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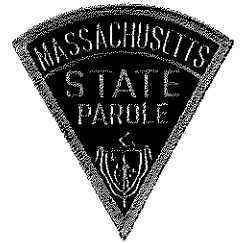
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Chair

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RECORD OF DECISION

IN THE MATTER OF

MARQUISE BROWN
W104277

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 15, 2024

DATE OF DECISION: December 3, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to C.R.J. for a minimum of 90 days, but not before 3/5/25 in lower security.

PROCEDURAL HISTORY: On August 22, 2012, following a jury trial in Middlesex County Superior Court, Marquise Brown was convicted of murder in the first degree, carrying a firearm without a license, carrying a loaded firearm without a license, and unlawful possession of ammunition.

Following the conviction, sentencing was stayed pending the determination of the applicability of Miller v. Alabama's prohibition against mandatory life without parole sentences for juvenile offenders and Diatchenko v. District Attorney for Suffolk District's invalidation of the relevant sentencing statute provision. The Supreme Judicial Court held that Mr. Brown was entitled to the benefit of Miller and Diatchenko and that he may not be sentenced to life without parole. He may only be sentenced to the lesser punishment under G.L. c. 265, § 2, of mandatory life in prison with the possibility of parole, providing for parole eligibility in 15 years. The case was remanded to the Superior Court for sentencing. (Commonwealth v. Marquise Brown, 466 Mass. 676, (2013)).

On March 21, 2014, Mr. Brown was sentenced to life imprisonment with the possibility of parole after 15 years for the conviction of murder in the first degree (count 1). On that same date, Mr. Brown received a sentence of 4 to 5 years for carrying a firearm without a license (count 2), to be served concurrently with his life sentence, 2 years for carrying a loaded firearm (count 3),

to be served concurrently with his life sentence and also with count 2, and 2 and a half years in the House of a Correction for unlawful possession of ammunition (count 4) to be served concurrently with the life sentence and from and after count 2.

On February 26, 2015, Mr. Brown's sentences were corrected by the Superior Court, and he was re-sentenced on counts 3 and 4. The sentences for counts 1 and 2 remained the same. The sentence for carrying a loaded firearm without a license was corrected to 2 years imprisonment to be served concurrently with his life sentence and from and after count 2. The sentence for unlawful possession of ammunition was corrected to 2 years imprisonment to be served concurrently with his life sentence and from and after count 2. Both sentences were imposed nunc pro tunc to March 21, 2014, the original date of sentencing.

Mr. Brown, now 32-years-old, appeared before the Massachusetts Parole Board for his Initial Hearing on August 15, 2024. He was represented by Attorney Amy Belger. The Board heard testimony from Mr. Brown's sister, Dr. Dicataldo, and LSCW Sarah Loughlin. Middlesex Assistant District Attorney Alicia Walsh testified in opposition to parole. The Board's decision fully incorporates, by reference, the entire video recording of Marquise Brown's August 15, 2024 hearing.

STATEMENT OF THE CASE: On June 20, 2009, in Framingham, 17-year-old Marquise Brown, accompanied by 17-year-old Yessling Gonzalez, shot and killed Tyriffe Lewis, age 17. On the night before the murder, Marquise Brown, Yessling Gonzalez, and Tyriffe Lewis went to a party in Marlborough. At some point during the night, Mr. Brown accused Mr. Lewis of stealing his marijuana. After an exchange of words, Mr. Brown and Mr. Lewis started to fight. The fight moved from one floor of the building to the next, with Mr. Lewis eventually getting the best of Mr. Brown. Later, Mr. Brown told his friends he was going to kill Mr. Lewis. He further stated that he did not care if he went to jail for life and claimed he would kill anyone who snitched on him.

The next day Mr. Brown and Mr. Gonzalez met up with Mr. Lewis. Mr. Brown and Mr. Gonzalez suggested that the three men go to Callahan State Park to smoke marijuana. At the park, the three men walked roughly a hundred yards into the woods. Mr. Brown produced a handgun and fatally shot Mr. Lewis in the chest and groin.

A police investigation led to the arrest of Mr. Brown on June 23, 2009 for the murder of Mr. Lewis. While in jail, Mr. Brown made several incriminating statements about his involvement in the murder to friends and family.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated

individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

In the context of an offender who was sentenced to life in prison who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed the offense, 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).

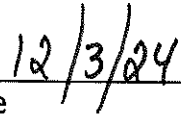
The factors considered by the Board in the case of a juvenile offender include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their 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 also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24.

DECISION OF THE BOARD: Marquise Brown committed his underlying crimes when he was 17-years-old. He has been incarcerated for the past 15 years. While incarcerated, he has completed numerous programs addressing causative factors related to the underlying crime, including Restorative Justice, CRA, and Leadership Programs. Mr. Brown has also completed HiSet and is enrolled in the NEADS Program. He has been sober for 10 years. He has engaged in mental health counseling. The Board received and considered the forensic evaluation of Dr. DiCataldo and the re-entry plan of LCSW Sarah Loughlin. The Board has considered the Miller/Diatchenko factors in making this decision. Mr. Brown's re-entry plan is solid and will support his ongoing needs. His family and community support are strong.

SPECIAL CONDITIONS: Waive work for CRJ program; Electronic monitoring for 90 days; Must take prescribed medication; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and follow recommendations; Must have mental health counseling for adjustment and ADHD; Long term residential program - CRJ program for at least 90 days.

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.


Tina M. Hurley, Chair


Date