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**RECORD OF DECISION**

**IN THE MATTER OF**

**CHARLES DYOUS**  
**W57503**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** March 19, 2025

**DATE OF DECISION:** August 14, 2025

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, James Kelcourse, Rafael Ortiz.

**VOTE:** Parole is denied with a review in 2 years from the date of the hearing.<sup>1</sup>

**PROCEDURAL HISTORY:** On November 18, 1994, in Plymouth Superior Court, Charles Dyou was convicted of first-degree murder in the death of Christopher Bender. He was sentenced to life in prison without the possibility of parole. Mr. Dyou 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, in regard to Mr. Dyou's first-degree murder conviction, his mittimus was corrected to reflect that his life sentence carried the possibility of parole after 15 years. On March 19, 2025, Charles Dyou appeared before the Board for his initial hearing. He was represented by Attorneys Chetan Tiwari and Jeffrey Harris. The Board's decision fully incorporates by reference the entire video recording of Mr. Dyou's March 19, 2025, hearing.

**STATEMENT OF THE CASE:**<sup>2</sup> On November 3, 1991, 18-year-old Charles Dyou participated in the killing of 18-year-old Christopher Bender in Brockton. On November 2, 1991, Mr. Dyou and others (who were also convicted of Mr. Bender's murder) had attended a party in Brockton. At

<sup>1</sup> One Board Member voted to grant parole to an LTRP.

<sup>2</sup> The factual statement is derived from *Commonwealth v. Dyou*, 436 Mass. 719 (2002), and is not intended to serve as an exhaustive recitation of all the facts underlying Mr. Dyou's conviction. The Board acknowledges that Mr. Dyou maintains his innocence.

the party, the group made a plan to kill Mr. Bender. Several of the men were armed, including Mr. Dyous, who was carrying a .22 caliber revolver. The group traveled to Mr. Bender's apartment complex at approximately 2:00 a.m. Before exiting the vehicle, one of the men cautioned the others to avoid leaving fingerprints on the bullets. In total, eight men participated in the shooting at the complex; five were carrying firearms. The eight men approached Mr. Bender and his cousin, who were sitting in Mr. Bender's parked car. The men fired at least 21 shots at the driver's side of Mr. Bender's car. Mr. Bender was shot four times and died as a result. Mr. Bender's cousin, who was seated in the passenger's seat, was not struck by gunfire during the shooting.

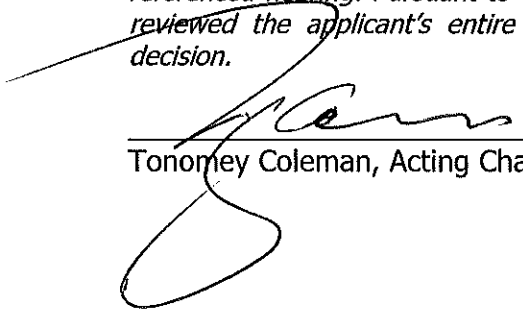
Police subsequently collected three .22 caliber bullets at the scene. The bullets were consistent with being fired from a revolver. When Mr. Dyous and others returned to the car, a witness observed Mr. Dyous with a revolver. In the car following the murder, the men discussed the murder. Mr. Dyous stated that he knew the car belonged to Mr. Bender. A witness subsequently testified that the day after the murder, a meeting occurred between the joint venturers in which Mr. Dyous instructed the other participants not to snitch.

**APPLICABLE STANDARD:** Parole "[p]ermits 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." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions 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. Dyou is 52-years-old and has been incarcerated for over 30 years. Mr. Dyou maintains his innocence and requested that the Board not ask any questions relating to the underlying crime. The Board notes the Supreme Judicial Court's decision in Greenman v. Mass. Parole Bd. 405 Mass. 384 (1989) and finds evaluating Mr. Dyou's empathy and insight is significantly hampered by his refusal to answer questions surrounding the circumstances which led to Mr. Dyou's conviction. Mr. Dyou asked the Board to review written materials, but refused to answer any questions related to those materials. Mr. Dyou is encouraged to come before the Board again when he can more fully discuss the circumstances which led to his incarceration, so that the Board can fully explore how Mr. Dyou's release is compatible with the welfare of society. The Board considered public testimony from four individuals, who spoke in support of granting parole. The Board also considered opposition testimony from two family members of the victim and from Plymouth County ADA Arne Hanston.

*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.*



\_\_\_\_\_  
Tonomey Coleman, Acting Chair

8/14/25  
\_\_\_\_\_  
Date