



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JUSTICE AINOOSON

W90887

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 11, 2020

DATE OF DECISION: October 12, 2021

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 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 this hearing.

I. STATEMENT OF THE CASE

On October 26, 2007, after a jury trial in Plymouth Superior Court, Justice Ainooson was found guilty of second-degree murder in the shooting death of Calvin Stuart. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Ainooson was also found guilty of carrying a firearm without a license and unlawful possession of ammunition. He received 2 to 3-year concurrent sentence for the carrying charge and a 1-year concurrent sentence for the possession charge. His convictions were affirmed on appeal in 2010, 2011, and 2015.

On June 17, 2005, Calvin Stuart was parked in a convenience store parking lot in Brockton with his friend, Jamell Spurill, and a female passenger. At some point, Mr. Spurill went into the store to purchase cigarettes. Around that same time, off-duty Brockton School Police Officer Mark Noone was driving home from work and heard gunshots. Officer Noone

then saw a man, later identified as Mr. Ainooson, firing a gun into a parked car in front of the convenience store. After hearing the initial gunshot, Officer Noone saw Mr. Ainooson fire approximately several more shots at the parked car. Shortly thereafter, Mr. Ainooson discarded his gun and fled the scene. After a brief chase, Officer Noone apprehended Mr. Ainooson and placed him under arrest. Mr. Stuart suffered multiple gunshot wounds, succumbing to his injuries shortly thereafter. Mr. Spurill also suffered a gunshot wound, but he survived.¹ The female passenger was not injured.

II. PAROLE HEARING ON AUGUST 11, 2020

Justice Ainooson appeared before the Parole Board for an initial hearing on August 11, 2020. He was represented by law students Laura Follansbee and Sara Carter from the Harvard Prison Legal Assistance Project. Student Attorney Follansbee provided an opening statement, in which she outlined Mr. Ainooson's institutional adjustment, as well as his social history. In Mr. Ainooson's opening statement to the Board, he apologized to Mr. Stuart's family and took full responsibility for the murder. Mr. Ainooson admitted that his behavior leading up to the governing offense was "destructive" and "hostile." He explained to the Board that his negative upbringing perpetuated "fear and anger" and played a significant role in the governing offense. He further described being "desensitized" to violence at the time of the murder.

Board Members inquired as to the details surrounding the governing offense, noting that Mr. Ainooson disagrees with the Commonwealth's statement of the crime. Mr. Ainooson explained that, on the day of the crime, a friend dropped him off at a convenience store. When the Board inquired as to why he carried a gun at the time, Mr. Ainooson replied that he carried it "here and there" for protection. He stated that he began carrying a firearm approximately two years prior to the murder because gun violence was prevalent in his community. While walking through the parking lot on the day of the murder, Mr. Ainooson was called over by Calvin Stuart, who was also in the parking lot. Mr. Stuart and another passenger in the car questioned Mr. Ainooson as to whether he associated with an individual referred to as "Cook." At that point, it became apparent to Mr. Ainooson that Mr. Stuart and his passenger had a problem with Cook. As such, the conversation turned hostile. When Board Members asked why he continued to engage in a conversation if he perceived a potential threat, Mr. Ainooson maintained that he was "trying to resolve the situation," despite not knowing the point of contention. Mr. Ainooson attempted to walk away, but when he turned around, he saw Mr. Stuart pointing a gun at him. After Mr. Stuart fired one shot in his direction, Mr. Ainooson pulled out his gun and fired approximately "five or six" shots before he fled. When questioned as to why he fired his gun that many times, Mr. Ainooson told the Board that he "panicked." Mr. Ainooson admitted that "now looking back, it was too much," but insisted that it was not his intent to kill anyone despite his "excessive" actions.

Board Members questioned Mr. Ainooson as to whether he was involved in additional criminal activity at the time of the governing offense. When he indicated that he was not, Board Members pointed to the fact that he possessed multiple bags of pills and marijuana when he was apprehended for murder. Mr. Ainooson claimed that he was not a drug dealer; rather, he was only delivering the drugs as a "favor" to someone. When the Board noted that it appeared he was involved in drug activity, Mr. Ainooson responded, "I guess you could say

¹The jury found the Mr. Ainooson not guilty on charges of armed assault with intent to murder and assault and battery by means of a dangerous weapon on Mr. Spurill.

that." When Board Members inquired as to whether drugs caused the altercation between Cook and Mr. Stuart, Mr. Ainooson said that he was unsure and did not want to "speculate." The Board noted that Mr. Ainooson did not appear forthcoming, as significant details appeared to be missing from his version of the crime; notably, his relationship with Cook and his confrontation with Mr. Stuart. Mr. Ainooson told the Board that "all that matters is the end result" and how he failed to "de-escalate the situation."

Board Members also questioned Mr. Ainooson as to his various appeal attempts. Mr. Ainooson indicated that his appeals were not an attempt to minimize his culpability, but rather, an attempt to reduce his sentence. The Board noted, however, that Mr. Ainooson's actions appear contradictory. His testimony at this hearing assured the Board that he takes full responsibility for the murder, but his argument on appeal minimized his role. In response, Mr. Ainooson stated that his objective in appealing his conviction was to assert self-defense, as he believed his conviction should be reduced to manslaughter. Board Members questioned the likelihood of Mr. Ainooson's self-defense theory since he fired his gun several times. Further, the Board noted that witness testimony does not support his version of the facts. When asked to address the discrepancies, Mr. Ainooson could not provide any insight, aside from indicating that he if had additional experts testify at trial, the jury would have found he was acting in self-defense.

The Board discussed Mr. Ainooson's social history, noting that he appeared to be on a positive path by attending high school and college, despite the negative influences around him. Mr. Ainooson explained that he developed "extreme paranoia" after losing several close friends to gun violence and cited his exposure to violence as a significant factor to the crime. When Board Members addressed his programming efforts, they commended Mr. Ainooson on his strides towards furthering his education. However, the Board emphasized the importance of programming that focuses on criminal thinking and victim empathy, such as Restorative Justice and Violence Reduction. Upon questioning, Mr. Ainooson told the Board that he does not feel the need to address any other areas of programming, as he is now able to "transform anger into non-violent communication." The Board pointed out, however, that his disciplinary record indicates otherwise. Board Members specifically discussed his most recent disciplinary report when he impersonated another inmate, noting the appearance that Mr. Ainooson had not utilized the skills he claims to have learned. Board Members noted that he would benefit from further rehabilitative programming in order to gain insight on his crime and address his causative factors.

The Board considered testimony in support of parole from Mr. Ainooson's mother and a friend. The Board considered testimony in opposition to parole from Mr. Stuart's sister, daughter, and mother. Plymouth County Assistant District Attorney Keara Kelley also provided testimony in opposition to parole, as well as a letter.

III. DECISION

Mr. Ainooson has served 15 years for the murder of Calvin Stuart. It is of the opinion of the Board that Mr. Ainooson minimizes his criminal culpability for the murder. He displayed limited insight in the areas of victim impact and empathy and lacked remorse. Although he has completed some programs, he has yet to participate in programming to address his causative factors that lead to incarceration. In addition, he recently incurred a concerning disciplinary

infraction for impersonating another inmate. He is encouraged to pursue treatment and programming in the areas of Restorative Justice and Violence Reduction.

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. Ainooson'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. Ainooson's risk of recidivism. After applying this standard to the circumstances of Mr. Ainooson's case, the Board is of the opinion that Justice Ainooson does not merit parole at this time.

Mr. Ainooson'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. Ainooson 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

10/12/2021
Date