

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

FRED DIXON

W87923

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 28, 2020

DATE OF DECISION: August 27, 2020

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

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, the criminal record, the 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 Program (LTRP) after 12 months in lower security with special conditions.

I.STATEMENT OF THE CASE

On June 27, 2006, after a jury trial in Bristol County Superior Court, Fred Dixon was found guilty of second-degree murder in the death of 29-year-old Rey Devila. He was sentenced to life in prison with the possibility of parole. His co-defendant, Felix Marrero, was acquitted at a separate trial.

Fred Dixon and Rey Devila both lived on the fourth floor of the Ship's Cove apartment building in Fall River. Mr. Devila used a wheelchair to get around. On the night of June 29, 2004, Mr. Devila, Mr. Dixon, and Mr. Marrero arrived on the fourth floor of the building at around the same time. Shortly thereafter, Mr. Dixon's next-door neighbor heard a man scream more than once, "No, no, please, no, no." The voice was coming through the wall adjacent to Mr. Dixon's apartment. This witness called the police. The witness then observed the wall near her front

door shaking and heard the door to Mr. Dixon's apartment open. Next, she heard the door to the fire stairs (stairwell) open, followed by the sound of "[s]omething rolling down the stairs." Meanwhile, two additional witnesses heard loud noises coming from Mr. Dixon's apartment. One of those witnesses knocked on Mr. Dixon's apartment door and asked if everything was all right. No one opened the door, but a voice (which both witnesses recognized as Mr. Dixon's) answered, "Everything is all right..."

As police were arriving, Mr. Dixon and Mr. Marrero left the building. Police discovered Mr. Devila's body underneath his wheelchair, on a landing between the third and fourth floors of a stairwell located next door to Mr. Dixon's apartment. Mr. Devila's right pocket had been turned inside out. Police secured the scene and obtained a search warrant for Mr. Dixon's apartment. During the execution of the warrant, police observed blood stains on the wall that separated Mr. Dixon's apartment from his next-door neighbor's apartment. Police also observed blood in the stairwell where the body was found. DNA testing revealed that the blood in both Mr. Dixon's apartment and the stairwell matched the victim's DNA profile. In the late afternoon on the following day, both men stopped briefly at the home of Mr. Dixon's cousin. During the visit, Mr. Dixon told his cousin that "something happened."

On July 2, 2004, both men were arrested together in Boston. According to the medical examiner, Mr. Devila suffered two fractures of the jaw, a dislocated neck, and numerous lacerations and abrasions. He opined that the victim had sustained blunt trauma to the head and neck and died as a result of those injuries.

II. PAROLE HEARING ON MAY 28, 2020

Fred Dixon, now 52-years-old, appeared before the Parole Board for a review hearing on May 28, 2020. He was not represented by counsel. Mr. Dixon had been denied parole after his initial hearing in 2019. In his opening statement to the Board, Mr. Dixon offered his sincere apology to Mr. Devila's family, friends, and community for robbing them of their loved one. He apologized for "running away like a coward" and for "not being a real man and doing the right thing." He stated that he is "ashamed and deeply remorseful" and thinks of Mr. Devila every day. When Board Members discussed his life leading up to the commission of the governing offense, Mr. Dixon said that, although he maintained employment and had a family of his own, he struggled with drug and alcohol addiction for years. He explained to the Board that his addiction, as well as a difficult upbringing, contributed to the criminal behavior he exhibited before the murder of Mr. Devila. He used drugs and alcohol "whenever possible" and regularly abused substances with his co-defendant and friend, Felix Marrero.

The Board questioned Mr. Dixon, at length, about the events leading up to Mr. Devila's death. Mr. Dixon told the Board that, on the day of the murder, he had consumed alcohol, marijuana, and crack cocaine. By the time he and Mr. Marrero interacted with Mr. Devila, he was under the influence of those substances and was planning to leave his apartment to buy more alcohol. Although he had a friendly relationship with Mr. Devila, Mr. Dixon said that Mr. Marrero and Mr. Devila had engaged in a verbal argument that evening over a prior drug dispute. When the verbal argument became heated, Mr. Dixon said he ordered the two other men to leave his apartment and continue the discussion in the hallway. Mr. Dixon insisted that he witnessed no physical violence between Mr. Marrero and Mr. Devila in his apartment. Accordingly, he said that he was "shocked" to see Mr. Devila fall down the stairs to his death as a result of a "tussle" with

Mr. Marrero. He told the Board that he ran from the scene because he was scared and stated that he did not think to call the police or an ambulance.

In the days following the murder (and before his arrest), Mr. Dixon said that he continued to drink and use drugs. He explained, however, that he stopped drinking alcohol 16 years ago at the time of his incarceration. He acknowledged his use of synthetic marijuana in 2013, but stated that he has aggressively re-committed to his sobriety since then. The Board noted that Mr. Dixon has seven years of sobriety and is involved in AA/NA. In addition to his sobriety programming efforts, the Board noted that Mr. Dixon has engaged in significant rehabilitative programming and has maintained employment throughout his incarceration. Since his 2019 hearing, Mr. Dixon completed an additional Restorative Justice Retreat and the Family Violence Program. He is currently enrolled in the Criminal Impact Circle and has joined the Prison Fellowship.

If paroled, Mr. Dixon told the Board that he would benefit from a gradual transition through lower security before release to a long-term program, like the Phoenix House. He acknowledged that this transition would help with the challenges of reentry and provide him with the opportunity to save money. He would also use that time to contact the welders' union and contact programs (that he researched), which assist individuals who have recently been incarcerated. The Board noted Mr. Dixon's strong family and community support. Mr. Dixon stated that his priorities upon release would be to establish a positive relationship with both his parole officer and the AA/NA community. He would also obtain a sponsor.

The Board considered testimony in support of parole from Mr. Dixon's sister-in-law. The Board considered testimony in opposition to parole from Bristol County Assistant District Attorney Jason Mohan.

III. DECISION

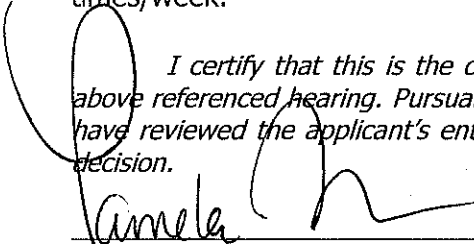
Mr. Dixon has served 16 years for the murder of Rey Davila. His criminal history is directly related to his addiction. He has invested in his recovery and completed numerous programs to address his substance abuse. He is now sober seven years. In addition to treatment and programming participation, he has maintained employment throughout his incarceration. He has been employed at MassCor for approximately a decade. The completed programming includes Restorative Justice Fellowship, GMP, and his regular participation in NA/AA. He has a solid support network and recognizes a gradual transition will be an integral part of a successful reentry. Mr. Dixon, in the opinion of the Board, has demonstrated a level of rehabilitative progress that would make his release 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. Dixon'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. Dixon's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Dixon's case, the Board

is of the opinion that Fred Dixon merits parole at this time. Parole is granted to a long-term residential program after 12 months in lower security with special conditions.

SPECIAL CONDITIONS: Waive work; Must comply with child support order; Curfew – Must be at home between 10pm and 6am; 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 victim’s family; Must have mental health counseling for adjustment/transition; Long term residential treatment – must complete; AA/NA 3 times/week.

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

8/27/2020
Date