

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

MAC HUDSON

W48494

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 24, 2018**

DATE OF DECISION: **March 25, 2019**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On May 25, 1990, in Suffolk Superior Court, Mac Hudson was found guilty by a jury of second-degree murder for the death of 19-year-old Derek Twitty. He was sentenced to serve life in prison with the possibility of parole. Mr. Hudson was convicted of additional charges, which were later re-tried. After re-trial, on January 29, 1997, Mr. Hudson was convicted again of the murder charge, as well as the following crimes: armed assault with intent to murder (10-15 years to be served concurrently), armed assault with intent to rob (4-5 years to be served concurrently), carrying a firearm (4-5 years to be served concurrently), and assault and battery with a dangerous weapon (8-10 years to be served from and after the life sentence). In addition, on June 7, 1991, Mr. Hudson pleaded guilty to manslaughter for the death of George Magazine and received 10 to 12 years, which ran concurrent to his life sentence.

¹ One Board Member voted to deny parole with a four year review.

Mr. Hudson appealed his convictions. In 1994, the Appeals Court reversed and remanded for a new trial. In 1997, on retrial, Mr. Hudson was again convicted, and he appealed. In 2005, the Appeals Court vacated his convictions. On May 16, 2006, the Supreme Judicial Court reversed the Appeals Court decision, and his convictions were reinstated.²

On April 22, 1989, Boston police responded to reports of a shooting at West Cottage Street in Dorchester, where they found Derek Twitty suffering from a gunshot wound to the back of his head. The investigation revealed an attempt to rob the victim of heroin; however, a gun was drawn and Mr. Twitty was shot. He was pronounced dead at Boston City Hospital. Another individual with Mr. Twitty was shot, but he survived. Mac Hudson (age 17) and his co-defendant were identified as the shooters.

II. PAROLE HEARING ON MAY 24, 2018

Mac Hudson, now 46-years-old, appeared before the Parole Board on May 24, 2018, for a review hearing. He was represented by Attorney Rebecca Schapiro. Mr. Hudson was denied parole after his initial hearing in 2004, as well as after his review hearing in 2009. In 2014, his review hearing was postponed. In Mr. Hudson's opening statement to the Board, he said that he wishes he could "accept responsibility for Mr. Twitty's death" to lessen the Twitty family's pain. He said that he does not know who shot Mr. Twitty, but understands how he became a suspect. When asked if he knew Mr. Twitty, he responded, "No." When asked if he has since learned anything about Mr. Twitty, he again responded, "No."

In discussing his life prior to incarceration, Mr. Hudson told the Board that he committed robberies regularly. He said that he robbed drug dealers, estimating "10, or a little bit more." He indicated that he started carrying a firearm at around 16 or 17-years-old. Mr. Hudson also spoke about the murder of Mr. Magazine. He stated that he shot him twice and agreed that he took drugs and money from him after the shooting. Mr. Hudson told the Board that it was not the first time that he shot someone, but clarified that it was the first time he killed someone. Mr. Hudson explained that he did not care about himself at the time. He also admitted that he had been shot and stabbed previously.

A Board Member noted the multiple disciplinary reports incurred by Mr. Hudson during his incarceration. Mr. Hudson, however, denied any substance abuse issues in prison. When a Board Member questioned him, Mr. Hudson stated that he now uses productive means to deal with his anger. Mr. Hudson told the Board that he is scheduled to start the Restorative Justice Program, as it is consistent with his belief system. He explained that he is proud of his religious and cultural programming participation. He stated that he is currently attending classes and, if released, would like to form a research company. He is requesting to be paroled to his 8-10 year consecutive sentence.

The Board considered oral testimony in support of parole from Mr. Hudson's three friends. The Board also considered testimony and an evaluation from Dr. Robert Kinscherff. A letter of opposition was submitted by Suffolk County Assistant District Attorney Paul Linn.

² See *Commonwealth v. Hudson*, (36 Mass.App.Ct. 1115 (1994); 63 Mass.App.Ct. 1113 (2005); 446 Mass. 709 (2006)).

III. DECISION

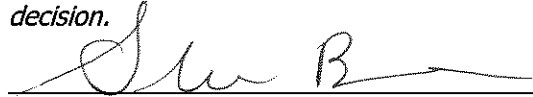
The Board is of the opinion that Mr. Hudson has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board has serious concerns about Mr. Hudson's lack of candor as to his criminal culpability in the murder of Derek Twitty. Additionally, he has yet to fully engage in rehabilitative programming. His institutional adjustment remains troubling.

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 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 has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Hudson's risk of recidivism. After applying this standard to the circumstances of Mr. Hudson's case, the Board is of the opinion that Mac Hudson is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. Hudson, therefore, does not merit parole at this time.

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



Shara Benedetti, Acting General Counsel

3/25/19
Date