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DECISION

IN THE MATTER OF
ANTWAN BURTON

W86079

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 21, 2017

DATE OF DECISION: October 23, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On August 19, 2005, after a jury trial in Plymouth Superior Court, Antwan Burton was convicted of first degree murder on a theory of felony-murder for his participation in the armed home invasion and shooting death of Richard Anderlot.² Accordingly, Mr. Burton was sentenced to life in prison without the possibility of parole. On appeal, Mr. Burton had his conviction reduced to second degree murder, becoming eligible for parole after serving 15 years of his sentence.

On the evening of October 24, 1999, Antwan Burton (then 20-years-old), Kenneth Taylor, Joseph Cooper, and another unidentified male (known only as "Rob") made a plan to rob a suspected dealer of marijuana. The men changed into dark clothing with hoods and/or masks to conceal their identities. Mr. Taylor brought a gun with him, but none of the others had any weapons. They drove to Court Street in Brockton, where Mr. Taylor, Mr. Burton, Mr.

¹ Four Board Members voted to deny parole with a review in two years. Two Board Members voted to reserve Mr. Burton to a long-term residential treatment program, after successful completion of six months in lower security.

² There are two co-defendants in this case, Kenneth Taylor and Joseph Cooper.

Cooper, and "Rob" left their vehicles, entered a building, and forced their way into an apartment. Richard Anderlot (16-years-old) was home alone in the apartment. He was shot three times by Kenneth Taylor, dying as a result of the gunshot wounds. All four men then fled the scene.

Through police investigation, Mr. Burton was identified as one of the four men who broke into the apartment on October 24, 1999. Mr. Burton was arrested several months after the shooting. No weapon was ever recovered.

II. PAROLE HEARING ON MARCH 21, 2017

Mr. Burton, now 38-years-old, appeared before the Parole Board for a review hearing on March 21, 2017. Mr. Burton was represented by Attorney Patricia Garin and Student Attorney Jamie Upham. Mr. Burton's initial hearing took place on October 29, 2015. On January 13, 2016, he was granted parole to a long-term residential treatment program after successful completion of 12 months in lower security. However, in April 2016, the Parole Board obtained new and adverse information regarding Mr. Burton's possession of a firearm that was used in the (unrelated) homicide of Michael Grosso on June 25, 1999 in Brockton. In addition, the Board received new and adverse information regarding Mr. Burton's involvement in multiple disciplinary incidents since his parole hearing in October 2015. Mr. Burton's parole was provisionally rescinded on April 26, 2016. He was granted a final rescission hearing before the full Board on June 23, 2016. Mr. Burton's rescission was affirmed, and he was placed on the next available list for a parole hearing.

During his opening statement to the Board, Mr. Burton discussed his presence at the murder of Mr. Grosso, which occurred four months prior to the murder of Mr. Anderlot. Mr. Burton stated that he never touched the gun, nor did he know that Mr. Grosso was going to be shot by Albert Johnson. Mr. Burton said that the circumstances as to why he was at the apartment that evening were unrelated to Mr. Grosso's murder. Regarding the crime against Mr. Anderlot, however, Mr. Burton admitted that he went along with the plan to rob him. Mr. Burton also stated, "My recklessness caused the murder of Mr. Richard Anderlot." Mr. Burton further stated that the murder of Mr. Grosso should have been a "wakeup call" to him, but he "made the mistake of disassociating" himself from it. Mr. Burton expressed his remorse for the part he played in Mr. Anderlot's murder and expressed his sorrow that Mr. Grosso lost his life "in the tragic way that he did."

Although Board Members acknowledged that Mr. Burton has done a lot of work during his incarceration, they expressed concern as to whether he was being forthright and honest with them. They noted that Mr. Burton chose not to disclose the fact (at his initial parole hearing) that he had been present at a prior murder scene. Mr. Burton was asked about how the men entered the apartment where the murder occurred. When Mr. Burton told the Board that a female had let them into the apartment, a Board Member pointed out that (according to reports) she had not let them in willingly. Once in the apartment, Mr. Burton said that the group proceeded to drink alcohol and smoke marijuana in the bedroom. After hearing a gunshot, Mr. Burton said that he, and others, ran from the apartment. Mr. Burton claims that he had not known that Mr. Johnson had been the shooter, nor had he known that Mr. Johnson had a firearm. When asked whether he had deliberately withheld this information, Mr. Burton responded "no," but admitted that he could have been "more detailed" about it.

Four months after Mr. Grosso was killed, Mr. Burton was involved in the robbery that resulted in the murder of Mr. Anderlot. A Board Member expressed concern that Mr. Burton was the common denominator in two separate murders, involving two separate groups, and occurring only a few months apart. Mr. Burton was asked whether his involvement, including the use of his car, in an armed robbery triggered any concern or reservations for him. Mr. Burton stated, "At that time, sir, I wasn't, I wasn't thinking. I was a totally different person back then. I was just going along... with my friends at the time... I did know that somebody was armed, but you know, I didn't think that murder was going to be the end result of it..." A Board Member noted that the first incident (Mr. Grosso's murder) had not shaken up Mr. Burton enough for him to distance himself from that type of lifestyle. Mr. Burton responded, "I wasn't shaken... I didn't put the thoughts together... I didn't see until I was away from the situation that my life was getting more and more tragic..." Mr. Burton said that he disassociated himself from the murder of Mr. Grosso, since he did not believe that he had anything to do with it. He added, "But, Mr. Anderlot's was so much different. I knew I was doing something bad. I knew that, and I will have to pay for that for the rest of my life, but I knew that I was doing something wrong. I knew that I was gonna [sic] go to take his marijuana. I didn't...expect for the murder to happen, but that happens when you do something reckless like that..."

Since Mr. Burton's last parole hearing, he has participated in programming, including two computer courses, the Mindfulness Program, the Money Smart Program, an entrepreneurship program, and the Wellness Program. He also obtained a job and was accepted into the dog program, prior to being moved to another facility. Mr. Burton obtained another job when he moved to the new facility.

The Board considered oral testimony from Mr. Burton's uncle, sister, and a friend, all of whom spoke in support of Mr. Burton being granted parole. The Board also received letters in support of parole. Plymouth County Assistant District Attorney Stacey Gauthier spoke in opposition to Mr. Burton being granted parole.

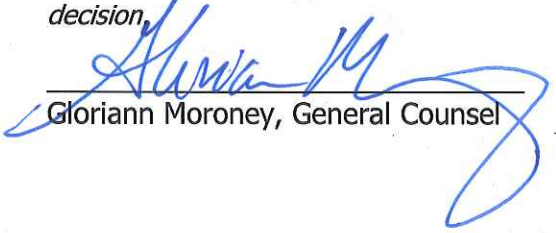
III. DECISION

Although progress has been made, the Board is of the opinion that Mr. Burton should continue to engage in rehabilitative programming and continue with his positive behavior. Mr. Burton should prepare to be more forthright and truthful in addressing his criminal culpability.

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. Burton'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. Burton's risk of recidivism. After applying this standard to the circumstances of Mr. Burton's case, the Board is of the opinion that Mr. Burton is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Burton's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Burton 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.


Gloriann Moroney, General Counsel

10/23/17
Date