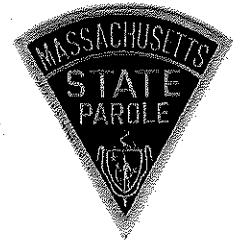




*The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security*



**PAROLE BOARD**

*12 Mercer Road  
Natick, Massachusetts 01760*

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**Gloriann Moroney**  
*Chair*

**DECISION**

**IN THE MATTER OF**

**DEMITRIAS SALLEY**

**W57534**

**TYPE OF HEARING:** **Review Hearing**

**DATE OF HEARING:** **December 4, 2018**

**DATE OF DECISION:** **October 23, 2019**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe,<sup>1</sup> Paul Treseler

**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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On November 22, 1994, in Norfolk Superior Court, Demitrias Salley pleaded guilty to second degree murder in the death of Scott Down and was sentenced to life with the possibility of parole. On the same date, he pleaded guilty to attempt to commit a crime, to wit: armed robbery and received a second, concurrent life sentence with the possibility of parole.

In May 1993, Samuel Michael Caze, Mr. Salley's co-defendant, applied for a job at the McDonald's in Walpole. He began working the closing shift on May 19, and quit on May 21. While he was employed there, Mr. Caze learned where the safe was located and how to gain access to the building from the rear. The clean-up and closing employees would routinely prop open the back door, while they took out the trash at night. A few days after Mr. Caze resigned, he and Mr. Salley planned to rob McDonald's after closing. Late in the evening on May 31,

<sup>1</sup> Board Member Soto-Abbe was no longer a Board Member at time of vote.

Scott Down, a 19-year-old employee of McDonald's, propped open the back door and took the trash out. Mr. Salley and Mr. Caze, both wearing masks, were hiding in the area. Mr. Salley, who was armed with a gun, grabbed Mr. Down. After a brief struggle, Mr. Salley shot Mr. Down in the shoulder. Mr. Down bled to death within one hour. Demitrias Salley was 20-years-old when he committed the murder.

## **II. PAROLE HEARING ON DECEMBER 4, 2018**

Demitrias Salley, now 46-years old, appeared before the Parole Board on December 4, 2018, and was represented by Attorney Eva Clark. Mr. Salley had been denied parole after both his initial hearing in 2008, and his review hearing in 2013. In Mr. Salley's opening statement to the Board, he expressed his remorse to the Down family for the inexcusable crime he committed. Although Mr. Salley spent over 20 years maintaining his innocence in the death of Mr. Down, he began to reflect and take responsibility for the loss of life in 2015. Now, Mr. Salley no longer disputes the facts of the case and provided the Board with a comprehensive overview of the governing offense. When the Board expressed their concern as to why he fired the weapon (noting that Mr. Down was not a threat, nor was he attempting to flee), Mr. Salley stated that "it was my intent to wound him." Mr. Salley explained that he now recognizes the pain he caused Mr. Down's family by his lack of candor, and disrespectful behavior, displayed at prior hearings. Further, he described himself as angry and arrogant at the time of the murder, remaining so until recently.

The Board discussed Mr. Salley's institutional adjustment since his last hearing. Mr. Salley is currently incarcerated at MCI-Norfolk, where he works as a janitor/runner. He has successfully participated in programs covering a variety of topics. Since his hearing in 2013, Mr. Salley has participated in several programs, including: Alternatives to Violence (AVP, several phases), Jericho Circle, and Cognitive Skills (several courses).

Mr. Salley had supporters at his hearing, and letters of support were submitted on his behalf. The Board considered oral testimony from his mother, an aunt, and a friend, all of whom expressed support for parole. Several of Mr. Down's family members, as well as his friends, attended the hearing in opposition to parole. The victim's sister, brother, and aunt spoke in opposition to parole. A Victim Service Unit staff member read a letter from the victim's father (now deceased) that was written in 2013. Norfolk County Assistant District Attorney Marguerite Grant appeared in opposition to parole. Retired Walpole Police Chief Scott Bushway was present during the hearing.

## **III. DECISION**

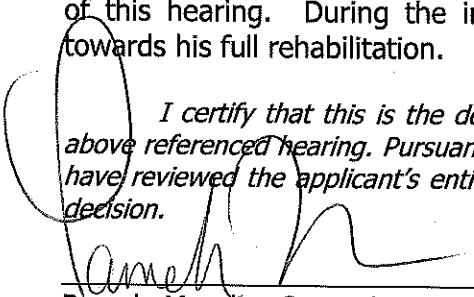
Mr. Salley just recently admitted his culpability in the murder of Scott Down, as he maintained his innocence for over 20 years. He has yet to demonstrate that he has been rehabilitated and his release is compatible with the welfare of society.

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. Salley's institutional behavior, as well as his participation in available work, educational, and

treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Salley's risk of recidivism. After applying this standard to the circumstances of Mr. Salley's case, the Board is of the unanimous opinion that Demitrias Salley is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Salley's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Salley to continue working towards his full rehabilitation.

*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

10/23/2019  
Date