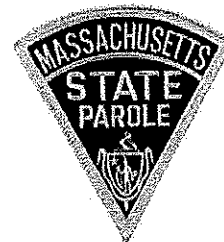


The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JOSHUA DUDLEY**

**W92373**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** January 14, 2020

**DATE OF DECISION:** September 8, 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, 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 not a suitable candidate for parole.<sup>1</sup> Parole is denied with a review scheduled in two years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On June 13, 2008, in Middlesex County 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.

On the evening of January 28, 2005, 17-year-old Joshua Dudley and his 16-year-old co-defendant, Nicholas Harrell, were with John Doyle at the CBD Garage in Malden. In the garage, Mr. Dudley and Mr. Harrell beat Mr. Doyle to death with their fists, shod feet, and a bottle. During the course of the attack, the co-defendants removed Mr. Doyle's clothing and left him lying naked in an elevator lobby. The temperature outside was well below freezing. Mr. Doyle's body was covered in blood, as was the ground and walls around his body.

<sup>1</sup> Three Board Members voted to grant parole to a long-term residential program, but not before completion of 18 months in lower security.

Earlier in the evening, Mr. Harrell was seen by a young female in the area of Malden Square with two men who fit the description of Mr. Dudley and Mr. Doyle. While speaking with the female, Mr. Harrell pointed at one of the men, whom he identified as "John," and stated that he was sick of his bullshit and would kill that "mother f-----." Mr. Harrell then pulled out a bottle, which appeared to be that of hard liquor, from the sleeve of his jacket and stated that he was going to smash it over John's head. Later, at some point after the attack, Mr. Dudley and Mr. Harrell went to a nearby Dunkin Donuts. A video from the store depicted the two men enter a single occupancy bathroom. Mr. Dudley was carrying a pair of pants. After several minutes, the two men exited the bathroom. Mr. Harrell used the payphone before they departed. A chemist from the Massachusetts State Police Crime Laboratory examined the bathroom and found smears of blood in the following locations: the counter around the sink, the floor next to the sink, and on the wall outside of the bathroom. Phone records at the payphone show that a call was placed to the home of Mr. Harrell.

## **II. PAROLE HEARING ON JANUARY 14, 2020**

Joshua Dudley, now 33-years-old, appeared before the Parole Board on January 14, 2020, for an initial hearing. He was represented by Attorney Ryan Schiff. In his opening statement to the Board, Mr. Dudley apologized to Mr. Doyle's family and friends for taking his life. He said that he is constantly reminded of what he did and takes complete responsibility for his actions. The Board noted that Mr. Dudley had a very difficult childhood marked by DCF involvement, foster care placements, and mental health institutionalizations. Mr. Dudley explained that he was first hospitalized at 3-years-old. He was medicated throughout his childhood for varying behavioral and mental health issues until 2004. He told the Board that his alcohol use began at age 12. In the years that followed, he regularly used marijuana and ecstasy, especially when attending house parties with friends. Mr. Dudley explained that he was a "bad drunk" and would frequently initiate fights at parties to act "tougher than [he] was." The Board noted, however, that Mr. Dudley was never arrested for fighting, and that his first encounter with law enforcement was in 2004, when he left the scene of a car accident.

The Board questioned Mr. Dudley as to the circumstances surrounding the governing offense. On that afternoon, Mr. Dudley spoke of how he met up with his co-defendant, and his co-defendant's brother, to socialize before a house party that they planned to attend at night. The group first traveled to Boston, where Mr. Dudley bought approximately 15 Klonopin pills from a man on the street. He stated that he immediately took three to five pills but, not feeling the effects, took more pills as the group traveled back to Malden. Mr. Dudley then ran into Mr. Doyle, a friendly acquaintance, at the Malden train station. He explained that he knew Mr. Doyle through mutual friends, and that the two men had socialized before. Mr. Dudley asked Mr. Doyle to drive him to the house party later and invited him to hang out and drink with the group until that time. Mr. Doyle agreed, and the group walked to the upper level of a garage to drink and talk.

Mr. Dudley told the Board that he has a limited memory of what transpired once the group made their way to the garage. By that point, he was feeling the full effects of the drugs and alcohol he had consumed. He stated that "everyone was having a good time," and that he has no independent memory of an argument. He felt as if he "closed his eyes" and awoke to kicking Mr. Doyle in the head on a different floor of the garage. Mr. Dudley recalled feeling a "rage [and] weightlessness" come over him during the assault, as his co-defendant's brother ran away. He stated that he was "in and out of it" for the rest of the night, but recalls vague memories of stumbling in the street, with his sneakers covered in blood, and telling others he had been in a

fight. He claims to have no recollection of being in a Dunkin' Donuts and recalls only "waking up" in the police station.

Mr. Dudley explained that his co-defendant told him that he (Mr. Dudley) and Mr. Doyle had a verbal argument, while drinking in the garage, and that Mr. Dudley started kicking Mr. Doyle once Mr. Doyle slipped to the ground. He explained that while his co-defendant joined in the beating, his co-defendant was "not the type" to initiate a fight. He was also told that they went through and took Mr. Doyle's clothes in attempt to find either money or drugs. Mr. Dudley acknowledged that he and his co-defendant showed other friends what they had done to Mr. Doyle, and that these friends alerted the police. Mr. Dudley told the Board that he understood the gravity of Mr. Doyle's injuries, which included a broken jaw, blood in his lungs, and brain swelling, from reviewing pictures and the autopsy report.

The Board told Mr. Dudley that they struggled with how he could gain insight into why he committed such a senseless, inexplicable act of violence, if he still does not know what the argument was about or all the details of the crime. Mr. Dudley explained that he has spent years trying to understand why he would have gotten so angry at a man he liked. Although he does not know what made him so angry, Mr. Dudley stated that he has "plenty of insight" into why he committed the crime. At that time, his life was "out of control and he did not care." He regularly put himself in this type of situation by drinking, using drugs, and initiating violence. He told the Board that he lived in such a way that an assault, like the one he committed against Mr. Doyle, was "bound to happen." By accepting and understanding his past, Mr. Dudley claims to have taken full responsibility for the murder.

The Board noted Mr. Dudley's overall positive institutional adjustment, and that he had been transferred to minimum security shortly before this hearing. Mr. Dudley explained that after an altercation with a correctional officer, which resulted in a DDU placement, he knew that he had to fully commit to his rehabilitation. He has been sober since his arrest for the governing offense and cites Alcoholics Anonymous as an integral part of his success. Mr. Dudley has engaged in extensive programming, including Restorative Justice, Correctional Recovery Academy, Project Youth, and the Vet Dog program. He also earned his GED, as well as a two-year certificate from Mount Wachusett Community College, while incarcerated. The Board discussed Mr. Dudley's mental health status, at length, and noted the multiple evaluations that suggest he does not presently suffer from any mental health issues. The Board also noted that he might have aged out of the diagnoses he had as a child, or that he may have been misdiagnosed entirely and his behavioral issues could have been the product of a tumultuous upbringing. Mr. Dudley told the Board that he has significant family support to aid in his transition, if paroled. He would also seek out a sober community and church to provide structure. Mr. Dudley agreed with the Board that the transition would be a "shock," at first, as he has noted some challenges with his recent transition to minimum security. The Board encouraged Mr. Dudley to pursue counseling in the institution to process his recent stepdown to lower security, as well as his childhood trauma.

Mr. Dudley's grandmother, aunt, and uncle testified in support of parole. The Board also considered the report and testimony of forensic psychiatrist Dr. Saleh. Mr. Doyle's aunt, and the mother of Mr. Doyle's son, testified in opposition to parole. Middlesex County Assistant District Attorney Adrienne Lynch testified and submitted a letter in opposition to parole. The Board also considered additional letters of opposition.

### **III. DECISION**

Mr. Dudley was 17-years-old when he and his co-defendant savagely beat the victim to death. He, to this day, cannot explain his rage. Mr. Dudley has made progress in his rehabilitation and has recently transferred to lower security. Mr. Dudley stated his turning point was after he received a DDU sanction for assaulting a correctional officer in 2009. Mr. Dudley should continue to engage in all recommended treatment and programming. In rendering their decision, the Board considered specific factors to include placement in DCF, long-documented history of mental health issues, and substance abuse. The Board did take into consideration Dr. Saleh's forensic evaluation and testimony. In addition, the Board also considered the neuropsychological/behavior consultation report completed by Dr. Winn. Both reports provided the Board with relevant information as to his risk and needs if paroled, to include social history, substance use, criminal history, incarceration, rehabilitation and mental health. Although the evaluations provided relevant information, the Board believes Mr. Dudley needs to continue to explore how he was capable of acting with such rage.

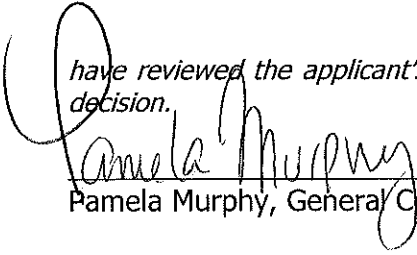
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 Joshua Dudley is a not suitable candidate for parole at this time.

Mr. Dudley's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages him 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.*

  
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Pamela Murphy, General Counsel

9/8/2020  
Date