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DECISION

IN THE MATTER OF

SHAWN COLLINS

W43227

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 8, 2016

DATE OF DECISION: February 2, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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.¹ Parole is denied with a review scheduled in one year from the date of the hearing.

I. STATEMENT OF THE CASE

On February 6, 1987, in Plymouth Superior Court, a jury convicted Shawn Collins of the second degree murder of his three-month-old son, Terri. Mr. Collins was sentenced to life in prison with the possibility of parole.

On August 26, 1985, 21-year-old Shawn Collins was alone watching Terri, while his girlfriend Kathleen (Terri's mother) was food shopping. Mr. Collins had been drinking and was upset when Terri would not stop crying. He inflicted multiple injuries on the child, including violently shaking him. After Terri became unresponsive, Mr. Collins called 911. When first responders arrived at the house, Mr. Collins told them that the baby had stopped breathing. Emergency personnel transported Terri to Brockton Hospital, but he was eventually taken to Boston Children's Hospital due to the severity of his injuries. He was pronounced dead on

¹ Mr. Collins received three votes to grant parole and three votes to deny parole, failing to meet the two-thirds majority required by statute to grant parole.

August 27, 1985. The autopsy report indicated that Terri had suffered numerous injuries, including a leg fracture, an arm fracture, bruises on the forehead, bruises around the eyes, bruises on the left and right buttocks, and bruises on the back. The ultimate cause of Terri's death was cerebral edema caused by massive head trauma.

II. PAROLE HEARING ON SEPTEMBER 8, 2016

Mr. Collins, now 53-years-old, appeared before the Parole Board for a review hearing on September 8, 2016. Mr. Collins was initially paroled in 2004 to a residential treatment program, but was returned to custody following parole violations that included: smoking crack cocaine and marijuana; irresponsible conduct for leaving the scene of an accident; failing to report to his parole officer as directed; and associating with a person known to have a criminal history. As a result of these violations, parole was revoked and he was returned to custody in January 2006. He was denied parole after his review hearings in 2006 and 2011.

In his opening statement to the Board, Mr. Collins apologized to Kathleen and his daughter for hurting his son and for his failure on parole. He also apologized to the Board for breaking the trust that was given to him when he was granted parole. Board Members asked Mr. Collins about his time on parole, as well as subsequent parole denials since his revocation a decade ago. Mr. Collins said that when he was on parole, he did not take his parole conditions seriously. At his last hearing in 2011, he minimized his drug use and other errant behavior on parole. He said that although he had a positive adjustment during his first year on parole, he began dating a woman he met at an AA meeting. He did not know at first that she had a criminal record, but said that when he found out she was using drugs, he should have "walked away." Instead, he acknowledged that he made the poor choice of staying in the relationship. He eventually stopped going to AA meetings in order to be with her, and he started using drugs (cocaine and marijuana). Since his last hearing in 2011, Mr. Collins said he participated in programs that have helped him understand the reasons he failed on parole, as well as how to prevent such failures, if granted parole in the future. He currently participates in the 12 Step and Big Book programs every week and has been steadily employed since 2011. He said that relapse prevention and anger management programs have been the most meaningful to his rehabilitation and that he has been disciplinary report free for the past six years.

Mr. Collins discussed the events surrounding Terri's murder. He said that, at 21-years-old, he was self-destructing through drinking and drug use. His relationship with Kathleen was also stressed, as the two frequently argued. They were moving around a lot, struggling with finances and employment, and raising a two-year-old daughter and an infant. On the day he killed Terri, he said, "I took everything out on Terri in a second because he was crying and I couldn't control it and he would not stop." He said that he picked Terri up out of his swing and banged Terri's head on the top of the swing. He began shaking Terri and hitting him on his back. He then dropped him on the couch, where he rolled off and hit the floor. Mr. Collins said that he called 911 when he realized that Terri wasn't breathing.

Board Members questioned Mr. Collins about the extent of Terri's injuries that were outlined in the autopsy report, as well as the version of events that Mr. Collins described at this hearing. The autopsy report stated that Terri suffered from bruising in various stages of healing at the time of his death, indicating that not all of the injuries occurred from Mr. Collins' actions on the day of the murder. Terri also had a fractured arm and leg, injuries that Board

Members felt could not have resulted from the actions Mr. Collins described on the day of the murder. Mr. Collins said that he never hit or abused Terri before the day he died and cannot explain how other injuries might have occurred. Upon further questioning by Board Members, Mr. Collins admitted to being physical with Kathleen on several occasions. He also admitted that on one occasion (when he was fighting with Kathleen), he grabbed Terri. He couldn't, however, recall how forcefully or where on Terri's body, he grabbed him. Mr. Collins told the Board that "who I am now is not who I was at 21 or who I was 10 years ago...It is constant work to try to find a better version of yourself, and that is what I have been doing."

Mr. Collins had multiple supporters at his hearing. The Board considered oral testimony from his younger sister, his daughter, and Kathleen (his ex-girlfriend and the victim's mother), all of whom expressed support for his parole. The Board considered testimony in opposition to parole from Plymouth County Assistant District Attorney Stacy Gauthier.

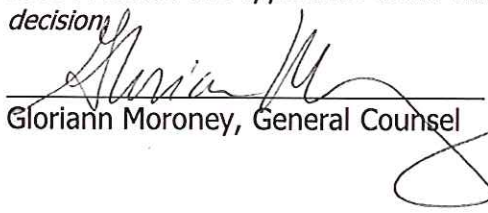
III. DECISION

The Board is of the opinion that Mr. Collins has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Although progress has been made, Mr. Collins does not fully accept his culpability, resulting in the death of his infant son.

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

Mr. Collins' next appearance before the Board will take place in one year from the date of this hearing. During the interim, Mr. Collins should continue to work 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.


Gloriann Moroney, General Counsel

2/2/17
Date