved with a Victim Offenders Dialogue Program.

V. DECISION

Gary Curtis murdered Roy McDonough by shooting him in the head, back, and spine. The shooting resulted from a lifestyle of substance abuse and violence. Mr. Curtis fled Massachusetts twice, once as a bail violator, in order to avoid responsibility for the crime. For the first 25 years of his incarceration, Mr. Curtis took no steps towards rehabilitation and acted with anger, defiance, and violence. For the past two years, however, Mr. Curtis has improved his conduct and program participation. His presentation at this parole hearing showed the benefits of his recent commitment to rehabilitation. Recent improvements notwithstanding, Mr. Curtis remains a risk to public safety. Two years of rehabilitative work is not sufficient to reform decades of hostility, anger, and violence. Mr. Curtis remains likely to re-offend if released and his parole is not compatible with the welfare of society. Accordingly, parole is denied. The Board encourages Mr. Curtis to continue with his recent commitment to rehabilitation through programs and improved behavior. The review will be in five years.

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 Noble, General Counsel

3/15/13
Date