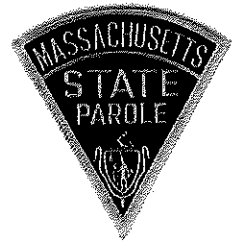


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

BRIAN DAWSON

W51119

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 14, 2017

DATE OF DECISION: October 3, 2018

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 three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On September 9, 1991, in Hampden Superior Court, Brian Dawson pleaded guilty to accessory before the fact of second degree murder for his participation in the death of 23-year-old Jerry Hughes. He received a life sentence with the possibility of parole. Mr. Dawson filed a motion for new trial and a motion to withdraw his guilty plea. The Appeals Court affirmed the denial of the motions.²

¹ Five Board Members voted to deny parole with a three year review. One Board Member voted to deny parole with a two year review.

² *Commonwealth v. Brian Dawson*, 38 Mass.App.Ct. 1102 (1995)

On March 3, 1991, at approximately 6:36 p.m., Springfield police responded to a call of shots fired at the Rainville Hotel in Springfield. Upon their arrival, they discovered Jerry Hughes lying face up on the steps of the hotel, suffering from a gunshot wound to the left side of the forehead. Mr. Hughes was pronounced dead at the scene. Subsequent investigation revealed that Mr. Hughes had been dealing drugs out of the Rainville Hotel for some period of time and that 25-year-old Brian Dawson started dealing drugs in the area in 1991. Mr. Dawson, however, wanted some of his people to start dealing crack at the Rainville Hotel. When Mr. Hughes confronted Mr. Dawson, a fight ensued. Mr. Dawson made numerous comments that Mr. Hughes should be murdered. A plan was developed, and Mr. Dawson provided a gun and a vehicle to assist in the shooting. On March 3, 1991, co-defendant John Carter entered the Rainville Hotel and sought out Mr. Hughes. Mr. Carter shot Mr. Hughes in the forehead and then fled on foot. Mr. Dawson was arrested days later for his participation in the murder.

II. PAROLE HEARING ON NOVEMBER 14, 2017

Brian Dawson, now 51-years-old, appeared before the Parole Board for a review hearing on November 14, 2017. He was not represented by counsel. Mr. Dawson was denied parole after his initial hearing in 2008, as well as after his review hearing in 2014. In Mr. Dawson's opening statement to the Board, he admitted that he had sold both drugs and guns. He added that one of the guns was ultimately used to murder Mr. Hughes, and that the other guns were possibly used in other crimes. He stated that he holds himself responsible for each known, and unknown, crime. Mr. Dawson apologized to those he had harmed, including the Hughes family and his own family.

A Board Member asked Mr. Dawson to describe his lifestyle at the time of the murder. He stated that he was selling drugs, but denied the use of substances. He also sold approximately 100-200 weapons, earning about \$300 a weapon. He indicated that he had been selling drugs between New York and Massachusetts, starting in 1989. He stated that he "walked around with a gun" and that people in the community feared him because he was violent. He admitted that in New York, he injured six or seven people with a firearm, but was never arrested. He acknowledged that he did not know the severity of the injuries to his victims, as he did not stay around after shooting them. Mr. Dawson told the Board that he knew Mr. Hughes for about two years, working with him "on the side." He subsequently had a falling out with Mr. Hughes, and they had a fight. He also stated that his co-defendant, John Carter, had an issue with the victim prior to the murder. In describing his responsibility in the murder, Mr. Dawson stated that he supplied the murder weapon, and that he didn't prevent it from happening.

Mr. Dawson agreed that he had a difficult start when he entered prison. He spoke about a disciplinary report that he received in 2011, for using obscene language and for failure to stand for count. He denied, however, using obscene language towards a correctional officer. Mr. Dawson also spoke about his last disciplinary report, in 2016, for threatening another with bodily harm. He denied that, as well. When a Board Member asked him to describe the turning point in which he started to change his behavior in prison, Mr. Dawson said that it happened after his mother passed away. At that point, he started making small steps of change and, in 2010, he dedicated himself to "turning around." Mr. Dawson spoke about his rehabilitative efforts since his last hearing, as well as his participation in programming, including Alternatives to Violence as a Facilitator and Restorative Justice-Weekend Retreat. Currently, he participates in the Restorative Justice Recovery Program. Mr. Dawson also stated that he completed three computer

classes while incarcerated. If paroled, he would have to serve a one year sentence in Connecticut. After his sentence is complete, he would like to work with computers and live with his sister in Brooklyn, New York. Then, he would prefer to live on his own and surround himself with people that are in the "same frame of mind," in order to keep him stable. Mr. Dawson told the Board that his family support consists of his brothers and sisters.

The Board considered testimony in support of parole from Mr. Dawson's two sisters, brother, and niece. The Board considered testimony from Hampden County Assistant District Attorney Howard Safford.

III. DECISION

The Board is of the opinion that Brian Dawson has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Dawson was a ruthless drug dealer who provided the vehicle and the weapon to kill Jerry Hughes. It is only recently he has earnestly committed himself to rehabilitative programming. Mr. Dawson should continue to engage in relevant programming and maintain a positive adjustment.

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

Mr. Dawson'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. Dawson 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, Executive Director/General Counsel

10/3/18
Date