



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

**IN THE MATTER OF
ANTWAN BURTON
W86079**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 26, 2019

DATE OF DECISION: January 14, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

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 a suitable candidate for parole. Parole is granted to a Long Term Residential Program after 6 months in lower security and with special conditions.

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 (age 20), 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. Cooper, and "Rob"

¹ Board Member Treseler was present at the hearing, but was no longer a Board Member at the time of vote.

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

left their vehicles, entered a building, and forced their way into an apartment. Richard Anderlot (age 16) 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 26, 2019

Mr. Burton, now 47-years-old, appeared before the Parole Board for a review hearing on March 26, 2019. He was represented by Attorney Patricia Garin. 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, and rescission was, subsequently, affirmed. Mr. Burton was denied parole after his 2017 review hearing.

In his opening statement to the Board, Mr. Burton apologized to the Aderlot family, stating that his thoughtless and reckless actions in the robbery lead to Mr. Anderlot's murder. Mr. Burton also apologized for not revealing that he was present at another murder, prior to the governing offense. Admitting his lack of insight, Mr. Burton told the Board that his presence at the first murder should have alerted him that he was on the wrong path in life. When Board Members questioned him as to his programming efforts in rehabilitation, Mr. Burton reported that he earned his G.E.D. and worked in the N.E.A.D.S. dog training program. He attends Alcoholics Anonymous, participated in the Building Trades program, and works at the hospital. He also participated in the Graduated Maintenance Program. While in lower security, Mr. Burton worked in a recycling program that motivated him to think of positive changes in his life after incarceration. The Board noted Mr. Burton's two disciplinary reports over the last four years; however, one was dismissed, and he was found not guilty in the other.

If granted parole, Mr. Burton asked for a step-down to lower security and then release to the Dismas House or a similar Long Term Residential Program. After the program, he would live with his sister, having secured job offers working at his cousin's automotive shop or an auto auction. Mr. Burton recognized that association with known criminals, as well as relapse, are common ways that result in parole revocation. He noted that his family and his support group members do not have criminal backgrounds. Mr. Burtons plans to continue attending Alcoholics Anonymous and will participate in counseling with Lyn Levy's support group.

The Board considered oral testimony in support of parole from Mr. Burton's uncle, who spoke on behalf of himself and Mr. Burton's sister (who was present at the hearing). A friend of Mr. Burton testified in support of parole. SPAN Founder and Director Lyn Levy spoke in support of parole. The Board also received a letter in support of parole from Mr. Burton's cousin. Plymouth County Assistant District Attorney Keara Kelley spoke in opposition to parole and

submitted a letter, as well. The Board also considered testimony from Brockton Police Officer Darwin Anderson.

III. DECISION

Mr. Burton has continued to invest in his rehabilitation. It is the opinion of the Board that after a gradual transition, his release will be compatible with the welfare of society.

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 appropriately high standard to the circumstances of Mr. Burton's case, the Board is of the unanimous opinion that Antwan Burton merits parole at this time. Parole is granted to a Long Term Residential Program after 6 months in lower security and with special conditions.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be at home between 10:00pm and 6:00am; Electronic Monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for alcohol abstinence, testing in accordance with agency policy; Report to MA Parole Office on day of release; No contact w/victim's family; Must have mental health counseling for adjustment/transition; Long Term Residential Treatment – no less than 6 months; AA/NA at least 3 times/week; Mandatory exclusion zone - Brockton.

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

1/14/2020
Date