



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

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

Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

GARY CURTIS

W41437

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 13, 2016

DATE OF DECISION: June 26, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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, with special conditions, upon successful completion of 12 months in lower security.

I. STATEMENT OF THE CASE

On May 21, 1985, in Suffolk Superior Court, Gary Curtis pled guilty to the second degree murder of Roy McDonough. Mr. Curtis was sentenced to life in prison with the possibility of parole. That same day, Mr. Curtis also received two concurrent sentences of 3 to 5 years for unlawfully carrying a firearm and assault and battery (on a second victim) by means of a dangerous weapon.

On February 5, 1983, at approximately 1:00 a.m., 22-year-old Gary Curtis and 28-year-old Roy McDonough got into an argument at an East Boston bar. The argument was taken outside, where a pushing and shoving match between Mr. Curtis and Mr. McDonough was broken up by another gentleman. The three men then went back into the bar. Mr. Curtis, however, left a short time later to go home and get a gun. When Mr. Curtis returned to the bar, he approached Mr. McDonough and shot him multiple times. Mr. Curtis also shot the gentleman (who had broken up the fight). Mr. McDonough died from his injuries the following day; the other gentleman survived the shooting. After the shooting, Mr. Curtis fled to

California. He eventually turned himself in, returned to Massachusetts, and posted bail. He subsequently fled back to California. Mr. Curtis eventually returned to Massachusetts and turned himself in again.

II. PAROLE HEARING ON DECEMBER 13, 2016

Mr. Curtis, now 57-years-old, appeared before the Parole Board for a review hearing on December 13, 2016. He was not represented by counsel. Mr. Curtis' initial hearing in 2003, as well as his review hearing in 2011, resulted in the denial of parole. In his opening statement to the Board, Mr. Curtis apologized to the families of both victims for "the years of hurt and overwhelming pain" that he caused them. He also expressed sorrow and shame for killing one of the victims and harming the other. In describing his childhood, Mr. Curtis stated that he was one of 13 children, 4 of whom were younger than him. Mr. Curtis indicated that he was in and out of group homes because his mother was unable to care for her children whenever she became pregnant. Mr. Curtis also described his parents as alcoholics. Mr. Curtis said that he witnessed (and experienced) physical violence in his home, as well as victimization from a neighbor. Although he left school in 10th grade, Mr. Curtis said that he only has a 5th or 6th grade education because he was pushed along through the school system. Mr. Curtis said that he started drinking and smoking marijuana at a young age. His drug of choice was marijuana, but acknowledges that he is an alcoholic as well.

Mr. Curtis discussed the events surrounding Mr. McDonough's murder. At one point, a Board Member asked Mr. Curtis why he had purchased a gun. Mr. Curtis responded, "The only answer I have is that I really believe that it gave me a sense of power, that nobody could hurt me." Mr. Curtis also stated that, several months prior to the murder, he and one of his brothers had been severely assaulted. On the day of the murder, Mr. Curtis had been working as a painter, as well as drinking beers and smoking marijuana. That evening, he went to the neighborhood bar, where he was passing marijuana and drinking alcohol. Someone introduced "a joint of PCP" and he unwittingly smoked it, thinking it was marijuana. Mr. Curtis said that he had never smoked PCP prior to that evening. According to Mr. Curtis, the last thing he remembers from that night was the fight that had taken place outside the bar. He recalled being punched in the face and grabbed from behind (during the fight). However, he cannot recall going back into the bar or any of the other events that followed. He later called his brother, who confirmed that Mr. Curtis had shot two men the night before and that he should turn himself in.

Mr. Curtis said that he "panicked" and fled to California by bus. Two months later, he turned himself in to police. After his extradition back to Massachusetts, Mr. Curtis spent about eight months in jail before his family posted bail. He then fled to New York, and then to California, where he remained on the run for about approximately one and a half to two years. Mr. Curtis said that his mother pleaded with him to return and face the consequences of his actions. Mr. Curtis subsequently returned to Boston and pled guilty to his crimes. A Board Member asked Mr. Curtis if he now knows why he committed this offense. In response, Mr. Curtis said, "First let me state that... Mr. McDonough, didn't deserve this, no one does." Mr. Curtis told the Board that the rage and anger built up from childhood, and from the incident where he and his brother were attacked, "just overflowed that night."

A Board Member asked Mr. Curtis to describe the programs (since 2011) that been the most useful to him. Mr. Curtis stated that "Emotional Awareness allowed me to really, you know, go deeper into my life, my childhood... face things that I didn't want to face... gave me a little bit more insight into my behavior as a young kid." Mr. Curtis also said that the program allowed him to talk and discuss his feelings, which was something that he had previously been unable to do "out of shame and fear." Mr. Curtis also discussed the 34 week Restorative Justice Program, which helped him better understand his own behavior as a young man, as well as the pain that he caused. In response to whether he has addressed his anger and impulsivity issues, Mr. Curtis said that he has taken Violence Reduction, Criminal Thinking, and all three phases of the Alternatives to Violence Program (AVP). He also worked as a facilitator in the AVP. Mr. Curtis participated in the Correctional Recovery Academy (CRA) twice and earned his GED early on in his incarceration. He currently attends Twelve Steps meetings weekly and is employed as a janitor.

Mr. Curtis had a number of supporters in attendance at his parole hearing. An older sister, a younger brother, and the founder of the Alcoholics Anonymous Way of Life (AWOL) Program (also Mr. Curtis' sponsor) all testified in support of parole. A relative of one of the victims was present at the hearing. A letter of opposition was submitted by Suffolk County Assistant District Attorney Charles Bartoloni.

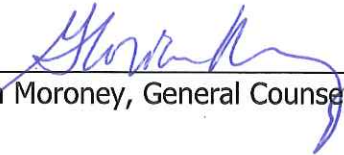
III. DECISION

Mr. Curtis has been incarcerated for approximately 32 years. He has been program involved, coupled with a positive adjustment. Mr. Curtis needs a gradual transition followed by intensive substance abuse treatment. The Board is of the opinion that Mr. Curtis has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. In forming this opinion, the Board has taken into consideration Mr. Curtis' 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. Curtis' risk of recidivism.

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. After applying this appropriately high standard to the circumstances of Mr. Curtis' case, the Board is of the unanimous opinion that Mr. Curtis is a suitable candidate for parole to a long term residential program, with special conditions, after successful adjustment to 12 months in lower security.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be at home between 10PM and 6AM; GPS for six months, then 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 substance abuse evaluation and adhere to plan; Must have mental health counseling for transition and adjustment; Long term residential treatment; Contact with brother Daniel Curtis permitted.

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.



Gloriann Moroney, General Counsel

6/26/17
Date