



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**ALFRED BROWN**

**W36952**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** April 26, 2018

**DATE OF DECISION:** March 27, 2019

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, and Lucy Soto-Abbe

**DECISION OF THE BOARD:** 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. Parole is denied with a review scheduled in five years from the date of the hearing.

**I. 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 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 other similarly situated) must be given a parole hearing. Accordingly, Alfred Brown is coming before the Parole Board for his initial hearing.

*(Obtained in part from Commonwealth v Alfred Brown, 386 Mass.17, April 29, 1982)*

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. The defendant's 20-year-old sister had tried to escape. Mr. Brown shot her twice in the back, twice in the chest, and once in the head. When the defendant's father arrived home, Mr. Brown shot him six times (three times in the head) because his father "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.

## **II. PAROLE HEARING ON APRIL 26, 2018**

Alfred Brown, now 55-years-old, appeared before the Parole Board for his initial hearing on April 26, 2018. He was represented by Attorney Andrew Crouch and Attorney Lisa Newman-Polk. Mr. Brown expressed his remorse for the commission of the murders of his mother, father, and sister, which he said were committed without provocation or reason. He claimed that he had a callous and uncaring attitude at the time of the offense. He offered an apology to his remaining family members, as well as the community, who were traumatized by his murderous actions. Over the course of the last 40 years, Mr. Brown described how he matured and, through participation in mental health counseling, no longer blames his parents for his problems.

Mr. Brown provided the Board with a comprehensive overview of the governing offense, to include his culpability consistent with all known facts. Board Members asked Mr. Brown to identify the precipitant as to why he shot his mother, sister, and father in their family home. Mr. Brown described an upbringing where he experienced bullying and depression from the social struggles of being a product of a bi-racial marriage, which included social isolation/rejection in both Massachusetts and Japan. During his early teenage years, he sought refuge through reading books that depicted violence. He had had fantasies of hurting himself

or his father. Leading up to January 27, 1978, Mr. Brown grew to despise his father for being an authoritarian. After learning of his mother's disappointment when he failed geometry (and her stating that his father would be very angry), he became enraged. Upon returning to his room, he calmed down upon seeing the rifle he had received for Christmas a month earlier. Mr. Brown decided to shoot them in order to put an end to his problems.

The Board questioned Mr. Brown as to his progress in rehabilitation since his commitment. The Board acknowledged the multitude of programming and rehabilitative efforts that Mr. Brown has engaged in, including those recommended by the Department of Correction in his risk reduction plan. Although he did not immediately embrace rehabilitation, Mr. Brown (in 2013) began to immerse himself in treatment and programming to include: Restorative Justice [Retreat, Victim Offender Education Group (VOEG) and Reading Group]; Alternatives to Violence (multiple phases); Jericho Circle; Anger Management; and Emotional Awareness. Mr. Brown is currently incarcerated at MCI-Norfolk, where he works as an office worker specialist in the MassCor Janitorial Shop. He earned his GED in 1980, an Associate's degree in 1988, and a Bachelor's degree in 1989. He remains compliant with his mental health treatment plan.

Mr. Brown, however, has accrued approximately 20 disciplinary infractions during his incarceration, some of which are a concern to the Board. In reflecting on his violent incidents in custody, Mr. Brown said, "I came to prison when I was 16...Concord, placed in Walpole at 17, and I had some guys try to strong arm/muscle me because I was a kid...And I made it a point back then, whether it was staff, an inmate, or anybody was disrespectful to me, I would give it right back." It was during his participation in the VOEG program that he began to understand how his personality deficits have impacted others. Through participation in programming, he has learned to identify the contributing factors of his emotional detachment that left him devoid of empathy and riddled with anger.

Mr. Brown's friend spoke in support of parole. Frank DiCataldo, Ph.D. presented the key findings from the Forensic Mental Health Evaluation Report. The Board considered verbal testimony in opposition to parole of Assistant District Attorneys ("ADA") Kim Faitella and former ADA John Doherty of the Essex County District Attorney's Office. ADA Maureen Wilson Leal of the Essex County District Attorney's Office read a letter on behalf the surviving family member Elizabeth Brown. The Board also considered a letter in opposition submitted by ADA Catherine Langevin Semel.

### **III. DECISION**

The Board is of the opinion that Alfred Brown has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Brown shot and killed his mother, father, and sister in the family home. The Board is concerned regarding the level of violence exhibited during the commission of the governing offense. A longer period of positive adjustment and program involvement is needed.


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 the 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 Mas. 51 (2015).

The factors considered by the Parole 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 a unique capacity to change as they grow older." *Id.* The Board also considered 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 considered a risk and needs assessment and whether risk reduction could effectively minimize Mr. Brown's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Brown's case, the Board is of the unanimous opinion that Alfred Brown is not rehabilitated and, thus, does not merit parole at this time.

Mr. Brown's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Brown to continue to work 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.*

  
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Shara Benedetti, Acting General Counsel

3/27/19  
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Date