



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**CHARLES HUGHES**

**W48493**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** July 24, 2012

**DATE OF DECISION:** June 17, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, 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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in two years from the date of the hearing.

**I. INTRODUCTION**

Charles Hughes appeared before the Massachusetts Parole Board for a review hearing on July 24, 2012, on the life sentence he is currently serving at Bridgewater State Hospital for second-degree murder. This hearing is a result of Mr. Hughes' second return to custody as a parole violator in 2010. After the revocation, re-parole was denied at his 2010 review hearing, and a two-year review date was set.

On May 25, 1990, after a jury trial, Mr. Hughes was convicted of second-degree murder and sentenced to serve life in prison. That same day, he also received consecutive sentences for armed assault with intent to rob, assault and battery by means of a dangerous weapon, armed assault with intent to murder, and unlawfully carrying a firearm on his person.<sup>1</sup>

<sup>1</sup> On October 1, 1990, Mr. Hughes received a 3-5 year concurrent sentence in Suffolk Superior Court for unlawfully carrying a firearm in an unrelated case.

On April 25, 1994, the Massachusetts Appeals Court set aside the verdicts and remanded the case for retrial because of deficiencies during jury empanelment that denied Mr. Hughes his right to an impartial jury. *Commonwealth v. Hudson*, 36 Mass. App. Ct. 1115, *rev. denied*, 418 Mass. 1106 (1994). On January 29, 1997, a jury once again convicted Mr. Hughes of second-degree murder, as well as the additional charges previously noted, but a portion of the sentence lengths were reduced and ordered to run concurrently. Those sentences have expired. The convictions were affirmed, *Commonwealth v. Hudson*, 49 Mass. App. Ct. 1118 (2000), and subsequent petitions for post-conviction relief have been unsuccessful.

The murder victim was Derek Twitty, age 18. The surviving gunshot victim is Mark Jones, who was 27 years old at the time of the offense.

## **II. STATEMENT OF THE CASE**

On April 22, 1989, Charles Hughes, along with co-defendant Mac Hudson, shot and killed Derek Twitty during a robbery attempt. On the day of the murder, Mr. Hughes went to the corner of West Cottage and Dudley Streets on the Dorchester/Roxbury line and Mr. Hughes asked Larry Brown, who was with Mr. Twitty and Mr. Jones, if he had any "dope." Mr. Brown directed Mr. Hughes to Mr. Twitty and Mr. Jones, and the men went around the corner to conduct the sale. When they got there, Mr. Hudson pulled out a gun and pointed it at Mr. Twitty, who produced drugs from his pants and gave them to Mr. Hudson.

As Mr. Twitty and Mr. Jones began to run away, Mr. Hughes drew a gun and fired at Mr. Jones. The bullet went through his arm and into his chest. Mr. Jones, who survived the shooting, continued running, entered a taxi cab, and went to Boston City Hospital. Mr. Hughes and Mr. Hudson then fired several shots at Mr. Twitty. Mr. Twitty fell to the ground. Mr. Hughes and Mr. Hudson approached and said something to him. Wounded, Mr. Twitty handed over an item to his assailants. Mr. Hudson then shot Mr. Twitty in the face at point-blank range.

The two assailants fled the scene while Mr. Twitty struggled to his feet, staggered to the corner of Dudley and West Cottage Streets, and collapsed. The autopsy later revealed that Mr. Twitty died as a result of a gunshot to the back of the head that penetrated his skull, carotid artery, and his jugular vein, causing a massive aspiration of blood into his larynx, trachea, and lungs.

Mr. Hughes was arrested outside of his girlfriend's house for disorderly conduct about one month later and subsequently charged with the murder of Mr. Twitty.

## **III. PAROLE AND INSTITUTIONAL HISTORY**

Charles Hughes was paroled on January 7, 2005, to Project Turnabout, a long term residential program, after his initial parole hearing. In rendering its decision, the Board noted his program involvement. Mr. Hughes' performance on parole, however, quickly deteriorated. On April 29, 2005, the program contacted Mr. Hughes' parole officer and informed him that Mr. Hughes was in a car with another felon that had been stopped by the police at 12:00 a.m. The parole officer was also informed that Mr. Hughes had not returned to the program and would

be terminated if he did not do so. On May 2, 2005, the parole officer was informed that Mr. Hughes was back at the program but would be terminated for lack of progress. Following a parole case conference, Mr. Hughes was given an opportunity to enter another program. On June 24, 2005, he entered the Project S.O.A.R. Program, ultimately graduating on December 27, 2005, and moving in with his wife, Dorma Hughes, in Dorchester.

On January 24, 2006, Mr. Hughes tested positive for opiates and was returned to custody. A second test was completed with the same results. Because Mr. Hughes vigorously denied any drug use, a third test was completed yielding yet another positive result. At his preliminary revocation hearing, Mr. Hughes continued to deny drug use. At his final revocation hearing, however, he finally admitted to heroin use. The Board affirmed the revocation. After a review hearing, the Board denied parole with a review in two years, citing his positive tests for opiates and his failure to take responsibility for his behavior. The Board noted that, following substance abuse program completion, he lasted a mere 28 days before resuming drug use and concluded that he remained a risk to the community.

Mr. Hughes was re-paroled on March 4, 2009, to another long term residential program. The Board highlighted his positive adjustment since his return to custody. On November 5, 2009, the program manager reported that Mr. Hughes had tested positive for cocaine and would enter a detox facility in order to remain at Project S.O.A.R. His parole was not revoked, and he returned to the program, but on February 12, 2010, his counselor reported that Mr. Hughes had once again tested positive for opiates. He was arrested on February 17, 2010, after reporting to the parole office and was returned to custody on the same day.

Mr. Hughes was subsequently revoked for violating a number of parole conditions including testing positive for heroin and lying to his parole officer. He also admitted to his parole officer that he had used Suboxone on several occasions. The Board affirmed his revocation and denied parole with a two year review period. The Board determined that Mr. Hughes' release was incompatible with the welfare of society as he had been given several opportunities to remain in the community and, even while receiving additional treatment, had failed to remain drug free.

Mr. Hughes has incurred 21 disciplinary reports while in prison. He has not received a disciplinary report during any of his returns to custody. He has engaged in some programming throughout his incarceration, including NA/AA, 12 Step, Father's Group, and Able Minds. He also obtained his GED. Since his last return to custody Mr. Hughes has completed the Correctional Recovery Academy, Smart Recovery, and Menswork. He is currently employed as a cook. He reports attending AA meetings on Tuesday nights, when available.

#### **IV. PAROLE HEARING ON JULY 24, 2012**

Charles Hughes appeared before the Parole Board on July 24, 2012, for a review hearing following his second parole failure. Mr. Hughes said that he used heroin for seven years before the murder. Before heroin, he used marijuana regularly. He said, "My whole life I used drugs because I did not deal with real feelings." When asked how he would maintain sobriety if re-paroled, he said, "I know now to reach out." Mr. Hughes said that Smart Recovery "is the best program; it gave cognitive skills and thinking; this is different; this works for me."

Board Members questioned Mr. Hughes about his two short periods of parole. He took three medications on parole, including an anti-psychotic and a treatment for depression. Mr. Hughes said he had "anxiety" but was vague about the symptoms that resulted in the prescriptions. He takes no medication at the Department of Correction and reported that "my anxiety went away in prison." He admitted that he stopped attending required meetings of Narcotics Anonymous on his first parole once he completed the long term residential program. A Board Member said, "You quit working, that's why you relapsed."

Board Members also asked Mr. Hughes about the many lies he told his parole officer in order to hide his drug use and noted that, because of the lying, Mr. Hughes prevented his parole officer from working with him.

Mr. Hughes admitted that he and Mac Hudson had robbed people before, and that he used a gun in those robberies. Two trial witnesses identified Hughes as the person who shot Mark Jones, who survived. Hughes denied that he had a gun that night and still claimed that Mr. Hudson shot both victims. He said, "The police took my gun days before" the murder.

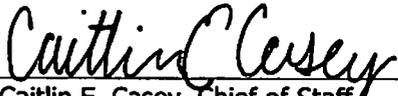
There was no one present in support of Mr. Hughes' request for parole. Derek Twitty's father, Harry Twitty, testified in opposition. Suffolk County Assistant District Attorney Charles Bartoloni also spoke in opposition to parole.

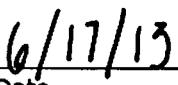
#### **V. DECISION**

Charles Hughes first received parole in 2005 after serving just fifteen years of his life sentence. He relapsed with heroin shortly after completing a residential program, triggering a revocation of his parole. He was given another opportunity to reintegrate into society when he was re-paroled in 2009, but relapsed again while still residing at the long term program. The pattern of relapse also included repeatedly lying to his parole officer about his drug use. The combination of heroin relapse and lying establishes that Mr. Hughes is not rehabilitated.

The applicable standard is set out in 120 CMR 300.04, which provides that "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." Applying this appropriately high standard, the Board concludes that Charles Hughes is not a suitable candidate for parole at this time. Mr. Hughes' parole performance demonstrates that he does best in the regulated prison environment and even has trouble in the structure of a residential program. He is unable to handle the stress and responsibility of living on his own in the community. The review will be in two years from the date of the hearing, during which Mr. Hughes will need to do more work on his addiction issues, consider how he can manage stress outside prison, and address the issues that have caused his repeated dishonesty.

*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.*

  
Caitlin E. Casey, Chief of Staff

  
Date