

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

QUASIM HASTINGS

W83321

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 20, 2019

DATE OF DECISION: June 29, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

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 scheduled in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 12, 2004, in Berkshire Superior Court, Quasim Hastings pleaded guilty to the second-degree murder of David Killbary and was sentenced to life in prison with the possibility of parole. In addition, on November 13, 2015, in Ayer District Court, Mr. Hastings received two consecutive sentences of two and a half years for assaulting two correctional officers.

On the night of April 15, 2003, Quasim Hastings and co-defendant Milton Gasson, Jr. were parked at a convenience store in Pittsfield. While Mr. Hastings and Mr. Gasson were sitting in their car, David Killbary and others arrived, pulling in next to them. A verbal argument ensued between Mr. Hastings, Mr. Gasson and Mr. Killbary. The parties exited their respective cars, and an altercation ensued. At some point, Mr. Hastings shot Mr. Killbary once in the chest. Mr. Killbary succumbed to his injuries at the hospital. Mr. Hastings and Mr. Gasson were later identified and apprehended by police.

II. PAROLE HEARING ON AUGUST 20, 2019

Quasim Hastings, now 35-years-old, appeared before the Parole Board for an initial hearing on August 20, 2019, and was represented by Attorney Sharon Dehmand. Mr. Hastings was initially eligible for a hearing in 2018, but postponed his hearing to obtain an attorney. He is not seeking release on parole; but rather, he is requesting a two-year review in order to participate in further programming and mental health treatment. In his opening statement to the Board, Mr. Hastings apologized to the family of the victim and expressed remorse for his actions. He also apologized to the Department of Correction for his behavior when he assaulted two correctional officers, attributing his behavior to his 2015 mental health diagnoses. Attorney Dehmand also gave remarks to the Board on Mr. Hastings' behalf. In discussing the governing offense, Mr. Hastings told the Board that he did not know the victim prior to the murder. On that day, he and Mr. Gasson were drinking alcohol and smoking marijuana. Mr. Hastings stated that Mr. Gasson had purchased the gun that was used in the murder. Mr. Hastings claimed that he murdered Mr. Killbary because he did not like the way he was looking at him in the parking lot. When he asked Mr. Killbary to step out of his car, Mr. Hastings said that he intended to engage in an altercation, conceding that he "acted out of anger" and "had no thought" when he shot him. He thought the .25 caliber gun was a "powerful BB gun" that wouldn't kill anyone.

Mr. Hastings stated that after being diagnosed with mental health issues in 2015, he began participating in mental health programs and started to receive counseling. It wasn't until 2015 that he began to "seriously consider problems and issues [he] really had." Mr. Hastings is asking for a two-year review because he "has a lot more work to do." He hopes to demonstrate that he can continue to follow the rules and remain disciplinary report free in the institution. He also expressed his plan to enroll in the Residential Treatment Unit ("RTU"), participate in programming, and continue with his prescribed medications. The Board acknowledged Mr. Hastings' programming efforts, such as Restorative Justice, and discussed at length his past trauma leading up to the offense. Board Members noted, however, Mr. Hastings' poor institutional adjustment during the course of his 16-year incarceration, having incurred 164 disciplinary reports (of which he received approximately 60 sanctions). A number of disciplinary reports involved fighting and threats to correctional staff, including the 2015 incident where he assaulted two correctional officers. One officer sustained a five-inch laceration to the eye as a result.

Mr. Hastings had several supporters in attendance, including his mother, grandmother, sister-in-law, and aunt. Mr. Hastings' sister-in law read letters from Mr. Hastings' sister and mother and submitted a letter from Mr. Hastings' aunt, all of whom expressed support for parole. The Board also considered the testimony and forensic evaluation of Dr. Robert Kinscherff. The Board considered the oral testimony of the victim's sister and father, as well as a letter read by a staff member of the Victim Services Unit, in opposition to parole. Berkshire County Assistant District Attorney Jeanne Kempthorne testified in opposition to parole and submitted a letter, as well.

III. DECISION

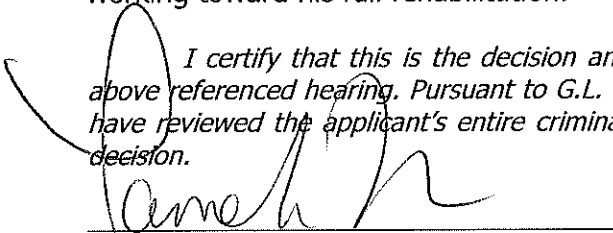
The Board is of the opinion that Quasim Hastings has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Hastings continues to exhibit violent behavior [as is] evident by numerous SMU placements and

a DDU commitment for assaulting two correctional officers in 2015. A longer period of positive adjustment and relevant programming to address causative factors [is needed].

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 forming this opinion, the Board has taken into consideration Mr. Hastings' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Hastings' risk of recidivism. After applying this standard to the circumstances of Mr. Hastings' case, the Board is of the opinion that Quasim Hastings is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Hastings' next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Hastings to continue working toward 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.



Pamela Murphy, General Counsel

6/29/2020
Date