



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF
ANTWAN BURTON
W86079

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: October 29, 2015
DATE OF DECISION: January 13, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, and Lucy Soto-Abbe.

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 written submissions to the Board, we conclude by a majority vote that the inmate is a suitable candidate for parole.¹ Parole is granted to a long term residential treatment program, with special conditions, upon successful completion of 12 months in lower security.

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 the theory of felony-murder for his participation in the armed home invasion and shooting death of Richard Anderlot.² Accordingly, Burton was sentenced to life in prison without the possibility of parole. On appeal, Burton had his

¹ Six Board members voted to parole Antwan Burton to a long term residential treatment program upon successful completion of 12 months in lower security. One Board member voted to deny parole, with a review in two years.

² There are two co-defendants in this case: Kenneth Taylor (the individual who shot and killed the victim) was convicted of first degree murder and is currently serving his life sentence without the possibility of parole at MCI-Norfolk; Joseph Cooper, in exchange for his testimony against Kenneth Taylor, pleaded guilty to manslaughter and was sentenced to 8 years to 8 years and one day. Cooper's manslaughter sentence has been served.

conviction reduced to second degree murder, becoming eligible for parole after serving 15 years of his sentence.³

On the evening of October 24, 1999, Antwan Burton (age 20), Kenneth Taylor, Joseph Cooper, and another unidentified male only known as "Rob"⁴ made a plan to rob a suspected drug dealer to get some marijuana. They all changed into dark clothing with hoods and/or masks to conceal their identities. Taylor brought a gun with him, but none of the others had any weapons. They all drove to Court Street in Brockton, where Taylor, Burton, Cooper and "Rob" left their vehicles and entered 216 Court Street.

Once in the building, the four men walked up to the second floor apartment and forced entry into the apartment. Richard Anderlot (age 16) was home alone in the apartment and was shot three times by Kenneth Taylor. All four men then fled the scene and ran back to their cars, driving off to a friend's apartment. As they were fleeing the building, one of the residents of the second floor apartment returned home and found the apartment door had been kicked in. In the living room, he found Mr. Anderlot lying face up on the floor, unresponsive. Mr. Anderlot died as a result of three gunshot wounds. No weapon was ever recovered.

As Burton and his co-defendants were driving away from the scene, Taylor stated that he "hope[d] nobody has a mouth." Upon arrival at their friend's apartment, Cooper asked Taylor why he shot the victim. Taylor responded that the victim would not let go of the telephone, and that Taylor was afraid the victim was speaking with the police. Taylor also stated that he shot the victim once and then twice more when the victim tried to run behind the couch. Through police investigation, Burton was identified as one of the four men who broke into 216 Court Street on October 24, 1999. Burton was arrested several months after the shooting.

II. PAROLE HEARING ON OCTOBER 29, 2015

This was Burton's first appearance before the Parole Board after serving 15 years of his life sentence. Burton is 36 years-old and currently serving his sentence at MCI-Norfolk where he has been since July of 2008.

Burton gave an opening statement to the Board in which he expressed his sincere remorse and shame for having been involved in the murder of Richard Anderlot. He said he now takes full responsibility for his role in the murder, even if he was not the person who actually pulled the trigger. Ms. Upham also provided an opening statement, outlining why Burton is a viable candidate for parole and describing his life leading up to the murder. In addition, she summarized his parole plan, including the necessity of a support network to aid in his reintegration.

³ See *Commonwealth v. Burton*, 450 Mass. 55 (2007). The Court held that "the defendant's conviction of murder in the first degree is not legally permissible. Given that the maximum punishment for armed home invasion with a firearm was twenty years in October 1999 [when the murder occurred], the Commonwealth could not show that the homicide occurred within the course of a life felony, and therefore, the conviction was effectively based on insufficient evidence."

⁴ The fourth male remains unidentified. Burton said he did not really know him and could only provide a first name of "Rob" and street name of "Riz" as to his identity.

Burton provided a detailed and comprehensive version of the events surrounding the home invasion and murder of Richard Anderlot. Burton told the Board that at the time of the murder, he was living with his aunt and cousin (co-defendant Joseph Cooper) in Brockton. He said he and his co-defendants made a spur of the moment plan to go and rob a drug dealer because they had run out of marijuana and wanted to get more. Burton said the four of them changed into dark clothing and drove to 216 Court Street where they believed a marijuana dealer lived. He said Kenneth Taylor told them that he had a gun and brought it with him to make the robbery easier. Burton said he thought Taylor intended to use the gun only to scare the dealer and make taking his drugs easier. Burton did not have a weapon. Burton told the Board that he followed the other three men into the building and up the narrow stairway to the second floor apartment. He heard either Taylor or Cooper kick-down the door after Mr. Anderlot would not let them in, then they all ran into the apartment chasing Mr. Anderlot down the hall inside the apartment. Being the last person into the apartment, Burton said he could not see Taylor or the victim down the hallway, but he heard arguing and then three gunshots. He then said Cooper, Taylor, and "Rob" came running back down the hall towards him, so he turned and ran out of the apartment with them. He said they did not take anything from the apartment.

After fleeing the scene, Burton told the Board they went to a friend's apartment where Taylor told them that he shot Mr. Anderlot because Mr. Anderlot had a telephone in his hand and Taylor was afraid he was going to call the police. They did not find out until the next morning that Mr. Anderlot had died. Burton told the Board he was immature and afraid, so he did not say anything to anyone about the murder. The day after the murder, he returned home to Roxbury to live with his mother, where he was arrested approximately nine months later.

The Board asked why Burton took his case to trial instead of pleading out to a lesser sentence as his co-defendant and cousin, Joseph Cooper, had done. Burton replied that at the time, he did not think he had the same culpability as Taylor, who had the weapon and killed the victim. Burton said he incorrectly believed that because he was not involved in the shooting and did not know it was going to occur, he should not be punished for it. He now understands that he is just as culpable as Taylor for the death of Richard Anderlot, telling the Board "I had a voice; I could have said something; I could have refused to take part in the robbery plan." Instead, he told the Board that he dodged his responsibility and followed along with the robbery plan, culminating in the death of an innocent teenager. He now takes full responsibility for his actions that night and understands that although he did not pull the trigger, he is accountable for Mr. Anderlot's death.

Burton described his upbringing, telling the Board he was a child with very low self-esteem, despite the unconditional support from his mother, twin sister and other family members. He was born and raised in Roxbury with his parents and his sister. At the age of seven or eight, he became aware of the volatile relationship between his parents. Around this time, his father left. Burton testified that he felt completely abandoned and started to blame himself for his parents' separation. He was enrolled in the Metco Program attending school in Needham, until he was expelled from the program in the seventh grade. He told the Board that he felt as if he didn't fit in with the kids in Needham, but when he returned home each day to Roxbury he was taunted by other Roxbury kids for going to school in the suburbs. After returning to school in Roxbury in the seventh grade, he said he was bullied, due to a severe stutter, learning disabilities, and being cross-eyed, causing him to feel alone and unwanted. His

low self-esteem began to affect his performance at school. He said at around age 14, he began drinking and smoking marijuana. Desperate for acceptance, he gravitated to the streets for comfort and support. His negative lifestyle choices resulted in him being stabbed in the eyebrow at age 14 when someone tried to steal his gold chain. During these years, he attended several different schools and eventually went to live with his aunt and cousin in Brockton.

Since his incarceration, Burton has completed many programs to address his criminal behavior and issues surrounding anger/violence, educational/vocational training, and substance abuse/dependency. Burton provided the Board with an overview of the treatment and programming that he has engaged in, including: Jericho Circle; Emotional Awareness; Alternatives to Violence (he is now a group facilitator); Toastmasters; multiple Cognitive Skills Workshops; and Health Awareness. Burton received his GED in 2010. Burton is currently enrolled in the Restorative Justice and Anger Management programs, and was accepted into the NEADS (dog training) Program in 2013. Burton told the Board that he loves training the dogs and seeing the joy and aid they bring to their eventual owners. His first dog, Beacon, went home to a boy with Autism, and he is currently training his second dog. Since 2009, Burton has been regularly attending Alcoholics/Narcotics Anonymous meetings. He is currently pending participation in the welding program and Able Minds.

Burton told the Board that institutional programming changed his life and played a pivotal role in his positive rehabilitation. It helped him realize that he can change his life path and he can make positive decisions on his own and be comfortable in his own life, on his terms. He said the more programming he participated in, the more he learned about himself and how he can control his life and relationships with others in a positive way. Burton informed the Board that his involvement in Emotional Awareness allowed him to confront his feelings of inadequacy and the psychological and emotional issues stemming from his childhood. Through his participation in the Restorative Justice program he has learned victim empathy and now possesses the skills to effectively manage his anger. His low self-esteem has greatly diminished, and his work and program participation over the past 15 years has made him more confident, so that he believes in himself and his ability to successfully reintegrate into society.

Burton seeks parole to a long-term residential treatment program after a gradual transition through lower security within the Department of Correction. He has strong family and community support, and indicated he has several prospects for immediate employment if he is released. He will also seek out services through Span, Inc. to support his reintegration, and continue to regularly attend AA/NA meetings. His long term employment goal is to continue his work with training dogs for those in need.

Numerous family members and friends attended the hearing in support of Burton's petition for parole. Burton's friend, uncle, and sister spoke in support of his parole, noting they will provide him with the necessary supports to successfully re-enter the community. There were numerous written submissions to the Board in support of Burton's release.

There was no one from the victim's family present at the hearing. However, there were several written submissions to the Board in opposition to parole. Plymouth County Assistant District Attorney (ADA) Jessica Heaton spoke in opposition to parole. ADA Heaton also submitted a letter from District Attorney Timothy Cruz in opposition to parole for Burton.


III. DECISION

Burton has served 15 years of his sentence and has maintained a positive record within the correctional system. At his hearing, Antwan Burton presented very well. He was thoughtful and poised in speaking to the Board, and his testimony was credible. The Board is of the opinion that he is empathetic and insightful as to his behavior resulting in the death of Richard Anderlot. During his 15 years of incarceration, Burton chose a path of rehabilitation and has engaged in numerous programs, remained substance free, maintained a positive adjustment and meaningful employment. Burton submitted a thoughtful re-entry plan, including strong family and community support. Burton has engaged in and benefitted from rehabilitation.

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 grants Antwan Burton parole to a long term residential treatment program, with special conditions, after successful completion of 12 months in lower security.

SPECIAL CONDITIONS: Parole to a long term residential treatment program after successful completion of 12 months in lower security; waive work while in the long term residential treatment program; GPS monitoring; no drug or alcohol use with testing for compliance in accordance with agency policy; attend AA/NA meetings at least three times per week; mental health counseling for adjustment/transition; no contact with the victim's family; report to assigned MA parole office on day of release.

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.


Michael J. Callahan, Executive Director

January 13, 2016
Date