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Michael J. Callahan
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DECISION

IN THE MATTER OF

KAREEM BROWN

W64390

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 10, 2017

DATE OF DECISION: July 20, 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 by a majority vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On March 26, 1998, in Suffolk Superior Court, a jury found Kareem Brown guilty of second degree murder for the stabbing death of Danclar Mead.² Accordingly, Mr. Brown was sentenced to life in prison with the possibility of parole. Mr. Brown appealed his conviction in 1999. The conviction was affirmed by the Massachusetts Appeals Court, and the Supreme Judicial Court denied further appellate review.³ Mr. Brown then filed a motion for new trial in

¹ Four Board Members voted to deny parole with a review in two years. Two Board Members voted to grant parole to a long-term residential treatment program after successful completion of one year in lower security.

² Kareem Brown was originally tried in 1996, but the jury was unable to reach a unanimous verdict (forcing a mistrial).

³ See Commonwealth v. Brown, 48 Mass. App. Ct. 1116 (2000); Commonwealth v. Brown, 431 Mass. 1103 (2000).

2003. The Massachusetts Appeals Court denied the motion, and the Supreme Judicial Court denied further review.⁴

In the early morning hours of March 15, 1994, Mr. Mead (age 31) was driving around in his car with Mr. Brown (age 21) and two juvenile boys (ages 15 and 16). Mr. Mead had purchased beers for all three passengers, which they had all consumed. At some point, they decided to go to the Burger King on Washington Street in Dorchester. The restaurant was closed, except for the drive-through, so they ordered food and ate in the vehicle. As they were eating in the car, one of the juveniles offended Mr. Brown by reaching into his bag to take some french-fries. Mr. Brown took a knife from the juvenile and used it to scare the boy. Mr. Mead told Mr. Brown to leave the boy alone, but Mr. Brown ignored him and continued to scare the boy by swinging the knife towards the boy's face. Mr. Mead exited the vehicle, went to the passenger side, and had Mr. Brown get out of the car. Mr. Brown got out of the vehicle with the knife in hand. It is unclear exactly what happened next, but one of the juveniles inside the car witnessed Mr. Brown stab Mr. Mead once in the chest. The boy then saw Mr. Mead grab his chest and fall forward, while Mr. Brown stabbed Mr. Mead a second time (in the back).

After the stabbing, Mr. Brown left Mr. Mead on the ground and attempted to flee in the vehicle, but was unsuccessful as he could not operate a standard shift. He then tried to hand the bloody knife back to the teenager he had taken it from, but the boy let it fall to the floor of the vehicle, where it was later recovered by police. Mr. Brown and the two teenagers left the scene, with Mr. Brown warning them not to "snitch." Sometime thereafter, Mr. Brown fled to Florida, where he was later arrested and returned to Massachusetts.

II. PAROLE HEARING ON JANUARY 10, 2017

Kareem Brown, now 44-years-old, appeared before the Parole Board for a review hearing on January 10, 2017. Mr. Brown was not represented by counsel. His initial hearing in 2010 resulted in the denial of parole with a five year review. His review hearing in 2015 resulted in the denial of parole with a two year review. In his opening statement to the Board, Mr. Brown expressed his sorrow for taking Mr. Mead's life and apologized to the victim's family. He acknowledged that the victim was someone he knew and that his actions were inexcusable and unforgivable. Since Mr. Brown last came before the Board in 2015, he has become gainfully employed in the library and has become involved in Hi-SET (high school equivalency test program) and the substance abuse Graduate Maintenance Program (which he attends weekly). He told the Board, however, that he is not engaged in any other programs. He has had no disciplinary reports since his last hearing two years ago, and his last major disciplinary report occurred in 1999. He said that he works at the library and participates in programming, but that he avoids certain people and loud recreational activities in order to stay out of trouble.

Mr. Brown was asked to discuss the events leading up to Mr. Mead's murder. He said that he did not set out that night to kill Mr. Mead. They were out drinking and driving around and went to Burger King to get some food. He said that one of the juveniles had a knife and began mock-fighting with Mr. Brown. Mr. Brown then took the knife from the juvenile and began play-fighting back. He maintained that everyone was laughing in the car and that there was no real anger or hostility. Mr. Mead then got out of the car and pulled Mr. Brown out of

⁴ See Commonwealth v. Brown, 63 Mass. App. Ct. 1108 (2005); Commonwealth v. Brown, 444 Mass. 1104 (2005).

the car, as well. Mr. Mead told him to "stop playing in my truck." Mr. Brown said that he still had the knife in hand, when Mr. Mead pushed him into the side of the car. He swung the knife at Mr. Mead, stabbing him in the chest. Mr. Brown told the Board that he did not see exactly where he had struck him, but when Mr. Mead fell over, he thought Mr. Mead was going to "take him out" by going for his legs. So, Mr. Brown stabbed Mr. Mead a second time (in the back). Mr. Brown told the Board he does not remember what happened after the victim fell to the ground – he could not recall what he may have said or done to the juveniles in the car, but that all three of them fled the scene. He said that he never threatened either juvenile to not "snitch."

The Board noted that at both prior hearings, Board Members expressed concern that Mr. Brown was not taking full responsibility for the murder of Mr. Mead. At trial, Mr. Brown asserted self-defense as the basis for his violence towards Mr. Mead, and he has appealed his conviction several times. Mr. Brown said that he is taking full responsibility because he admits he took a life. He told the Board, "I'm just telling the truth of what happened that night." The Board also questioned Mr. Brown about other incidents in which he was violent towards others with sharp objects. In Florida (while on the run after the murder), Mr. Brown was charged with aggravated battery for slicing a man with a box cutter during an argument. Mr. Brown also spent two years in DDU (in 1999) for stabbing another inmate. Mr. Brown stated that since he's been incarcerated, he is a changed person, especially after his DDU placement. He said that he was young, and that he lost control, when he murdered Mr. Mead and assaulted the man in Florida. He said that institutional programming and participation in religious programs over the past decade has helped change his behavior. He believes that he has addressed his anger issues and that he is no longer the lost, violent 21-year-old that murdered Mr. Mead. Now, at age 44, he understands that violence and anger do not solve anything.

Mr. Brown had several family members in attendance at the hearing. Suffolk County Assistant District Attorney Charles Bartoloni spoke in opposition to parole.

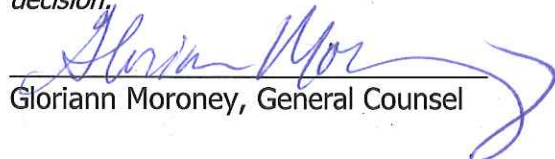
III. DECISION

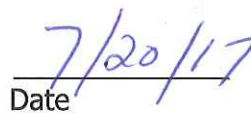
The Board is of the opinion that Mr. Brown has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Brown has improved his adjustment and program participation. However, the Board does not believe his version of events regarding the governing offense.

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. Brown'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. Brown's risk of recidivism. After applying this standard to the circumstances of Mr. Brown's case, the Board is of the majority opinion that Mr. Brown is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Gloriann Moroney, General Counsel


Date