

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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RECORD OF DECISION

IN THE MATTER OF

CHARON RAY
W90197

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 25, 2020

DATE OF DECISION: January 5, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On June 29, 2007, after a jury trial in Suffolk Superior Court, Charon Ray was found guilty of the first-degree murder of 14-year-old Dakeem Galloway. He was sentenced to life imprisonment without the possibility of parole. On that same date, he was also found guilty of assault and battery by means of a dangerous weapon and received a concurrent sentence of 2 years to 2 years and 1 day. He was also found guilty of possession of a firearm and received a sentence of 2 and 1/2 years committed, also to be served concurrently. Mr. Ray was 16-years-old at the time of the offense.

On December 24, 2013, The Supreme Judicial Court issued a decision, *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013), that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that Diatchenko (and others similarly situated) must be given a parole hearing. Accordingly, Mr. Ray became eligible for parole.

On June 10, 2004, there was a series of altercations between two groups of friends around neighboring housing complexes in Roxbury, known as Charlame I and Charlame II. Mr. Ray was part of the Charlame I group. The victim, Mr. Galloway, was part of the Charlame II group. After school that day, Mr. Galloway and his Charlame II friends encountered Mr. Ray at a store and exchanged words. On their return to Charlame II, the boys took a different route. At approximately 4 p.m., Mr. Galloway indicated that he needed to return to the store for his mother. He was accompanied by a friend, La-Lance Smith, and on the way they were approached by Mr. Ray, accompanied by two others from Charlame I. They again exchanged

words, and this time engaged in a physical fight. Mr. Galloway and Mr. Smith returned to Charlamé II between 4 and 5 p.m. Also that day, Mr. Campbell (of Charlamé I) and Mr. Mobley (of Charlamé II) had a fight outside the Lewis basketball court. The dispute arose from the taking by the Charlamé I boys of a hat belonging to Mr. Galloway. Mr. Galloway and Mr. Smith had earlier tried to retrieve the hat with the help of Mr. Galloway's stepfather but were unsuccessful. During the fight, Mr. Campbell attempted to pull out a knife, but a man identified as Kyrice Grady took it from him. When the boys dispersed, Mr. Mobley and his friends returned to Charlamé II.

At approximately 8:30 p.m., Mr. Smith, who lived a bus ride away from Charlamé II, decided he wanted to go home. Mr. Galloway and others accompanied Mr. Smith to the bus stop because of the earlier conflict between Mr. Mobley and Mr. Campbell. On their route, they could see numerous people gathered at Charlamé I. As they continued to walk down the street, a shooter, Mr. Ray, located behind them fired six to seven gunshots. The boys ran away and one individual was grazed by a bullet, and Mr. Galloway was fatally injured by a gunshot wound to the head.

Mr. Ray appeared before the Parole Board for an initial hearing on August 25, 2020 and was represented by Attorney Brian Murphy. The entire video recording of Mr. Ray's August 25, 2020 hearing is fully incorporated by reference to the Board's decision.

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 parole¹. Reserve to a Long Term Residential program, but not before 24 months in lower security. Mr. Ray has served 15 years for the murder of 14-year-old Dakeem Galloway in Boston. Mr. Ray was 16-years-old when he committed the governing offense. In rendering their decision, the Board did consider his age at the time of the offense, level of maturity, impulsiveness, influences and his capacity to change. Additionally, he has completed numerous programs to include Restorative Justice, Second Thoughts, Alternatives to Violence and Emotional Awareness. He also obtained his Hi-set. The Board did consider testimony from the victim's mother and Suffolk County District Attorney Rachel Rollins who were not opposed to release on parole supervision. In her testimony, DA Rollins noted Mr. Ray's growth and urged the Board to give serious consideration for parole. The Board also considered the evaluation completed by Dr. Saleh. In his conclusion, he deemed Mr. Ray a low risk for interpersonal violence. After a gradual transition, release is not incompatible with the welfare of society. Mr. Ray needs to demonstrate that he can be successful in a lesser restrictive environment. By his own admission, he needs to transition through lower security. Mr. Ray has strong community support.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders.

¹ Three Board Members voted to deny parole with a review in two years..

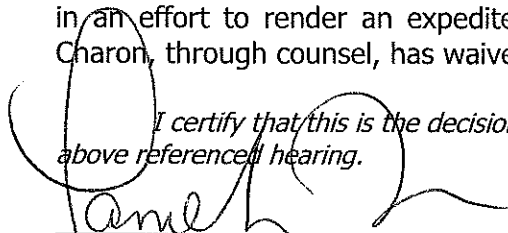
Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include Mr. Ray's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24.

In forming this opinion, the Board has taken into consideration Mr. Ray's 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. Ray's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Ray's case, the Board is of the opinion that Mr. Ray is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program (LTRP); Waive work for LTRP; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; 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; No contact with [named individual] without P.O's consent; Must have substance abuse evaluation and adhere to plan; and Must have mental health counseling for adjustment/transition.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Charon, through counsel, has waived his right to a full administrative decision.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel

1/5/2021
Date