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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

RICHARD HAZARD

W59221

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 2, 2013

DATE OF DECISION: March 7, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Shelia Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

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 writing, we conclude by unanimous vote that the inmate is not suitable for parole at this time. Parole is denied with a review in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 11, 1995, after a jury trial in Bristol Superior Court, Richard Hazard was found guilty of the second-degree murder of 14-year-old Daniel Correia and sentenced to serve life in prison. That same day, he was also convicted of unlawful possession of a firearm and assault and battery by means of a dangerous weapon. He was sentenced to serve a concurrent term of three to five years for the firearm offense, and a consecutive three to five year term for the assault. The convictions were affirmed on appeal, *Commonwealth v. Hazard*, 47 Mass. App. Ct. 168 (1999), and a subsequent motion for a new trial and appeal therefrom were similarly unsuccessful. The following facts are taken from the Appeals Court's opinion.

On April 15, 1994, about 3:00 P.M., four men—Scott Rose and Richard Hazard (co-defendants) and two others, Michael Reaves and Michael Coull—came to Magnet Park (outside the United Front housing project in New Bedford) in Rose's gray Lincoln Town Car.¹ Hazard came up to Joseph Correia, eighteen years old, and asked if he had any dope (meaning heroin) for sale. Correia and Hazard then walked toward Hazard's companions—Rose, Reaves, and Coull—who were waiting near the Lincoln car. Correia's friends, Michael Santos and Shane and Landon Arnum, were nearby. Reaves drew out \$80 or so and asked for the drugs. Correia grabbed the money and said, "We don't sell no drugs out here. Leave." Reaves turned to Landon Arnum, whom he knew, and asked Landon to tell Correia and his friends, "I ain't no punk. I'm from the old school." Then he asked for his money. Santos urged Correia, "Just give him the money back. It's his first time coming here. He didn't know there was no drugs here." Correia handed the money to Reaves and said, "All right. You got your money. Just leave. Now you know there ain't no drugs here." Reaves said, "If you want to rob me, do it right," and pulled more cash out of his pocket and started waving it about, and began taunting Correia, walking toward him, repeating, "Come on, do it right." Correia was backing away.

Shane Arnum stepped in, saying there was no problem, and Reaves should leave. Soon Reaves and Shane began arguing. In the midst of it, Shane threw a punch. It hit Reaves in the jaw and knocked him senseless to the ground. Rose picked Reaves up and commenced carrying him to the car. Correia testified he heard Rose say, "We'll be back."

Two hours later, about five o'clock, the four appeared at a house in Taunton that Patricia Chaney shared with William Watson. Chaney and Watson knew Rose well. Rose asked Watson to borrow a gun, and Watson took out a Winchester twelve-gauge pneumatic pump shotgun that held six shells. Watson handed the gun and some green shells to Rose.

About seven that evening, Joseph Correia was in Magnet Park with his 14-year-old brother Daniel and other friends. The brothers were leaning on a white car, talking. Joseph Correia testified that he heard tires screeching and looking up saw the Lincoln driving past. The driver's side faced toward him. He saw a big pistol coming out of the rear driver's side window, heard shots, and saw flashes from both driver's side windows. He saw Rose, the driver, leaning back in his seat as he drove. Joseph and Daniel started to run when they heard the shots. As they took off, Joseph was hit. He dived behind the white car, landing beside Daniel, and at the same time heard Daniel yell, "I got hit. I got hit." Joseph had been struck in the leg, Daniel in the heart. A bullet had entered Daniel's heart from front to back and downward through the right side, lodging near his kidney.

After an extensive police chase, Hazard and the others were apprehended in Taunton. At the time of the shooting, Hazard was the front seat passenger in the Lincoln and was observed with a shotgun in his hand. Daniel had been shot with a .9mm gun, which had been in Reaves' possession.

¹ Scott Rose was tried along with Hazard and also received a life sentence for second degree murder. Parole was denied at his initial hearing in 2009. Timothy Reaves was tried separately, convicted of first-degree murder, and sentenced to serve life in prison without the possibility of parole. Michael Coull pleaded guilty to manslaughter and has served the entirety of his sentence.

II. PAROLE HEARING ON APRIL 2, 2013

Richard Hazard appeared for his second parole hearing. He is seeking parole to his three to five year from and after sentence. He was represented by Attorney Kathryn Sullivan. Hazard provided information on an antisocial and dysfunctional lifestyle that led up to the murder and continued for his first decade of incarceration. He explained that after a heroin overdose in prison in July 2004, he decided to change himself and improve his behavior. He became an active program participant and his prison conduct is much improved since a fight in 2008.

Hazard gave details on his early years. He was expelled from school in seventh grade and his criminal activity began with an arrest for selling marijuana at age 15. He said, "I supported myself by living with friends and stealing." He burned a building, broke windows in the projects, fired a gun into a woman's apartment, committed larcenies, sold drugs, and began using heroin. He sniffed heroin for years and was "sniffing a bag a day" when the murder occurred. His criminal behavior became increasingly violent, including an armed robbery with a knife for which he received a five to seven year sentence.

He admitted to the facts of the murder, including that he fired a shotgun at the time of the murder. He said that he fired the gun twice in the air, and claimed that, "I wanted to be in charge of the shotgun so nobody would get shot."

Hazard was a very poor inmate for ten years. He has received 51 disciplinary reports, many of them related to his drug use. He has also been disciplined for possession of a weapon and encouraging a group demonstration. He has been disciplined for making inappropriate and obscene comments about a female corrections officer and making threatening statements toward staff. He was a member of La Familia in prison. He reported that he has renounced that association. A Board Member questioned Hazard about the details of some of the disciplinary reports. Hazard contested or refuted several reports. The Board Member noted that "you are justifying your behavior and it is always someone else's fault."

Hazard reported that it was a heroin overdose in July 2004 that caused him to reform. He improved his behavior and got involved with programs. He has completed Alternatives to Violence (several phases), Jericho Circle, Emotional Awareness, Problem Solving, and the Correctional Recovery Academy. He is involved with 12 Step and is currently the chair of his group. He obtained a barber's license and a welding certificate.

Daniel Correia's father, sister, and brother spoke in opposition to parole. Michael Santos, Daniel's brother, gave information about the victim and the case. "Daniel was in junior high school, he played basketball and baseball, he was very outgoing, he lit up a room, he was always smiling. We lived in a single family house near the park. I started a movement to keep drugs out the park, and for three years we kept the drugs out. I forgave him a long time ago. I don't hate him, but he was not being truthful in talking about the incident. We are not thieves or drug dealers. We told them no drug dealing here. And no one took their money. Joey gave Reaves his money. When there was a fight, Shane knocked Reaves out and the money blew away." Bristol Assistant District Attorney Dennis Collins spoke in opposition to parole and said, "He minimizes his culpability." He refuted Hazard's claim that he fired the shotgun high in the air by pointing out that a shotgun pellet broke the window of a car parked near the victim. ADA


Collins said, "He was 100% part of this joint venture." Speaking in support of parole were Hazard's sister, nephew, and a friend.

III. DECISION

Richard Hazard fired a shotgun during an incident in which a law-abiding 14-year-old boy was murdered. Hazard was living a criminal lifestyle at the time of the murder and he continued that negative behavior for the first ten years of his sentence. He was an active drug user and gang member in prison. By this long history of criminal behavior, Hazard established that he is a dangerous person and that rehabilitation would require a long and productive effort. Fortunately, Hazard is on that path. He described his improvements at the hearing. He left some Board Members of the opinion, however, that his reform has not reached the point where he fully recognizes his role in the murder and his responsibility for his negative prison behavior. Considering how much work was needed, the Board concludes that Hazard has not had a sufficient period of rehabilitation and that additional time is needed before he can be safely released to the community.

The standard for parole as 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 an 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 this standard, the Board concludes that Mr. Hazard is not suitable for parole at this time. The review will be in four years, during which time Mr. Hazard should continue with his rehabilitative efforts and good behavior.

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 Noble, General Counsel

3/7/14
Date