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DECISION

IN THE MATTER OF

OTIS MILES¹
W61326

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 9, 2014

DATE OF DECISION: March 3, 2015

PARTICIPATING BOARD MEMBERS: Tonomey Coleman, Sheila Dupre, 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 a vote of four to one that Otis Miles is not a suitable candidate for parole.² Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 24, 1996, in Suffolk Superior Court, Otis Miles was found guilty of second degree murder for the shooting death of Tony Evans. A week later, on October 1, 1996, Miles pleaded guilty to a companion charge of possession of a firearm without a license (subsequent offense) for which he received a concurrent seven to ten year sentence.

In the summer of 1994, Otis Miles' moped was stolen by Tony Evans. Miles, upset by the theft, told Mr. Evans' cousin that he was going to kill Mr. Evans. Subsequently, Mr. Evans returned the moped to his cousin, who then returned it to Miles. Several months later, on the evening of October 7, 1994, Tony Evans encountered Otis Miles sitting on the front steps of the apartment building where Miles' girlfriend lived. The two men exchanged words and a physical altercation ensued until friends broke it up. Mr. Evans yelled, "Go get your heat," to which

¹ Several court documents list Mr. Miles with an AKA of "Hakim."

² One Board Member voted to parole Mr. Miles to a long term residential program after successful completion of one year in lower security.

Miles responded, "Motherfucker, stay right here 'til I get back." Miles then went upstairs to the second floor and Mr. Evans left the building. Several minutes later, Miles emerged from the apartment building and confronted Mr. Evans on the street corner. Mr. Evans moved his empty hands away from his body and threw them into the air. Nonetheless, Miles pulled out his gun and fatally shot Mr. Evans in the stomach. A witness testified that after the shooting, Otis Miles stood over Mr. Evans and taunted him by saying, "I told you not to fuck with me."

II. PAROLE HEARING ON DECEMBER 9, 2014

This is Otis Miles' third appearance before the Board. Miles appeared before the Board for his initial hearing on December 10, 2009, after which he was denied parole with a three year review. On December 11, 2012, Miles appeared before the Board for a review hearing, after which he was again denied parole with a two year review date. In their 2012 decision, the Board noted that "Mr. Miles has an improved prison record and has been involved in rehabilitative programming...He continues to lack insight, however, into the extent of his violence, the harm done to his community by his criminal conduct, and the role he played in ending Tony Evans' life...The review will be in two years, during which time Mr. Miles should recommit to rehabilitation and program involvement with the goals of recognizing what he did wrong in shooting Mr. Evans, understanding why he was so violent and destructive in his community, and realizing the impact his criminal conduct had in the community."

On December 9, 2014, Miles appeared without the aid of legal representation before the Parole Board for his second review hearing. In his opening statement, Miles told the Board that "I heard everyone's concerns [about my defense at trial] and today I realize I had no right to self-defense...I had a right to be mad, I had a right to be upset, I had a right to be assertive in letting Tony know what it was he was doing wrong, but I did not have a right to be violent." Miles admitted that this was the first time he acknowledged that he did not act in self-defense when he shot Tony Evans. A Board Member asked Miles why he shot Mr. Evans and he responded, "I was trying to get respect...I didn't want to be considered weak...I did act reckless and careless." When asked about his previous claims of self-defense, Miles responded, "I always knew I should do some time, but didn't think I was guilty of murder at that time."

Despite Miles' new admission that self-defense was not his motivation, Miles continues to mitigate his role in the death of Tony Evans. In contrast to the facts recorded in the Appeals Court decision indicating that Mr. Evans' "empty hands were raised in the air," Miles continues to deny this version of events and told the Board "I never seen him with his hands out. He reached into his jacket. When I seen him reach, I just pulled out the gun and shot him. I had the gun on me. Most likely I always had a gun on me and everybody knows it." Additionally, Miles continues to deny that he taunted Mr. Evans after shooting him. To the contrary, Miles incredulously told the Board that after shooting Mr. Evans, "he apologized to me and said, 'I'm sorry, I didn't mean to push you this far.'"

Since his last hearing, Mr. Miles has completed the following programs: Problem Solving II, Thinking Skills I and II, Violence Reduction, and Path to Freedom. He obtained his commercial driver's license in 2014. When asked if he believes his programming has addressed the concerns the Board outlined in his previous hearings, Miles stated that (since his last hearing) he is now "able to differentiate between assertiveness and aggressiveness." He contends that his attitude has changed and that he is to blame for the death of Tony Evans and

he had no right to shoot him. Mr. Miles is currently employed as a houseman and he reports attending weekly religious services. When asked about his plans if given a parole, Miles said he thinks a 12-18 month step-down program would be appropriate. He said that he hopes to get his MBA once released into the community. He offered no specific job prospects, but believes he has marketable skills.

Miles' sister, mother, and girlfriend testified in support of parole. The victim's aunt and uncle spoke in opposition to parole. Suffolk County District Attorney Charles Bartoloni also spoke in opposition to parole.

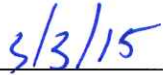
III. DECISION

Otis Miles had an ongoing dispute with Tony Evans that he chose to resolve by shooting Mr. Evans. Miles continues to improve his prison record through rehabilitative efforts that address his anger and impulse control, as well as conflict resolution. Nonetheless, the Board remains concerned with his lack of insight into the role he played in ending Tony Evans' life. The Board maintains the position that Miles' lack of insight signals a need for more time and work in his rehabilitative efforts in order to reduce his risk of violence and to establish a well-engrained pattern of pro-social thinking and conduct. While Miles' recent admission (that self-defense was not his motivation in shooting Mr. Evans) is a step in the right direction, he still minimizes his responsibility by suggesting to the Board, contrary to eyewitness testimony, that Mr. Evans was reaching into his jacket. Clearly, Miles has not fully come to terms with his culpability for the killing of Mr. Evans, which is indicative of a need for more rehabilitation. Given his continued minimization of his culpability, the Board did not find his testimony regarding his changed attitude to be credible.

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 opinion of the Board that Otis Miles does not merit parole at this time because he is not rehabilitated. The review will be in three years, during which time Mr. Miles should commit to a fuller rehabilitation that addresses the role he played in ending Tony Evans' life.

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.


Janis DiLoreto Smith, Executive Director


Date