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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*

**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**CHARLES BOGUES**

**W62310**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** November 6, 2012

**DATE OF DECISION:** December 14, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Shelia Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** Parole to long term residential program after successful completion of 12 months in lower security. During the additional period of incarceration, Bogues is required to maintain good conduct without disciplinary incident and to complete all programs and activities as recommended by the Department of Correction. The decision is unanimous.

**I. STATEMENT OF THE CASE**

This case involves the murder of a young person in Boston. Like many of the young homicide victims in Boston, Louis Brown, age 15, happened to be on a city street when a gun battle between two groups erupted. Louis Brown had no connection to any of the criminal activity. One of the bullets missed its intended target and struck Louis.

The gun battle took place on December 20, 1993 at 3:20 p.m. near the corner of Tonawanda Street and Geneva Avenue in Dorchester. At least two gunmen were firing shots. One of those shots struck Louis Brown in the head as he walked on Geneva Avenue. The case was unsolved for three years, until Boston Police and Suffolk prosecutors were able to gather enough information in early 1997 to charge Charles Bogues with murder. Bogues admitted his role in a statement to police in January 1997; the Suffolk grand jury indicted him in February 1997; he pleaded guilty to second-degree murder on March 12, 1997. Bogues was sentenced

to life in prison with parole eligibility at 15 years. This is his first parole hearing (he was eligible for parole in 2011 but postponed his hearing until 2012).

Charles Bogues was not part of the dispute that precipitated the gun battle. Tony Turner called Bogues on December 20 and said that he "had a problem with a kid." He asked Bogues to come to the neighborhood with a gun. Bogues agreed to the request and showed up in Dorchester that afternoon with a .45 caliber handgun. Bogues met up with his associates at Tonawanda and Waldeck Streets. At 3:18 p.m., a shot was fired at Bogues' group, and his associate Carlton Phillips was shot. Bogues ran with his gun towards Geneva Avenue where he saw his associate Tony Turner running towards him. An unidentified gunman was chasing Turner. The gunman fired and struck Turner in the leg. The unidentified shooter fired at Bogues and Bogues fired several .45 caliber shots in return as he ran from the scene. Louis Brown, walking nearby on Geneva Avenue, was struck and killed during the exchange of gunfire. Tony Turner and Carlton Phillips survived without permanent injuries. The shooter (or shooters) who fired at Bogues, Turner, and Phillips have never been identified.

A .45 caliber bullet killed Louis Brown. The prosecution proceeded on the theory that Bogues fired the .45 caliber shot that struck Louis Brown.

## **II. INSTITUTIONAL HISTORY**

Charles Bogues has an excellent institutional record, most notable for the fact that he does not have a single disciplinary report. He began program work at an early stage in his incarceration and has accelerated his participation as he became eligible for more programs. His early work involved primarily religious programs but also included several phases of Alternatives to Violence. He has completed three phases of Anger Management, many phases of Father's Group, Correctional Recovery Academy, Active Listening, Smart Recovery, Setting Goals, Menswork, and Advanced Menswork. For vocational training, he has received barber and culinary arts certifications. He has worked consistently at various institutional jobs.

## **III. PAROLE HEARING ON NOVEMBER 6, 2012**

Charles Bogues admitted to the facts of the case. He said that he always questioned whether he fired the shot that struck Louis Brown because "he was around the corner from where I fired." This is a factual issue that the Parole Board need not resolve: Bogues is properly convicted of second-degree murder under Massachusetts law due to his willing participation in a shootout, whether or not he fired the deadly bullet.

Bogues described a middle class childhood in Boston. He has three older sisters. His father is retired Boston Police officer and his mother worked at Harvard's alumni services department. He graduated from Jeremiah Burke High School. His life took a negative turn at age 13 when he "started hanging out in the streets." He said "my parents tried to keep me on the right path but they worked a lot so I was able to hang out." He sold drugs, progressing from selling marijuana to cocaine to crack. He "started carrying a gun at 18 or 19 because the streets were getting wild." He committed the murder at age 23.

The inmate reported that "my family didn't raise me this way, but the street warps your morals and your judgment." He said "it upset my family so much when I was arrested; I saw it on my mother's face so I started going to church in jail; I told my mother I was done with the criminal lifestyle and I meant it."

Board Members asked the inmate various questions about his institutional conduct and rehabilitative programs. He explained how he has maintained a perfect disciplinary record: "I understand that 95% of what happens to you is your fault – your actions, your associates, or your thinking; I am friendly with everybody and I make sure I hang with people who are doing the same things I am doing, which is programs and work."

Clementina Chery, Louis Brown's mother, founded and runs the Louis Brown Peace Institute in Boston. The inmate's mother volunteers at the Institute. Clementina Chery has met with Charles Bogues in prison several times. Bogues said "the love she has shown for me and my family is extraordinary." When asked how he would describe Louis Brown, Bogues said, "He was a young man who aspired to do great things; I look at him as someone I should have been; I try to push my son in the direction that Louis went in."

The inmate's mother, father, son, and brother-in-law spoke in support of parole. His father described Bogues' improved attitude and behavior and said, "the Department of Correction probably saved his life." The brother-in-law is a pastor who described positive change he has observed in the inmate.

Four family members of Louis Brown spoke about the impact of the crime. Louis Brown's mother, Clementina Chery, and older brother, Shawn Brown, both expressed that they are not opposed to parole. Ms. Chery provided information about her son: Louis Brown was in tenth grade at West Roxbury High School; he planned to go to college and study aerodynamic engineering; he cared very much about fostering peace among urban youth and for that reason he was a member of the Teens Against Gang Violence organization; he dreamed of one day being the first black President of the United States. Ms. Chery said, "I will not oppose parole but you owe a debt to society, and service to others should be part of the plan." Louis Brown's sister, Alexandra Chery was only four years old when Louis was murdered; she testified that "I adored Louis and he adored me; he read to me every night." Suffolk Assistant District Attorney Charles Bartoloni testified and provided information about the murder.

#### **IV. DECISION**

Charles Bogues is that rare life sentence inmate who made a commitment to rehabilitation shortly after arrest. He pleaded guilty one month after his indictment and apologized to the Brown family at his plea hearing. He began in the institution with religious participation and programming, and followed that with extensive rehabilitative programming that addressed his criminal thinking, criminal conduct, and violence. At his hearing Bogues described his conscious decision to change his conduct and his efforts to achieve that goal. His institutional conduct is not marred by even a single disciplinary report. In his efforts to reform, Bogues has certain advantages that many do not: a positive and relatively stable childhood that gave him empathy and the ability to form attachments to others; a high school education with diploma; he does not have the traits of unchecked impulsivity or uncontrolled anger frequently associated with violent offenders; no current substance abuse issues; no mental health issues; ongoing support from family members who are stable and productive; and guidance from the victim's mother who has encouraged him to take responsibility for his actions and his rehabilitation. Charles Bogues is rehabilitated; he does not present a current risk for violence. He is unlikely to re-offend if released and his parole is compatible with the welfare of society. Accordingly, parole is granted under conditions (described below) designed to assist with a successful transition and productive existence in the community.

**SPECIAL CONDITIONS:** Parole to long term residential program after inmate successfully completes twelve months of incarceration at lower security, with continued programming and no disciplinary reports; no drug use or alcohol use; curfew between 10:00 p.m. and 6:00 a.m. for two years and thereafter at parole officer discretion; 200 hours community service (this condition commences upon release from the residential treatment program and shall be completed two years after it begins).

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.*

  
Caitlin E. Casey, Chief of Staff

  
Date