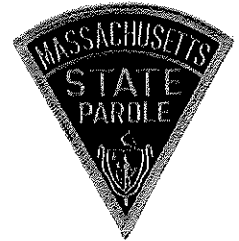




The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

Telephone: (508)-650-4500

Facsimile: (508)-650-4599

Tina M. Hurley
Chair

Lian Hogan
Executive Director

RECORD OF DECISION

IN THE MATTER OF

CHARLES BROWN

W35521

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **September 12, 2024**

DATE OF DECISION: **December 18, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, and Rafael Ortiz.¹

VOTE: Parole is granted to Lowell House two weeks from the date of decision.²

PROCEDURAL HISTORY: On May 19, 1976, in Suffolk Superior Court by jury, Charles Brown was found guilty of murder in the first degree, armed robbery, and two counts of unarmed assault. Mr. Brown was sentenced to the mandatory term of life in prison without the possibility of parole for the murder of Michael Richardson. Mr. Brown received the following sentences for the remaining convictions, all of which ran concurrently with his life without parole sentence: 5-7 years in state prison for armed robbery and 3-5 years in state prison for the unarmed assaults.

Mr. Brown became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision regarding a first-degree murder conviction, Mr. Brown was re-sentenced to life with the possibility of parole after 15 years.

¹ Board Member Tonomey Coleman was not present for the hearing, but reviewed the hearing in its entirety and participated in the vote.

² One Board Member voted to grant parole after 90 days in lower custody.

Mr. Brown appeared before the Board for an initial hearing on September 12, 2024, and was represented by Attorney Amy Belger. The Board incorporates, by reference, the entirety of the video recording of the hearing.

STATEMENT OF THE CASE: On October 14, 1974, Michael Richardson was stabbed outside of a home in Jamaica Plain as he exited a taxicab. As a female passenger attempted to pay the cab driver, a black male opened the driver's side door and grabbed the cash from the driver. The male shoved a knife into the side of the driver's body. The female screamed and ran to her neighbor's porch, where she observed two men and Mr. Richardson outside of the cab. Mr. Richardson was being held from behind by one of the men, and the other man struck Mr. Richardson in the neck. Mr. Richardson bled profusely and died at the scene. The female passenger's spouse was on the porch and saw the man strike Mr. Richardson. The spouse took off his belt and pursued the man down the street with his 15-year-old daughter following behind. The man got into a blue car and drove off, ending the chase. The eyewitnesses each indicated that they had a close look at the suspect.

At trial, both the spouse and the 15-year-old daughter positively identified Mr. Brown as the person who struck Mr. Richardson in the neck.

APPLICABLE STANDARD: Parole shall be granted "only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." G. L. c. 127, § 130. The Board considers multiple factors in making its decision, including the incarcerated individual's institutional behavior; their participation in available work, education, and treatment programs during their incarceration; and whether the incarcerated individual's chances of recidivism could be reduced by participation in risk reduction programs. G. L. c. 127, § 130. The Board considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the entirety of the incarcerated individual's criminal record, the incarcerated individual's institutional record, the incarcerated individual's testimony at the hearing, and the views of the public expressed at the hearing and/or in written submission to the Board.

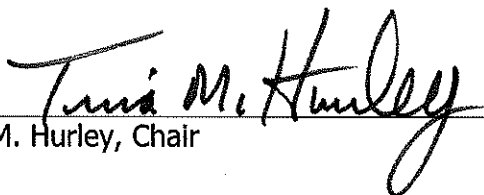
Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." *Id.* (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky

behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Brown appeared before the Board for an initial hearing, having become parole eligible as a result of the Mattis decision. Mr. Brown has been incarcerated for 50 years. Mr. Brown earned his bachelor's degree from Boston University. He has completed approximately 50 programs. He participated in the work release programs in the 1980s and successfully completed 60 furloughs. Mr. Brown expressed remorse for his actions. The Board considered the report of Dr. DiCataldo and note his findings of low risk based on his administration of assessment tools. Mr. Brown is medium risk on the LSCMI risk tool. Mr. Brown has a re-entry plan and has identified community supports. Suffolk County Assistant District Attorney Montez Haywood was present. Family members of the victim opposed parole.

SPECIAL CONDITIONS: Report to assigned MA Parole Office on day of release; Reside at CRJ – Lowell House; Restrict work for two weeks; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; No contact with victim(s)' family; Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for transition issues; Must sign all release of information forms.

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.


Tina M. Hurley, Chair

Date 12/18/24