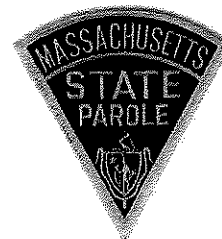


*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

IN THE MATTER OF

CHARLES HUGHES

W48493

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 6, 2018**

DATE OF DECISION: **June 10, 2019**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 a suitable candidate for parole. Parole is granted to a Long Term Residential Program on or after 14 days from the date of this decision.

I. STATEMENT OF THE CASE

On May 25, 1990, in Suffolk Superior Court, Charles Hughes was found guilty by a jury of the second-degree murder of Derek Twitty. He was sentenced to life in prison with the possibility of parole. On the same day, he was found guilty of additional criminal offenses. Mr. Hughes successfully appealed his convictions.¹ On remand, Mr. Hughes was again found guilty of second-degree murder and the additional charges. He received the following: a life sentence with the possibility of parole on the second-degree murder conviction, a 4-5 year sentence for armed assault with intent to rob, a 3-5 year sentence for assault and battery by means of a deadly weapon, a 10-15 year sentence for armed assault with intent to murder, and a 4-5 year sentence

¹ *Commonwealth v. Hudson and another*, 36 Mass. App. Ct. 1115 (1995)

for unlawfully carrying a firearm on his person. All sentences were ordered to be served concurrently. Mr. Hughes unsuccessfully appealed his convictions a second time.²

On April 22, 1989, Charles Hughes (age 24) and Mac Hudson, shot and killed 18-year-old Derek Twitty during an attempted robbery in the Roxbury neighborhood of Boston. Mr. Hughes and Mr. Hudson also shot another person during the robbery, but he survived the shooting. Mr. Hughes and Mr. Hudson pretended that they wanted to buy drugs from the victims. Instead, they drew guns, demanding both drugs and money. When the victims attempted to flee, Mr. Hughes and Mr. Hudson chased them down and shot them. Eyewitnesses were able to identify the two perpetrators in photo line-ups. About a month after the murder, Mr. Hughes was arrested outside his girlfriend's house for disorderly conduct. He was charged with the murder of Mr. Twitty and the crimes associated with the armed robbery.

II. PAROLE HEARING ON SEPTEMBER 6, 2018

On September 6, 2018, Charles Hughes, now 54-years-old, appeared before the Parole Board for his review hearing. He was not represented by counsel. Mr. Hughes was granted parole after his initial hearing in October 2004. He was released in January 2005, but his parole was revoked in March 2006 for opiate use. He was denied parole after his review hearing in September 2006. Mr. Hughes was granted parole again in September 2008 and released to a Long-Term Residential Treatment Program in March 2009. He tested positive for cocaine in November 2009 and, after completing a detox program, tested positive for opiates in February 2010. Mr. Hughes' parole was revoked, and he was denied parole at his review hearings in 2010 and 2012. Mr. Hughes was granted parole after his review hearing in 2014 and was released to a Long-Term Residential Program in January 2016. In March 2017, however, he tested positive for cocaine and morphine and was returned to custody. In June 2017, revocation was affirmed, and he was put on the next available list (PONAL).

In his opening statement to the Board, Mr. Hughes took full responsibility for violating parole. He admitted that he needed help in fighting his addiction to drugs, realizing now that going to AA/NA meetings is not enough. The Board expressed their concern as to why Mr. Hughes could not stay clean on parole supervision. Mr. Hughes explained that he had been clean for 15 years in prison, but that anxiety and frustration with finding work lead him to relapse on parole. Mr. Hughes reported that in the last 18 months, he has been enrolled in programs that taught him about the effects of drug use on his brain. He now sees how heroin use has affected his thought process.

When Board Members questioned him about his relapse in 2006, Mr. Hughes explained that he was despondent, as his father had passed away and his mother was terminally ill. He bought heroin and used it one day, while his wife was at work. He admitted that he did not tell his parole officer because he thought he could hide his use. He also thought he could handle the stress of re-entry without help from his support network. During his second parole in 2009, Mr. Hughes explained that although he had strong support from his family, he relapsed because he was depressed and anxious about his lack of progress on parole. He did not have a job, and he was separated from his wife. Mr. Hughes reported that although he had a good relationship with his parole officer, he was ashamed to reach out to him when he was having problems. Mr.

² *Commonwealth v. Hughes*, 49 Mass. App. Ct. 1118 (2000)

Hughes told the Board that on his third parole, he was in a program located on "methadone mile" (an area with high drug activity), and he succumbed to the temptation that surrounded him.

The Board asked Mr. Hughes how he would stay clean and sober, if paroled again. Mr. Hughes explained that he completed Correctional Recovery Academy (CRA) and was attending the Graduate Maintenance Program. He also completed Criminal Thinking and Cognitive Skills and attends Alcoholic Anonymous meetings weekly. Mr. Hughes said that he would continue to attend AA/NA meetings, if released, and also expressed interest in substance abuse counseling and harm reduction programs, such as the Vivitrol program. He would like to be released to a Long Term Treatment Program and pointed to support from his sister, brother, and niece.

Mr. Hughes' sister testified in support of parole. The Suffolk County District Attorney's Office submitted a letter of opposition. Boston Police Commissioner William Gross submitted a letter of opposition, as well.

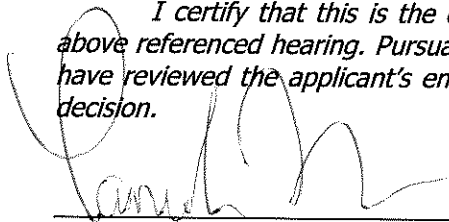
III. DECISION

The Board is of the opinion that Charles Hughes has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Re-incarceration has served its purpose. He has continued to address his causative factors since his return to custody. The Board strongly recommends he use Vivitrol to maintain his sobriety.

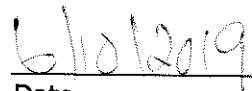
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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. Hughes' 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. Hughes' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Hughes' case, the Board is of the opinion that Charles Hughes is rehabilitated and, therefore, merits parole at this time. Parole is granted to a Long-Term Residential Program on or after 14 days from the date of this decision.

SPECIAL CONDITIONS: Waive work for Long-Term Residential Program; Must be home between 10:00 p.m. and 6:00 a.m.; Electronic monitoring – GPS at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Must have mental health counseling for anxiety; Long-Term Residential Treatment Program no less than 90 days; AA/NA at least 3 times/week; Mandatory adhere to Vivitrol protocol to include one on one substance abuse counseling, if subject uses Vivitrol to maintain sobriety.

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



Date