



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**EMMETT SNOW**

**W47116**

**TYPE OF HEARING:** Rescission Review Hearing

**DATE OF HEARING:** June 19, 2012

**DATE OF DECISION:** May 13, 2013<sup>1</sup>

**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 five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

Emmett Snow appeared before the Parole Board on June 19, 2012, for a review hearing after rescission. Mr. Snow was first paroled on December 3, 2004. His parole was provisionally revoked in February 2006, because he had been arrested pursuant to an outstanding warrant for charges of credit card fraud, identity fraud, and larceny over \$250. He was convicted of these charges and sentenced to serve 11 months. He was returned to the custody of the Massachusetts Parole Board as a parole violator in February 2007, after which the Board affirmed the revocation. He was re-paroled in October 2007, and remained at liberty until January 2008, when his parole was provisionally revoked after the Boston Police Department received information that he had made threats to a woman. No criminal charges or restraining orders resulted from this allegation and, as a result, the revocation was not affirmed and Mr. Snow was released. He was taken back into custody on November 24, 2008, and revocation

<sup>1</sup> This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

proceedings began, following an arrest for possession of a Class A substance, which was ultimately continued without a finding. Mr. Snow admitted to parole officers that he was snorting heroin frequently on parole. The revocation was affirmed in February 2009, and, following a hearing, the Board voted to parole Mr. Snow again following the successful completion of one year in pre-release. On April 25, 2011, however, his parole was provisionally rescinded because he had received three disciplinary reports, including reports for possession of a shank and bringing contraband into prison, while he was in pre-release. One of the disciplinary incidents resulted in Mr. Snow being terminated from his pre-release employment in the community.

On September 28, 1989, after a jury trial, Emmett Snow was convicted of second-degree murder and sentenced to serve life in prison. Subsequent appeals for post-conviction relief were unsuccessful, and the Massachusetts Appeals Court upheld the convictions in 1993. *Commonwealth v. Snow*, 34 Mass. App. Ct. 27 (1993). The following facts are culled from the Appeals Court's opinion.

Mr. Snow was the leader of a gang known as the Warren Garden Boys in Roxbury. On the evening of August 26, 1988, the victim, 16-year-old Richard Bailey (also known as "Poyo"), got into a fistfight with Jermaine Coakley, a friend of Mr. Snow's. Mr. Bailey landed only one blow, which knocked Mr. Coakley to the ground. The following afternoon, no later than 3:30 p.m., Mr. Snow had a conversation with Mr. Bailey and some of his friends. As Emmett Snow walked away, he yelled back at Mr. Bailey's group, "You'll get yours! You'll get yours!" At about 5:00 or 5:30 p.m. that afternoon, Mr. Snow confronted Mr. Bailey again, this time asking if he had had a fight with Mr. Snow's little brother, Sean. When Mr. Bailey responded that he had, Mr. Snow did not like what he heard and told Mr. Bailey that he'd be back later. That same afternoon, a witness heard Mr. Snow say, "This whole block's gonna be lit up tonight."

At about 7:30 that evening, Mr. Bailey and about seven of his friends were sitting on a fence in the Warren Gardens housing complex when they saw ten to 15 young men walking toward them armed with sticks, canes, and bats. Mr. Snow was walking slightly ahead of the others, and Mr. Bailey and his friends began running or walking quickly away. Mr. Snow's group gave chase.

Mr. Snow reached Mr. Bailey and the two began to fight. Eventually, Mr. Snow tripped Mr. Bailey to the ground and about five men from his group descended on Mr. Bailey and began to beat him. One of these men, Earl Dickerson, stabbed Bailey. One witness claimed that Mr. Snow had given Mr. Dickerson the knife, told him to stab Mr. Bailey, and then twisted the knife and pulled it from his chest. Another witness claimed that Mr. Snow yelled "I got Poyo" after the stabbing.

In the immediate aftermath of the stabbing, Mr. Bailey reportedly said, "Get Emmett, Emmett's the one who stabbed me." Richard Bailey died later that evening from a stab wound to his heart.

Richard Bailey was the second person killed by Emmett Snow. On March 7 1987, Mr. Snow got into a knife fight with George "Skip" Brewington, who Mr. Snow says was his best friend. Both boys had knives. Mr. Snow stabbed Skip Brewington to death. Mr. Snow was found delinquent of manslaughter and placed on probation.

## **II. PAROLE HEARING ON JUNE 19, 2012**

Emmett Snow was asked to explain how he committed two homicides 18 months apart, and he provided information about why he stabbed his best friend to death and why he led a group attack and stabbing death of a neighborhood rival.

The Board asked Mr. Snow about his crimes committed on parole and the three disciplinary reports that resulted in rescission. Mr. Snow admitted that the razorblade taped to a comb belonged to him; he denied that it was a weapon. He said, "I've used one many times to shave." With respect to the shank found in Mr. Snow's footlocker, he denied that it was his and also said, "it's not a shank, it's a tool used as a screwdriver." Mr. Snow's claim that an item found in his footlocker did not belong to him was unconvincing.

The Department of Correction considers both objects to be weapons. Mr. Snow did not admit that the objects were weapons and moreover, did not recognize that the DOC prohibits such objects because they are dangerous and easily used as a weapon. Mr. Snow seemed very comfortable with his position that his view of the items was more important than the DOC's rules concerning the items.

Mr. Snow was asked about his other criminal activity as a juvenile. He said that he did commit an armed robbery on a bus in Cambridge; he said his co-defendant had a gun. He admitted that he stabbed a man in downtown Boston. He said that the Warren Garden Boys were not a gang; he said "we were just a group of kids." He appeared unable or unwilling to recognize the harm he caused to the community by organizing his peers for the purpose of committing crimes.

A Board Member asked Mr. Snow about the domestic violence accusation in 2008. Mr. Snow said he lived with his girlfriend and baby daughter, but had a relationship with another woman. The other woman made an accusation, which Mr. Snow denied. He admitted that he lied to his parole officer when he claimed he did not know the woman who accused him.

Mr. Snow's mother and uncle spoke in support of parole. His uncle said that Mr. Snow "won't hurt anyone; he hurts himself." The uncle also commented that Mr. Snow did not do well in Boston on parole; evidently there were too many temptations for Mr. Snow in his old neighborhood.

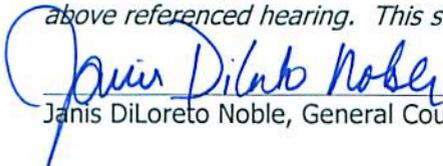
## **III. DECISION**

Emmett Snow killed his best friend and then murdered another young person 18 months later. On his life sentence for murder, he received two paroles, both of which he violated with new criminal activity. Despite his repetitive criminal activity, Mr. Snow was given the extraordinary benefit of a third parole. Parole was rescinded prior to Mr. Snow's fourth release

because he received three disciplinary reports. Most notably, he possessed two items that are banned by the DOC because they can be used as weapons in prison. Mr. Snow's three failures clearly establish that he continues with criminal thinking and is not rehabilitated. Repetitive criminal behavior is intolerable for a murderer on parole, and it presents an unacceptable risk to the community.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 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 that appropriately high standard here, the Board finds that Mr. Snow is not a suitable candidate for parole. Accordingly, parole is denied, with a review in five years. During that time, Mr. Snow should reflect on his repetitive criminal thinking and conduct, and make a full commitment to rehabilitation with the understanding that he has many issues to work on.

*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.*

  
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Janis DiLoreto Noble, General Counsel

5/13/13  
\_\_\_\_\_  
Date