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DECISION

IN THE MATTER OF

KAREEM BROWN

W64390

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **January 22, 2015**

DATE OF DECISION: **March 26, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 hearing scheduled two years from the date of the hearing.

I. STATEMENT OF THE CASE

In the early morning hours of March 15, 1994, during an altercation in the parking lot of a Burger King restaurant in Dorchester, Kareem Brown stabbed Danclar Mead in the chest and back with a knife, killing him. On March 26, 1998, a Suffolk Superior Court jury found Brown guilty of second degree murder¹ and the court sentenced him to life in prison.

Brown appealed his conviction in 1999. The conviction was affirmed by the Massachusetts Appeals Court and the Supreme Judicial Court denied further appellate review. See Commonwealth v. Brown, 48 Mass. App. Ct. 1116 (2000) and Commonwealth v. Brown, 431 Mass. 1103 (2000). Brown then filed a motion for new trial in 2003. The Massachusetts Appeals Court denied the motion and the Supreme Judicial Court denied further review. See Commonwealth v. Brown, 63 Mass. App. Ct. 1108 (2005) and Commonwealth v. Brown, 444 Mass. 1104 (2005).

¹ Brown was originally tried in 1996, but the jury was unable to reach a unanimous verdict.

The facts of the governing offense are as follows: On the night before the murder, Mr. Mead (age 32) was driving around with Brown (age 21) in the front passenger seat and two boys (ages 14 and 15) in the back seat of his vehicle. Mr. Mead had purchased beers for the passengers, which they had all consumed. Sometime after midnight, it was decided that they were hungry, so they went to a 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. At some point, Mr. Mead briefly left the vehicle to relieve himself. By the time he returned to the vehicle, Brown was using a knife to scare one of the teenage boys. The knife used was taken from that same boy, who had offended Brown by reaching into his bag to take some french-fries.

Mr. Mead told Brown to leave the boy alone, but Brown ignored him and continued to scare the boy with the knife by swinging it towards the boy's face. Mr. Mead exited the vehicle, went to the passenger side and opened the door, and had Brown get out. Brown got out of the vehicle with the knife in hand. It is unclear what happened outside the vehicle immediately prior, but one of the boys witnessed Brown stab Mr. Mead once in the chest. The boy then saw Mr. Mead grab his chest and fall forward, while Brown stabbed Mr. Mead a second time in the back. After the stabbing, Brown left Mr. Mead on the ground and attempted to flee in the vehicle, but was unsuccessful because 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. Brown and the two teenagers left the scene after Brown warned them not to "snitch." Sometime thereafter, Brown fled to Florida, where he was later arrested and returned to Massachusetts.

Brown had his initial parole hearing in 2010 and the Board denied parole with a five year review. The Board, however, noted marked improvement in Brown's program involvement addressing violence and alcohol abuse, but concluded that he was not suitable for parole at that time because he had not "done enough or made sufficient progress in his rehabilitation." Specifically, the Board expressed concern that Brown "presented a version of events in which he claimed his actions were in self-defense rather than seeing himself as the aggressor when he stabbed and murdered Mr. Mead." Since Brown last came before the Board in January 2010, he has incurred two disciplinary reports. The first was on January 21, 2010 for refusing an order, insolence, and disruptive conduct. The second was on December 3, 2010 for refusing an order and insolence. Otherwise, he has not been a management concern and receives positive housing evaluations. However, Brown's program involvement has diminished since then, as he has only been involved in Project Youth and Islamic classes.

II. PAROLE HEARING ON JANUARY 6, 2015

Brown apologized for killing Mr. Mead. He said that he has spent the last five years involved with religious activities as a member of the Nation of Islam, studying legal issues in the library such as "manslaughter," and staying out of trouble. He chooses not to work in order to avoid trouble and prefers to stay to himself.

Brown said he used to drink heavily around the time he killed Mr. Mead, averaging a six-pack of beer daily. Mr. Mead lived in his neighborhood and would buy beers for him and other youths in the neighborhood. Brown said he was drunk at the time he killed Mr. Mead and that

he stabbed him because "the knife was already in [his] hand." Brown felt "under attack" at the time, because Mr. Mead had pulled him from the vehicle and threw him up against the vehicle. Brown fled to Florida after killing Mr. Mead, residing there for six months before getting arrested and charged with battery. He was returned to Massachusetts to face the murder charge. Brown said he was offered a plea deal to serve 10 years, but instead decided to take the case to trial because he believed Mr. Mead was the initial aggressor. He still feels he should only have been convicted of manslaughter under the circumstances. Brown said that he did not agree with the Board's 2010 decision to deny parole with a five-year setback because he "had remorse." He is requesting parole to an 18-month long term program and then to live with his mother.

Brown's mother, uncle, and cousin spoke in support of parole. His mother confirmed that he abused alcohol in his youth. His uncle said that he is a licensed electrician and would be able to secure work for Brown in the electrical field and his cousin said that he would be able to employ Brown as a property manager. Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition, asserting that the Board previously directed Brown to reflect upon the crime and to get involved in more programming. ADA Bartoloni said that Brown has done neither.

III. DECISION

Brown has not made sufficient progress in his rehabilitation to warrant parole at this time. He continues to portray the governing incident as one in which he acted out of self-defense and fails to appreciate that his actions were unwarranted and unreasonably violent. The Board is also concerned that Brown has had minimal program involvement and has not been employed since last seeing the Board in 2010. By his own admission, he has chosen to stay to himself in order to avoid trouble. While it is commendable that Brown is cautious and wants to avoid trouble, the manner in which he chooses to do so does not suggest that he is ready to return to open society.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Kareem Brown does not merit parole at this time because he is not fully rehabilitated. The review will be in two years, during which time Mr. Brown should engage in available programming, as well as seek and maintain employment within the institution.

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.


James DiLoreto Smith, Executive Director


Date