

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**RECORD OF DECISION**

**IN THE MATTER OF**

**ALFRED BROWN**  
**W36952**

**TYPE OF HEARING:**      **Review Hearing**

**DATE OF HEARING:**      **April 27, 2023**

**DATE OF DECISION:**      **October 19, 2023**

**PARTICIPATING BOARD MEMBERS:** Tina M. Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse, Colette Santa

**STATEMENT OF THE CASE:** On February 20, 1979, after an 11-day trial by jury in Essex Superior Court, Alfred Brown was found guilty of first-degree murder and received three life sentences to be served concurrently.

On the evening of Friday, January 27, 1978, 15-year-old Alfred Brown had just finished reading "The Glory Boys." In the final chapter, the hero is executed by being shot in the head. Approximately 10 minutes later, Mr. Brown shot his mother with his .22 caliber rifle. The bullet struck her in the chin and passed through her head, killing her. Mr. Brown's 20-year-old sister tried to escape. Mr. Brown shot her twice in the back, twice in the chest, and once in the head. When his father arrived home, Mr. Brown shot him six times (three times in the head) because he "drove in when I was leaving, and I had to get him too."

On the refrigerator, near where the bodies of his mother and sister lay, Mr. Brown wrote, "I wish to die" and signed it, "Al." He packed a suitcase with some clothing, an assortment of tools, ammunition for his .22 caliber rifle, his father's rifle, and a bottle of whiskey. He took his father's driver's license, pistol permit, and approximately \$280 in cash and left in a green Plymouth automobile. When Mr. Brown was issued a citation for driving under the influence, he was informed that he would have to call his parents at the police station. He walked to the telephone, dialed a telephone number, listened for five or ten seconds, then replaced the receiver and took his seat. He did this again approximately six or seven minutes later. Officers then administered the breathalyzer test, which registered below .02 percent. Mr. Brown was advised that the driving under the influence charge would be dropped, but that he was still being held on other charges

and would not be released until he contacted his parents. He then told the officers, "I can't contact them. They're on the floor." He stated that he shot them with a .22 rifle. "Are they dead?" asked the officer. "Yes, I think so," said Mr. Brown and advised that the shooting happened approximately two hours earlier.

Mr. Brown filed a motion for a new trial, which was denied on January 13, 1981. He appealed his convictions and the denial of the motion for a new trial in August 1981. In December 1981, the judgments of the trial and motion judges and the convictions were affirmed. In a subsequent appeal, on April 29, 1982, the judgments and order denying motions for a new trial were again affirmed.

On December 24, 2013, The Supreme Judicial Court issued a decision (*Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass 655 (2013)) that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that Diatchenko (and others similarly situated) must be given a parole hearing. Accordingly, Alfred Brown came before the Parole Board for his initial hearing on April 26, 2018. He was denied parole with a review in 5 years.

**PAROLE HEARING:** Mr. Brown appeared before the Board for a review hearing on March 7, 2023. Mr. Brown was represented by Attorney Lisa Newman-Polk and Attorney Melissa Celli. Dr. Laurie Guidry, a clinical psychologist, also testified and submitted a psychological evaluation. The entire video recording of Mr. Brown's March 7, 2023, hearing is fully incorporated by reference in the Board's decision.

**DECISION OF THE BOARD:** The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); see also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time.


In forming this opinion, the Board has taken into consideration Mr. Brown's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Alfred Brown's risk of recidivism.

Mr. Brown was 15-years-old when he shot and killed his mother, father, and older sister in the family home. He has been incarcerated for 45 years. The Board considered the *Diatchenko* and *Miller* factors in rendering this decision. The Board also considered the expert testimony of Dr. Laurie Guidry, as well as forensic reports from Dr. Dicataldo and psychological evaluations at the time of his crime. The Board considered his program involvement, as well as his educational achievement, and his last disciplinary report was in 1999. He has been previously diagnosed with schizoid personality disorder. He is currently diagnosed with autism spectrum disorder. He attempted an escape while in custody awaiting trial and planned a violent escape, where he broke a bottle, stole keys, and planned on taking a worker hostage. The Board concurs with recommendations that he step-down to lower security and move out of a single cell to demonstrate his ability to socialize in a less restrictive and more social setting.

Mr. Brown's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

*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.*

  
Tina M. Hurley, Chair

  
Date