

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

ANTHONY DAWLEY

W38965

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 3, 2021

DATE OF DECISION: April 6, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

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 three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On May 26, 1982, in Hampshire Superior Court, Anthony Dawley pleaded guilty to the second-degree murder of 19-year-old Brenda Barry and was sentenced to life in prison with the possibility of parole. On that same date, a *nolle prosequi* was entered on the charge of assault with intent to rape.

On October 29, 1981, Anthony Dawley entered the apartment of 19-year-old Brenda Barry. She was not at home. At the time, Ms. Barry and Mr. Dawley had recently ended their relationship. Upon entering the apartment, Mr. Dawley drank the three bottles of beer that he had brought with him. When he heard Ms. Barry coming up the stairs, Mr. Dawley took the hunting knife he found in the living room, went to her bedroom, and laid on her floor. His

¹ One Board Member voted to deny parole with a review in two years.

intent was to ask Ms. Barry to get back together with him and, if she refused, he would tell her that he was going to kill himself. Ms. Barry told Mr. Dawley that, not only did she not want to get back together, but she was pregnant and had plans to terminate the pregnancy. Mr. Dawley then threatened to kill himself. When he asked her to lie on the bed, she refused. He again threatened to kill himself. Ms. Barry then got into the bed, but Mr. Dawley tied her hands with an electrical extension cord, removed her pants and underwear, and attempted to sexually assault her. Unable to penetrate Ms. Barry, Mr. Dawley subsequently strangled her. Mr. Dawley claimed he was unaware that Ms. Barry died as a result, so he laid with her for a while. When Mr. Dawley realized that he had killed her, he attempted several means to kill himself, but was unsuccessful.

II. PAROLE HEARING ON AUGUST 3, 2021

Anthony Dawley, now 64-years-old, appeared before the Parole Board for a review hearing on August 3, 2021, and was represented by Attorney Adam Narris. Mr. Dawley had been denied parole after his initial hearing in 1996, and after his review hearings in 2001 and 2006. He postponed his hearings in 2011 and 2016. Attorney Narris provided a brief opening statement to the Board. Mr. Dawley also provided an opening statement in which he apologized to the family of Ms. Barry, as well as his own. He took responsibility for the murder and admitted that he "did not have consensual sex" with Ms. Barry that night. He met Ms. Barry approximately nine months prior and had frequently stayed at her apartment. Mr. Dawley explained that he was an alcoholic and "drank every day that [he] could" because he was "running from problems" and "didn't want to face emotions." Further, he had "very low self-esteem" and could not maintain employment at the time. When asked if there was any abuse in the relationship, Mr. Dawley told the Board that Ms. Barry "hit [him] with a hairbrush," and he struck her in the arm. He also indicated that he attempted to break into Ms. Barry's apartment. Upon Board Member inquiry, Mr. Dawley admitted that he was a "controlling" and "jealous" man.

Shortly before the murder, Ms. Barry had ended the relationship. On the evening of the murder, after he had been drinking, Mr. Dawley went to Ms. Barry's place of employment in an attempt to reconcile. When Ms. Barry said that she would talk to him, Mr. Dawley said that her response gave him a "spark of hope." After he left, Mr. Dawley continued to drink alcohol and then broke into Ms. Barry's apartment before she returned home to "play on [Ms. Barry's] sympathy." He laid on the floor with a knife to "pretend" he was going to commit suicide in front of her. However, when she returned home, Ms. Barry told Mr. Dawley to "get up," and that "it wasn't going to happen." After talking for a while, Mr. Dawley stated that he "wanted to have sex" and "reconcile," but he believed that Ms. Barry was in fear of him. He took off Ms. Barry's pants, tied her up, and attempted to have sex with her. When he was unable to do so, Mr. Dawley became angry and strangled her to death. He claimed the anger came from his lack of ability to sexually perform, as well as "all past failures" and "everything inside [him] that wasn't released." After the murder, Mr. Dawley told the Board that he attempted to commit suicide.

In discussing his institutional adjustment. Mr. Dawley reported that he has been sober since 1990, and has sought counseling to address his anger issues. The Board noted that, although he has completed some programs to address his anger, Mr. Dawley has completed only minimal intensive rehabilitative programming, compared to others who have been granted parole. When asked if he joined any "lifer's groups," Mr. Dawley indicated that he did not want to participate. Board Members also questioned Mr. Dawley as to how he has ensured a

successful re-entry into the community. Mr. Dawley stated that he attended AA, participated in the 12-Step Program, and "made a commitment" to his sobriety. The Board noted that he also completed Pathways to Recovery. Nonetheless, the Board suggested that Mr. Dawley explore his past trauma by engaging in additional programs, such as domestic violence programming, correspondence programming, or the Sex Offender Treatment Program. Despite minimal participation in intensive rehabilitative programming, Mr. Dawley initially told the Board, "I believe I am ready." However, upon further inquiry, Mr. Dawley expressed that he needs to re-think this belief. The Board noted that Mr. Dawley has significant family support that includes nine siblings.

The Board considered the testimony of two of Mr. Dawley's brothers, both of whom expressed their support of parole. The Board considered the testimony of the sister-in-law, brother, and sister of Ms. Barry, all of whom opposed parole. The Board also considered the testimony, and letter, in opposition to parole from Northwestern Assistant District Attorney Erin Aiello.

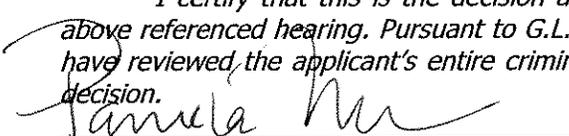
III. DECISION

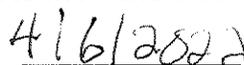
The Board is of the opinion that Anthony Dawley has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Dawley is serving a life sentence for the murder of 19-year-old Brenda Barry. While Mr. Dawley has served approximately 40 years, he has engaged in minimal programming to address his history of domestic violence and abandonment issues. Based on his admission that he strangled the victim to death because he was unable to complete [the] attempted rape of the victim, the Board recommends that in addition, he participates in SOTP (Sex Offender Treatment Program). Although he has already participated in Anger Management, he presented at hearing to have unresolved issues in that area.

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 forming this opinion, the Board has taken into consideration Mr. Dawley'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 Mr. Dawley's risk of recidivism. After applying this standard to the circumstances of Mr. Dawley's case, the Board is of the unanimous opinion that Anthony Dawley is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Dawley's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Dawley to continue working toward 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.


Pamela Murphy, General Counsel


Date