



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599



Charlene Bonner
Chairperson

Janis DiLoreto Smith
Executive Director

DECISION

IN THE MATTER OF

CHARLES HUGHES

W48493

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **July 15, 2014**

DATE OF DECISION: **December 12, 2014**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long term residential treatment program or approved halfway house after nine months in lower security at the Department of Correction (DOC), during which time Hughes must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

I. STATEMENT OF THE CASE

On April 22, 1989, Charles Hughes, along with co-defendant Mac Hudson, shot and killed Derek Twitty, age 18, during a robbery attempt in the Roxbury section of Boston. Hughes also shot Mark Jones, age 27, during the same robbery attempt, but Mr. Jones survived.

On May 25, 1990, after a jury trial, Mr. Hughes was convicted of second-degree murder and sentenced to serve life in prison. That same day, he also received consecutive sentences for armed assault with intent to rob, assault and battery by means of a dangerous weapon, armed assault with intent to murder, and unlawfully carrying a firearm on his person.¹

¹ On October 1, 1990, Mr. Hughes received a 3-5 year concurrent sentence in Suffolk Superior Court for unlawfully carrying a firearm in an unrelated case.

On April 25, 1994, the Massachusetts Appeals Court set aside the verdicts and remanded the case for retrial because of deficiencies during jury empanelment that denied Hughes his right to an impartial jury. *Commonwealth v. Hudson*, 36 Mass. App. Ct. 1115, *rev. denied*, 418 Mass. 1106 (1994). On January 29, 1997, a jury once again convicted Mr. Hughes of second-degree murder, as well as the additional charges previously noted, but a portion of the sentence lengths were reduced and ordered to run concurrently. Those sentences have expired. The convictions were affirmed, *Commonwealth v. Hudson*, 49 Mass. App. Ct. 1118 (2000), and subsequent petitions for post-conviction relief have been unsuccessful.

On April 22, 1989, Charles Hughes, along with co-defendant Mac Hudson, shot and killed Derek Twitty and wounded Mark Jones during a robbery attempt. On the day of the murder, Hughes went to the corner of West Cottage and Dudley Streets on the Dorchester/Roxbury line and asked Larry Brown, who was with Mr. Twitty and Mr. Jones, if he had any "dope." Mr. Brown directed Hughes to Mr. Twitty and Mr. Jones and the men went around the corner to conduct the sale. When they got there, Mr. Hudson pulled out a gun and pointed it at Mr. Twitty, who produced drugs from his pants and gave them to Mr. Hudson.

As Mr. Twitty and Mr. Jones began to run away, Hughes drew a gun and fired at Mr. Jones. The bullet went through his arm and into his chest. Mr. Jones (who survived the shooting) continued running, entered a taxi cab, and went to Boston City Hospital. Hughes and Mr. Hudson then fired several shots at Mr. Twitty. Mr. Twitty fell to the ground. Hughes and Mr. Hudson approached and said something to him. Wounded, Mr. Twitty handed over an item to his assailants. Mr. Hudson then shot Mr. Twitty in the face at point-blank range. The two assailants fled the scene while Mr. Twitty struggled to his feet, staggered to the corner of Dudley and West Cottage Streets, and collapsed. The autopsy later revealed that Mr. Twitty died as a result of a gunshot to the back of the head.

Hughes was arrested outside of his girlfriend's house for disorderly conduct about one month later and subsequently charged with the murder of Derek Twitty.

II. PAROLE HEARING ON JULY 15, 2014

Charles Hughes appeared before the Board for his revocation review hearing on July 15, 2014. This is Hughes' sixth appearance before the Board.

Hughes made a brief opening statement acknowledging responsibility for his parole failures and for the death of Derek Twitty. A Board Member then read the record of Mr. Hughes' parole history, which stated that he was granted a reserve parole following his initial hearing in October 2004 and was released in January 2005 to the Turnabout House, a residential program. In May 2005, he was terminated from the program for not progressing. He then entered the Transitional Housing program in June 2005, graduated from there, and moved in with his wife. Twenty-eight days later, he tested positive for opiates and the Board revoked his parole in March 2006. He had a review hearing in September 2006 and the Board denied parole and set a two-year review date, noting his almost immediate and continued drug use. The Board reviewed Hughes' suitability for parole in 2008 and again granted a reserve parole to a long term residential program. He was released to the Long Island Re-entry

Program in March 2009, tested positive for cocaine in November 2009, ordered to complete a 90 day treatment program, and tested positive for opiates in February 2010. Hughes's parole was revoked and he has been denied re-release on parole at his hearings in 2010 and 2012, receiving two year review dates each time. He described his performance on parole as "poor."

Hughes described the programs he participated in that addressed his substance abuse since his return to custody. He described what he has learned about himself and his addiction, as well as what he would need to succeed on parole stating, "I need to really learn Narcotics Anonymous (NA) and get an NA sponsor." He explained that "there are not a lot of programs at Bridgewater [State Hospital] except AA and NA" in which he participates. Since his return to custody four years ago, Hughes has completed a Life Skills class and a Computer Skills Class. He also talked about the Fatherhood in Action class which he described as church based and family focused. When pressed as to why he would not seek a transfer to an institution with more substance abuse and relapse prevention programs, he responded by saying that he strived to get to Bridgewater as an orderly, where he is employed eight hours a day, seven days a week, and also that "they have a good NA program." Hughes added that having employment has provided him with structure and a purpose. The Parole Board noted that his position at Bridgewater State Hospital is one that is typically reserved for inmates who have proven to be cooperative and responsible.

Board Members questioned Hughes regarding his failure to rely on the support systems that were available to him while he was on parole. Hughes responded, "I thought I could do it on my own. I thought I could hide it from everyone and no one would notice. But people in the program knew and told me I was messing up." As to how to prevent a similar relapse, Hughes offered "I have finally learned that I can't fix myself. I need help. And I have finally gotten to the point where I know how important it is to ask for help. I know it was there for me before, I just was afraid to ask. If I get paroled again, I am going to use my supports including my sister, my friends, my sponsor that I have had since 2006, and my parole officer." Hughes suggested to the Board that a longer stay at a long term residential program would enable him to create a strong foundation that he can build from. He stated that Narcotics Anonymous would be a cornerstone in his recovery and that he would also continue with his current mental health counseling, seek steady employment, and attend local meetings of the Smart Recovery Group.

Two friends and a family member spoke on behalf of Hughes and highlighted the financial, residential, and emotional support they intend to provide for him should he be re-paroled.

III. DECISION

Charles Hughes has struggled with addiction his entire life. Substance abuse, and Hughes' inability to appropriately address it, led to the murder and subsequent parole failures. He killed a man in the commission of an armed robbery during a drug deal. Hughes violated parole the first time, just 28 days after graduating from a transitional housing program and failed on his second parole, after testing positive for cocaine and then opiates. He has spent the last four years of incarceration engaged in further programming in order to gain a better understanding of his shortfalls. While Hughes' parole failures were not the product of violent behavior or the result of an arrest, they were borne from irresponsible conduct which the Board believes may be addressed through additional supports in the community, rather than by

further extending his incarceration. As acknowledged by Hughes, he would benefit from a longer period of time in a structured environment with supports and guidance. Hughes continues to enjoy support from family members and friends. It is clear, however, from his parole history that additional supports are necessary to enhance his prospects to remain under supervision in the community successfully and in a manner that enhances public safety.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Charles Hughes does merit a parole. Re-parole is granted after nine months in lower security. Hughes must then report to a long term residential program or approved halfway house. This plan will allow for important supports and treatment during a closely supervised transition.

SPECIAL CONDITIONS: Parole to a long-term residential program or approved halfway house after nine months in lower security; supervise for drugs, testing in accordance with agency policy; supervise for liquor abstinence, testing in accordance with agency policy; AA or NA meetings three times per week with a sponsor; comply with SPAN Training to Work program; and participate in substance abuse counseling.

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.


Janis DiLoreto Smith, Executive Director

12/12/14
Date