

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JOSHUA DUDLEY
W92373

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 4, 2022

DATE OF DECISION: June 14, 2022

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

STATEMENT OF THE CASE: On June 13, 2008, in Middlesex Superior Court, Joshua Dudley pleaded guilty to second-degree murder in the death of 24-year-old John Doyle. He was sentenced to life in prison with the possibility of parole.

Mr. Dudley appeared before the Parole Board for a review hearing on January 4, 2022 and was represented by Attorney Ryan Schiff. This was Mr. Dudley's second appearance before the Board having been denied in 2020. The entire video recording of Mr. Dudley January 4, 2022, 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 by a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to Community Resources for Justice – Transitional Housing – Brooke House for six months. On January 28, 2005, 17-year-old Joshua Dudley and his co-defendant were involved in the beating death of John Doyle. He has been in minimum security for approximately two years without incident. The Board considered the expert opinion of Dr. Saleh who recommended that Mr. Dudley would benefit from adjustment counseling. At the hearing he presented as insightful and is more aware of how he was capable of such rage. He has availed himself of all programming including vocational programs.

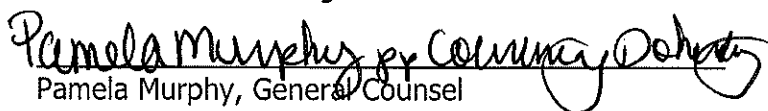
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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. 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 in Mr. Dudley's case include the offender'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. Dudley'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. Dudley's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Dudley's case, the Board is of the opinion that Mr. Dudley is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Community Resources for Justice – Transitional Housing for six months; Waive work for program or two weeks; Curfew 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 of association with Nicholas Harrell; No contact with victim's family; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week.

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


Pamela Murphy, General Counsel

6/14/22
Date