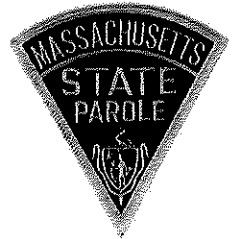




*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

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**Gloriann Moroney**  
*Chair*

**DECISION**

**IN THE MATTER OF**

**TROY ASHLEY**

**W82222**

**TYPE OF HEARING:** **Initial Hearing**

**DATE OF HEARING:** **May 15, 2018**

**DATE OF DECISION:** **July 10, 2019**

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 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 July 25, 2003, in Barnstable Superior Court, Troy Ashley pleaded guilty to second degree murder in the death of Frederick Brown. He was subsequently sentenced to life in prison with the possibility of parole. On that same date, Mr. Ashley pleaded guilty to armed assault to murder and assault with a dangerous weapon. He was subsequently sentenced to 12-15 years to run concurrently with his life sentence.

On October 14, 2001, the Mashpee Police Department received a 911 call from Troy Ashley, informing them that he shot Frederick Brown at his home on Main Street. Upon arrival, police found Mr. Brown unresponsive, suffering from a single gunshot wound to the chest. Mr. Brown was declared deceased after transport to the hospital. Pursuant to investigation, police learned that Mr. Ashley had been living with Mr. Brown at his residence. On the night of the

governing offense, another man was visiting the residence, as well. After a dispute over drugs in the early morning hours of October 14, Mr. Ashley retrieved a .22 caliber rifle and shot Mr. Brown in the chest. Hearing the shot, the other man entered the room and observed Mr. Ashley holding the rifle and Mr. Brown on the ground. A struggle then ensued between the other man and Mr. Ashley, during which time Mr. Ashley pointed the gun at him. The man, however, successfully disengaged from the struggle and ran from the home. A few hours later, Mr. Ashley called 911 and reported the crime, identifying himself as the shooter.

## **II. PAROLE HEARING ON MAY 15, 2018**

Troy Ashley, now 49-years-old, appeared before the Parole Board for an initial hearing on May 15, 2018, and was represented by Attorney John Rull. In his opening statement to the Board, Mr. Ashley expressed his sorrow and shame for the crimes he had committed. He understands the harm that he caused to both the victims and the community at large. Mr. Ashley explained that, most importantly, he recognizes that in taking the life of Mr. Brown, he took a father from a daughter. Mr. Ashley told the Board that although he grew up in a good family, he succumbed to substance abuse at an early age. In fifth grade, he began using drugs and, shortly thereafter, committed crimes that resulted in two commitments to the Department of Youth Services. Mr. Ashley reported that one of the most significant events in his young life was a car accident, causing him to suffer a traumatic brain injury. This injury led to untreated mental health issues, as well as greater dependence upon substances.

When the Board inquired as to his relationship with Mr. Brown, Mr. Ashley said that he was vaguely familiar with him for about a decade before the murder in the context of drug sales. A short time before the governing offense, Mr. Ashley had begun renting a room from Mr. Brown, during which time he purchased cocaine from Mr. Brown. Leading up to the argument that precipitated the murder, Mr. Ashley claimed that Mr. Brown sold him low-quality cocaine on more than one occasion. On the night of the offense, Mr. Ashley said that he was angry with Mr. Brown about the drugs he had purchased from him. Mr. Ashley told the Board, however, that he had trouble recalling the specific details of the argument. He could not recall the struggle with the other victim either, but admitted to shooting Mr. Brown with the rifle out of anger. Mr. Ashley stated that one of the few things he recalls about that night was calling 911 to turn himself in to police. Despite his difficulty in recalling the night of the murder, Mr. Ashley stated that he takes full responsibility for his actions.

The Board noted that Mr. Ashley's initial adjustment to prison was problematic, as he had acquired disciplinary reports for fighting and inappropriate behavior with female staff, among other offenses. Mr. Ashley responded that he has been more successful in recent years due to his sobriety and program involvement. He attributes most of his success in custody to his placement in the Residential Treatment Unit, where he benefitted from the structured environment. The Board questioned Mr. Ashley as to why he had not gone to general population, despite the recommendation from his classification reports. Mr. Ashley reported a fear of minimal structure, as well as the effect of (other) inmate behavior, if placed in lower security. When the Board noted that he has rarely had a cellmate, Mr. Ashley explained that he does not want a cellmate as he does better without one.

Mr. Ashley provided a parole plan that includes a step down to lower security, followed by release to a long-term residential program that would afford him Department of Mental Health services. Since the death of his father, Mr. Ashley said that he has minimal family and community support. The Board noted that Mr. Ashley's treatment routine, namely a successful medication regiment, has assisted with his improved behavior in recent years. However, Board Members raised concerns about Mr. Ashley's parole plan and suggested a program better equipped to treat individuals with traumatic brain injuries. Mr. Ashley acknowledged that such a program would likely be instrumental to his success on parole and re-entering the community.

Cape and Islands District Attorney Michael O'Keefe submitted a letter of opposition.

### **III. DECISION**

The Board is of the opinion that Troy Ashley has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board recommends that Mr. Ashley remain disciplinary report-free and program compliant. Release at this time does not meet the legal standard. The Board considered his traumatic brain injury and medical documentation in rendering their decision.

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 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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Ashley's 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. Ashley's risk of recidivism. After applying this standard to the circumstances of Mr. Ashley's case, the Board is of the unanimous opinion that Troy Ashley is not yet rehabilitated and, therefore, does not merit parole at this time.

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

7/10/2019  
Date