

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

SHAWN SHEA

W93447

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 5, 2022

DATE OF DECISION: September 15, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, 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 the 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 the hearing.

1. STATEMENT OF THE CASE

On December 12, 2008, after a jury trial in Hampden Superior Court, Shawn Shea was convicted of murder in the first degree in the death of 14-year-old Dymond McGowan. He was sentenced to life in prison without the possibility of parole. On that same day, Mr. Shea was also found guilty of use of a firearm during the commission of a felony, for which he received a concurrent sentence of 5 years to 5 years and 1 day, and unlawful possession of a firearm, for which he received a concurrent sentence of 18 months. In 2011, Mr. Shea’s convictions were affirmed on appeal.¹

Mr. Shea was 17-years-old at the time of his offense. On December 24, 2013, the Massachusetts Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013), in which the Court determined that the statutory

¹ *Commonwealth v. Shawn Shea*, 460 Mass. 163 (2011).

provisions mandating life without the possibility of parole were invalid as applied to those, like Mr. Shea, who were juveniles when they committed murder in the first degree. The Supreme Judicial Court ordered those inmates affected be given a meaningful opportunity to be considered for parole suitability. Accordingly, Mr. Shea became eligible for parole and is now before the Board for an initial hearing. Mr. Shea has served 15 years of his life sentence.

On the night of May 10, 2007, Shawn Shea, and three other men associated with the "SWAT Team" street gang in Springfield drove toward a house considered to be a "hang-out spot" for a rival gang.² On their way, the men stopped to obtain a .40 caliber Glock semiautomatic pistol. As they passed the targeted house, Mr. Shea leaned out the rear passenger window and fired six shots at a group of people standing on the first-floor porch and steps. A witness heard Mr. Shea yell "SWAT Team" as he did this. He later told witnesses that he "did the hit" or "hit up" the house. Dymond McGowan suffered a fatal gunshot wound to the abdomen, and a second victim received non-fatal injuries. Mr. Shea was arrested by the Springfield Police Department on May 16, 2007 for unrelated warrants. At that time, he was asked about his role in the shooting that killed Dymond McGowan, and admitted to being the shooter.

II. PAROLE HEARING ON MAY 5, 2022³

Shawn Shea, now 32-years old, appeared before the Parole Board for an initial hearing on May 5, 2022, and was represented by Attorney Lisa Newman-Polk. In his opening statement to the Board, Mr. Shea apologized to the McGowan family for the pain he caused them and to his own family for their shame and embarrassment at what he had done. He acknowledged that there were no excuses for his decision to shoot a gun out of a window into a crowd of people. Mr. Shea described his childhood as "chaotic" and characterized by abandonment. At age 16, he moved to Springfield, where he spent time with the "wrong" people and surrounded himself with poor role models. Mr. Shea became involved with a gang, who insisted that he "put in work" to show his allegiance. Mr. Shea explained that gang membership filled a void left by his childhood, allowing him to feel accepted. Mr. Shea stated that he had not been involved with any significant criminal activity prior to the governing offense, although he had been "shot at" multiple times.

When Board Members questioned him as to his intent when he fired shots out of a car window, Mr. Shea explained that a co-conspirator handed him the gun only 30-45 seconds prior to driving by the targeted house, so he didn't think about the consequences before shooting. Although he assumed that the people outside the house were affiliated with a rival gang, Mr. Shea claimed that he wasn't planning on shooting anyone, specifically, and only learned of Ms. McGowan's death the next day. Mr. Shea described Ms. McGowan as a friend, stating that he originally denied killing her to everyone, including himself. Mr. Shea further denied his role as the shooter until at least 2015, including his petition for habeas corpus in 2012, when he used an affidavit from a co-defendant stating that he was not the shooter.

Board Members questioned Mr. Shea as to his institutional adjustment, noting that he did not demonstrate any desire to change prior to the *Diatchenko* decision. Mr. Shea admitted that, during the earlier part of his incarceration, he was not motivated to rehabilitate himself. Until approximately 2016, he remained security threat group-involved and participated in fights relating

² Mr. Shea had two co-defendants, Alexander Vaughn and Donnell Godbolt.

³ The entire video recording of Mr. Shea's May 5, 2022 hearing is fully incorporated by reference into the Board's decision.

to his affiliation. Board Members expressed concern that Mr. Shea has continued to demonstrate problems with conflict resolution, as demonstrated through his disciplinary history. Mr. Shea admitted that his biggest struggle has been getting into verbal confrontations, particularly with corrections officers. Board Members noted, however, that Mr. Shea has a significant support system among family in the community, as well as a workable parole plan. Upon further questioning, Mr. Shea acknowledged that he still has work to do regarding empathy towards the victim's family, as well as others who have suffered loss due to violence. He further acknowledged that available programs, such as Restorative Justice, could help in his rehabilitation.

The Board considered testimony in support of parole from Mr. Shea's aunt, mother, uncle, and fiancé. The Board also considered testimony in support of parole from Dr. Katherine Herzog. The Board considered testimony in opposition to parole from Ms. McGowan's father and his wife, as well as an opposition letter from Ms. McGowan's cousin. The Hampden County District Attorney's Office also submitted a letter of opposition.

III. DECISION

The Board is of the opinion that Shawn Shea has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Shea shot and killed 14-year-old Dymond McGowan and shot and injured another victim, who survived. Mr. Shea was in a vehicle and indiscriminately shot from the vehicle, which resulted in the death of Ms. McGowan, who was not the intended victim. The shooting was motivated by a dispute between gangs. Mr. Shea presented well during his initial parole hearing; however, the Board remains concerned that he needs to display a longer period of positive adjustment. Mr. Shea has had a problematic adjustment, as evidenced by 39 Disciplinary Reports, and spent a significant amount of time in disciplinary detention and, by his own admission, saw "the hole as just another cell." Mr. Shea needs to engage in additional rehabilitative programming to include Restorative Justice. The Board considered the expert opinion of Dr. Herzog; however, the Board is of the opinion that there is essential work to do prior to Mr. Shea being ready to be released to the community.

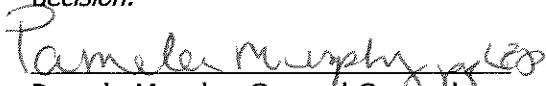
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second-degree murder, who was a juvenile at the time of the offense, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The

Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. In forming this opinion, the Board has taken into consideration Mr. Shea's 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. Shea's risk of recidivism. After applying this standard to the circumstances of Mr. Shea's case, the Board is of the opinion that Shawn Shea is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Shea's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Shea 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

9/15/22
Date