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PAROLE BOARD

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Charlene Bonner
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DECISION

IN THE MATTER OF

MALIK ABDUL AZIZ

(FKA: NORMAN HAWKESWORTH)¹

W44026

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: January 29, 2015

DATE OF DECISION: May 12, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Sheila Dupre, 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, 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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 29, 1987, after a jury trial in Suffolk County Superior Court, Norman Hawkesworth (hereinafter, Aziz) was found guilty of first degree murder, on a felony murder theory, and sentenced to life in prison without the possibility of parole.

On December 24, 2013, the Massachusetts Supreme Judicial Court (SJC) issued a decision in *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013) in which the Court determined that the statutory provisions mandating life without the possibility of parole were invalid as applied to those, like Aziz, who were juveniles when they committed first degree murder. The SJC ordered that affected inmates receive a parole hearing

¹ In August of 1993, Norman Hawkesworth legally changed his name to Malik Abdul Aziz.

after serving 15 years. Accordingly, Aziz, who has served almost 30 years, became eligible for parole and is now before the Board for an initial hearing.

On the night of June 19, 1985, Aziz, who was 16 years-old, met with three other juveniles. They met at the Hawkesworth's home in a housing complex in the Hyde Park section of Boston. After some discussion, one of them suggested that the group should steal an automobile. This Juvenile proposed the following ruse; one of the boys would lie in the roadway pretending to be injured, the two girls would flag down a passing motorist, and then the group would overpower the motorist and steal the automobile. The group agreed to this plan. Shortly thereafter, John Morgan, a friend of Aziz, arrived and agreed to participate. Aziz produced a can of mace and distributed additional weapons to the group, which included a handgun, knives and a billy club.

All five participants then walked to an unlighted section of West Boundary Road in the West Roxbury section of Boston. Along the way, one of the juveniles fired the gun into the ground. Aziz was visibly upset and exclaimed, "Damn, I only got one bullet left." Upon finding a suitable site, the participants assumed their positions. One juvenile lay in the roadway with the pistol concealed. Two others stood over him and attempted to flag down a motorist. Aziz and Morgan hid in the woods on either side of the roadway. Several motorists stopped and asked whether everything was all right, but each of these automobiles had several passengers, so the juveniles said that everything was fine. Aziz then changed places and weapons with the juvenile who was feigning injury in the road.

The victim, Stephen Lanigan, was driving alone when he saw Aziz and the others in the roadway. He stopped at the roadside, left his automobile, and approached Aziz asking if everything was all right. Aziz jumped up, pointed the gun at Mr. Lanigan, and said, "Freeze, or I'll shoot." Mr. Lanigan then turned and ran toward his automobile. Aziz ran after him. As Mr. Lanigan was entering his automobile, Aziz shot him in the back from less than a yard away. Mr. Lanigan managed to get into his car and drove a short distance before crashing into a signal box. Several hours later, Mr. Lanigan was pronounced dead at Faulkner Hospital in Jamaica Plain. Aziz, meanwhile, had told everyone to run after the shooting. Aziz and the others ran into the woods together. Morgan ran along West Boundary Road. They all later reconvened at a campsite in the woods, where they threw the gun into the bushes. Aziz convinced the others that Morgan should take the blame for the shooting because he was the youngest. Aziz wrote a letter naming Morgan as the shooter and had the others sign it.

Several days later, on June 27, 1985, a hiker in the woods found the gun Aziz used to shoot Mr. Lanigan. Upon further inquiry, the police focused their investigation on Aziz and his friends, and on June 28, 1985 they arrested Aziz for murder. After transfer hearings, Aziz and Morgan were arraigned and tried as adults for the murder of Mr. Lanigan. After the trial, Morgan was convicted of manslaughter and sentenced to 13 to 18 years. He was released from prison in November of 1994. The other three co-defendants remained in juvenile court and all three pleaded delinquent to the murder of Mr. Lanigan and were committed to the Department of Youth Services.

II. PAROLE HEARING ON JANUARY 29, 2015

This was Aziz's first parole hearing before the Board. He committed the murder at age 16 and has been incarcerated for almost 30 years. Aziz was afforded a hearing as a result of the Massachusetts Supreme Judicial Court (SJC) decision in *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013). Attorney Phillip Cormier and Attorney Jeffrey Harris represented Aziz at his hearing.

Aziz opened the hearing by taking full responsibility for his role in the murder. He admitted to shooting the victim in the back as he tried to run. Attorney Cormier stated Abdul-Aziz is now 47 years-old and has been incarcerated since 1985. He had a troubled childhood, essentially abandoned by his mother to state custody at age 11 and forced to live in foster care. He has not had a smooth adjustment to incarceration and has been a disciplinary problem for the Department of Correction for the majority of his incarceration. However, since 2010, he has started to make "real" progress. In 2012, he renounced from gang life and was transferred from Massachusetts to the Montana Department of Corrections. He was returned to Massachusetts in 2014 for his hearing. Aziz acknowledged his poor prison record and stated that he had difficulty adjusting. Knowing that he has to prove himself worthy of parole, Aziz asked for a two year setback to continue with his progress in Montana.

The Board questioned Aziz about his participation in various rehabilitative programs, as well as his overall adjustment throughout his incarceration. He has not been very involved in positive institutional programming and education during his incarceration, partly due to his inability to conform his behavior resulting in transfers to higher custody and segregation. He stated that he began participating in programs in 2012, and in Montana he completed anger management. He found the program beneficial to his rehabilitation and said, "I have gained the tools I need in how to deal with my anger, rage, and hate. I have resolved my sense of rejection." Although he completed a violence reduction program, he admitted that it was not helpful to him since he did not pay any attention. Aziz has completed two of five phases in the Cognitive Principles and Restructuring Program. Upon his transfer to Montana, Aziz converted to Islam and said, "It opened my eyes to the disrupting and disrespectful person I used to be. Islam showed me what I was doing in prison was wrong and gave me hope I could be better and change."

Aziz has a total of 142 disciplinary reports which he attributes to his gang lifestyle while incarcerated. Upon entering prison, Aziz joined a gang. He now tells the Board it was the "worst thing I did" and "regrets joining." Aziz worked to move up the ranks and proved himself to be a leader of the gang by receiving numerous disciplinary reports. He stated, "My only goal when I came in was to run the gang. Nothing mattered; I was doing a life sentence." As the leader of the gang, he ordered multiple "hits" and about a dozen people were injured. The last hit he ordered was in 2010. He told the Board, "A lot of my disciplinary reports are gang related. I have spent about 15 years in segregation." He admitted to possessing weapons during most of his incarceration and received multiple disciplinary reports for inappropriate behavior towards female staff members. Aziz admitted that he wrote a lot of "hateful, negative, and bad stuff about women" as it was his way of dealing with issues he had towards firm and assertive women. In 2012, Aziz renounced from the gang. However, retaliation followed when the gang felt betrayed and he said, "I became a liability." Since 2012, Aziz has remained disciplinary report free.

Given the young age at which Aziz committed the murder, the Parole Board was interested in what (if any) developmental, social, or childhood issues may have played a role in the commission of such a horrendous crime. The Board reviewed pertinent information with Aziz regarding his childhood. He stated that he resided with his parents and siblings until age seven, when his father left the home. He described his father as "his hero" and felt "destroyed when my parents divorced." Aziz stated that he felt "rejected and abandoned" by his father and "neglected" by his mother. He said that this was the beginning of his "downward spiral" and behavioral problems. His mother then remarried, but the household situation worsened as his step-father was physically abusive. He was in and out of foster homes and exhibited terrible behavior in school, which included participating in multiple fights that he attributed to anger issues. Aziz rejected help and trusted no one; he couldn't "get it together." In his early teens, he made some progress due to a few individuals who cared about him; however, it wasn't long-lasting or effective.

When Aziz was asked to describe the day of the crime, he stated, "I was at my mom's hanging out with my [friends], drinking and smoking weed." He stated that one of his friends said, "Let's do something crazy." Aziz showed him a gun and they agreed to go out and do something. He grabbed three bullets and put them in his pocket and headed out. They were all "buzzed from the weed and alcohol." As they walked, they engaged in casual conversation. Someone proposed an idea where one of them would lay in the street and the girls would flag down a car, making sure the car contained only one passenger. They would scare the motorist with the gun and then rob them. They agreed no one was going to be shot. After a few attempts and failures by one of his friends feigning injury in the street, Aziz said "let me try" and lay down on the road. Shortly thereafter, Stephen Lanigan approached in his car. Mr. Lanigan stopped his car and got out. After he approached, Aziz pointed the gun at him and stated, "Freeze." As Mr. Lanigan turned around and began to run away, Aziz fired the gun. Mr. Lanigan then jumped in his car and took off, driving a short distance until he crashed. Aziz told the Board, "I don't know how the safety came off." That night Aziz slept in the woods and, in the morning, went home and saw the news which reported a man was shot and killed. He said he was "in shock" and called his friends. Feeling bad about the shooting, they decided to keep it to themselves and to deal with it each in his "own way." Aziz came up with a plan to blame the shooting on John Morgan, who was 15 years-old. Morgan knew Aziz would blame him and was "ok with it, John and I, we go way back." They wrote a statement together, which Aziz mostly directed, and each signed the statement.

Aziz told the Board he is not asking for parole at this moment in time. Rather, he requested to be given a two-year setback and to be allowed to continue with his positive programming while continuing to serve his sentence in Montana, where he has been since October 2012. During this time, he will complete the Cognitive Principles and Restructuring Program. Then, he will request parole to a long term residential facility upon one year successful completion in a minimum security facility in Massachusetts. Aziz had multiple family members present at the hearing. His father, brother, and aunt spoke in support of parole.

Speaking in opposition of parole were Stephen Lanigan's sisters, brother, and niece. Suffolk County Assistant District Attorney Matthew Sears spoke in opposition to Aziz's release on parole. ADA Sears highlighted concerns related to Aziz's institutional record, manipulative behavior, and inability to be rehabilitated.

In a closing statement, Attorney Cormier requested a two-year setback so that Aziz may complete additional programming in Montana. He emphasized Aziz's rehabilitative efforts, gang renunciation, and improved institutional behavior in recent years.

III. DECISION

At age 16, Malik Abdul Aziz, along with his four co-defendants, murdered Stephen Lanigan. He played a principal role in the planning and execution of the crime by arming each one of his co-defendants, taking charge of the operation, and shooting Mr. Lanigan in the back. After the murder, he urged his cohorts to blame the murder on John Morgan.

Aziz came from a highly dysfunctional family and endured an abusive childhood, including abandonment and neglect by both his mother and father. He became a leading participant of violence in the community he lived in. A 1984 clinical evaluation by a school psychologist notes Aziz had been expelled from school "due to extremely aggressive and violent behavior." The treatment reports and clinical evaluations provided to the Board by Aziz in his Memorandum in Support of Parole indicate that as a child, Aziz was very explosive and both verbally and physically assaultive towards other children. He was also suspended for instances of threatening teachers and classmates. His juvenile record began at the age of 13 years-old. At the time of the murder, Aziz was under probation supervision for the crime of larceny from a person.

Although he has over two years of promising conduct, Aziz has decades of exceedingly poor behavior while incarcerated. He acquired numerous disciplinary reports for infractions such as threatening, assaults, weapons possession, inciting violence, inappropriate behavior towards female staff, and violence. The Parole Board recognizes his good conduct since transferring to Montana, as well as his recent program participation. However, there is much more work to be done in dealing with issues of violence, anger, victim impact, and candor. Aziz was not forthcoming during the hearing regarding the role he played in the governing offense. In describing the governing offense, he portrayed his role as a "participant" who just went along with it. However, in reality, he was the primary ring leader. He needs to complete the Cognitive Principles and Restructuring Program in Montana in order to continue addressing his anger and violence issues. Aziz also needs to engage in programming that addresses victim impact, as he lacks insight as to how his crimes, violence, and criminal lifestyle have affected the victims, the victims' families, the community, and the institutions. While the Parole Board recognizes the age at which Aziz committed the offense, and has considered all relevant factors given his age, he has yet to demonstrate that he meets the legal standard for parole.

Aziz himself acknowledges that he is not a good candidate for parole supervision at this time and is requesting a two-year setback in order to complete additional programming through the Montana Department of Correction. 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 Malik Abdul Aziz does not merit parole at this time because he is not rehabilitated. In reaching this decision, the Board carefully considered Aziz's age at the time he committed the crime and the detailed packet of

information provided by his attorneys in support of parole, which included five progress reports and evaluation summaries done by various school and clinical personnel from 1983 and 1984. These documents describe his formative years and the challenges he faced during his childhood. The Board also considered Aziz's disciplinary record while incarcerated, the programming he chose to participate in, and the impact statements of both his supporters, as well as those in opposition. Parole is denied with a review in five years from the date of this hearing.

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.


Peter Mimmo, Staff Attorney


Date