



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

ROBERT DOWNS

W90574

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 20, 2021

DATE OF DECISION: January 5, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of this hearing.¹

I. STATEMENT OF THE CASE

On September 10, 2007, in Middlesex County Superior Court, Robert Downs pleaded guilty to second degree murder in the death of Mark Gorrie and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Downs pleaded guilty to larceny over \$250 and breaking and entering a dwelling in the nighttime. He received two 4 to 5 year sentences for each charge, and all sentences were ordered to run concurrently with his life sentence.

On April 28, 2005, Mark Gorrie’s body was found on the ground behind an apartment complex in Malden. He had severe physical trauma to his head and face that was plainly visible, and a trail of blood was observed near his body. A police dog traced the scent of Mr. Gorrie’s body to co-defendant Redell Perry’s apartment, where Mr. Downs would frequently

¹ Two Board Members voted to deny parole with a four-year review.

stay. Both Mr. Perry and Mr. Downs were questioned by police officers shortly after the body was found. Mr. Downs recalled that an altercation ensued after Mr. Gorrie confronted the two men about stealing items from his apartment. Mr. Downs admitted to his participation in the beating death of Mr. Gorrie, but indicated that Mr. Gorrie was still breathing when they brought him downstairs and left him in an alley.

II. PAROLE HEARING ON MAY 20, 2021

Robert Downs, now 51 years old, appeared before the Parole Board for a review hearing on May 20, 2021. He was represented by Attorney Debra Beard Bader. In his opening statement to the Board, Mr. Downs apologized to the victim's family for his "careless" and "reckless" actions. He expressed remorse for his "unforgiveable part" in Mr. Gorrie's murder, stating, "I did not treat him [Mr. Gorrie] with the least bit of human regard." At the time of the offense, Mr. Downs indicated that he was "so far out of his right mind" from excessive drinking. He further admitted that he was in denial about his alcoholism for the many years leading up to the governing offense, which significantly contributed to his "violent choices" and "dangerous lifestyle."

Upon Board Member questioning, Mr. Downs recalled that his life was "very chaotic," so he began using alcohol at a young age to "self-medicate." He stated, "When things didn't go my way, I would drink." Mr. Downs met Redell Perry when they were younger, but he did not consider them close friends. Mr. Perry introduced him to Mark Gorrie approximately two months prior to the governing offense. Upon Board Member questioning, Mr. Downs indicated that their relationship involved drinking alcohol together. Although he claimed that he did not know him well, Mr. Downs acknowledged that he was aware of Mr. Gorrie's mental health and addiction issues. In fact, he admitted to targeting Mr. Gorrie because of his vulnerability, stating, "He was very trusting, and we took advantage of that." Further, the two men would frequently "get him drunk" and steal items from his apartment. At the time, Mr. Downs described himself as "careless" and admitted that he "lacked compassion."

At the time of the governing offense, Mr. Downs explained that Mr. Gorrie was drinking at Mr. Perry's apartment and, once Mr. Gorrie became intoxicated, the two men intended to rob him. When Board Members questioned him as to how many times they victimized Mr. Gorrie, Mr. Downs said, "About three." Upon further questioning, Mr. Downs admitted that he had gotten drugs from Mr. Perry and put them in Mr. Gorrie's drink. The two men then forced Mr. Gorrie to drink the alcohol and drugs, so that he would become further impaired and unable to stop them from robbing him. However, when Mr. Gorrie confronted the men about their actions, Mr. Downs said that he became angry. An altercation ensued, and Mr. Downs admitted that he was "very violent" and in a "blackout state." When the Board pointed to the level of violence that both he and Mr. Perry inflicted on Mr. Gorrie, Mr. Downs claimed that he only planned on "hurting" him. When Board Members asked whether he intended on killing Mr. Gorrie, Mr. Downs responded, "I knew he was suffering; I didn't know he was dying." Although he recognized the significant injuries he caused, Mr. Downs claimed that he did not intend to murder Mr. Gorrie, nor was he aware of his death until investigating officers informed him of such.

Upon Board Member questioning, Mr. Downs acknowledged his problematic institutional adjustment, stating that the accrual of a significant number of disciplinary infractions were due to "perceiving situations incorrectly." Mr. Downs reported that he is diagnosed with Fetal Alcohol Syndrome, Obsessive Compulsive Disorder, Depression, Anxiety, and PTSD. In addition,

he suffered a traumatic brain injury when he was a child and continues to experience symptoms. As such, he explained that he struggles cognitively and handles situations poorly, resulting in physical altercations with other inmates and correctional officers. The Board raised concern as to Mr. Downs' lack of insight on his disabilities, despite receiving mental health treatment. When Board Members noted that he appears to react quickly and without thinking, Mr. Downs agreed, stating that he does not want to "make excuses" for his poor choices.

Board Members discussed Mr. Downs' rehabilitative efforts and how he deals with his anger issues. Mr. Downs explained that programs like Alternative to Violence and Violence Reduction have helped him. In addition, he expressed a desire to complete the Correctional Recovery Academy (CRA) and informed the Board that he is on the waitlist for the Graduate Maintenance Program and Spectrum Program. Upon inquiry, Mr. Downs shared with the Board that he has remained sober for 16 years and regularly attends Alcoholic Anonymous meetings "once or twice a week." Nonetheless, Mr. Downs indicated that he has additional work to do and acknowledged that he is not ready to be released into society at this time.

The Board considered testimony in support of parole from a friend of Mr. Downs. The Board considered testimony in opposition to parole from Mr. Gorrie's parents and an aunt. The Board also considered testimony from Middlesex County Assistant District Attorney Lee Hettinger in opposition to parole as well.

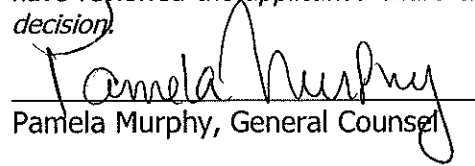
III. DECISION

The Board is of the opinion that Robert Downs has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Downs has served 16 years for the murder of 32-year-old Mark Gorrie. This is subject's second state incarceration, and he was convicted of a crime while in custody. Overall, his institutional adjustment has been problematic, and he lacks insight into his violent behavior. The Board recognizes that his conduct and adjustment issues may or may not be related to mental health issues and a traumatic brain injury. It is the opinion of the Board that he is not yet ready for release to the community, and he and his attorney indicated the same. The Board encourages Mr. Downs to engage in participating in CRA, Alternatives to Violence, and programs to address anger and violence. Also, he should remain in compliance with his mental health treatment. Subject should work on a reentry plan that will address all of his needs, including mental health, traumatic brain injury, and other issues related to Fetal Alcohol Syndrome.

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. Downs' 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. Downs' risk of recidivism. After applying this standard to the circumstances of Mr. Downs' case, the Board is of the opinion that Robert Downs does not merit parole at this time.

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

1/5/2020
Date