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RECORD OF DECISION

IN THE MATTER OF

WILLIAMS DINKINS
W49323

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 18, 2024

DATE OF DECISION: December 11, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman,¹ Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted on/after 6 months in lower security to CRJ.²

PROCEDURAL HISTORY: On November 2nd, 1990, after a jury trial in Suffolk Superior Court, Williams Dinkins was found guilty of first-degree murder as a joint venturer and was sentenced to life in prison without the possibility of parole. On that same date, he received a 3 to 5 year from and after sentence for possession of a dangerous weapon and a 9 to 12 year concurrent from and after sentence for armed assault to kill. The victim was 16-year-old Junior Fernandez.

On February 22, 2000, in Norfolk Superior Court, Mr. Dinkins was found guilty of assault on a guard and assault and battery by means of a dangerous weapon. He received (2) concurrent 7 to 10 year state prison sentences to be served on and after his life sentence.

On August 16, 2001, in Suffolk Superior Court, Mr. Dinkins was found guilty of felony murder in the first degree and received a from and after life sentence without the possibility of parole. This case took place on November 9, 1989, and the victim was 61-year-old Cosimiro Dos Santos.

¹ Board Member Coleman was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

² Three Board Members voted to deny parole with a review in two years.

On July 18, 2024, Williams Dinkins, age 52, appeared before the Board for a review hearing. He was represented by Attorney Robert Hennessey. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Dinkins' July 18, 2024, hearing.

STATEMENT OF THE CASE: The 1990 murder: Francisco Fernandez, Junior Fernandez's father, arrived at the Fernandez market at about 10 P.M., February 17, 1990, to help close the market for the night. He noticed two young men sitting on the steps of the house next to the market. He recognized one of them, Williams Dinkins, as a frequent customer of the market. At about 10:30 p.m., Junior Fernandez's uncle, Francisco Rodriguez, left the market and crossed the street to his Thunderbird automobile. He noticed two young men on the porch of the house next to the market. One of them was Mr. Dinkins, whom he had seen in the market several times. A few minutes later, while Mr. Rodriguez was still in his vehicle, Junior Fernandez left the market and crossed the street to another automobile, a Datsun, which his brother, William Fernandez, owned. The Datsun was parked directly behind the Thunderbird. When Junior Fernandez started the Datsun, Mr. Dinkins and his companion walked across the street. Mr. Dinkins went in front of the Thunderbird, and his companion went behind the Datsun. Mr. Dinkins propped himself up on the front bumper of the Thunderbird and pointed a gun at Mr. Rodriguez, who quickly lay down on the front seat. Mr. Rodriguez heard three shots, and his windshield was shattered. Mr. Rodriguez crawled from his vehicle toward the market, still hearing gunshots behind him. When the gunshots stopped, Mr. Rodriguez went to the Datsun and found Junior Fernandez bleeding from a bullet wound in his head. Junior Fernandez died soon afterwards.

Shortly before the killing, William Fernandez, Junior Fernandez's brother (and the owner of the vehicle in which Junior Fernandez was killed), had been summoned to testify at the trial of a person who had been accused of shooting another man in front of the Fernandez market in March 1989. That trial was scheduled for late February 1990, just a few days after the murder of Junior Fernandez. William Fernandez intended to identify the assailant in that case.

The 1989 Murder: Cosimiro Dos Santos worked at Sunshine Variety, a convenience store in Dorchester. On the evening of November 9, 1989, two men entered the store. Each wore a hooded sweatshirt that obscured his face. One wielded a knife, and the other wielded a gun. They took money and food stamps from the cash register. They also shot and killed Cosimiro Dos Santos. The murder remained unsolved until 1998, when a Boston police detective investigating the murder discovered that .25 caliber shell casings found at the store, as well as the bullet taken from Mr. Dos Santos' body, matched ballistics evidence taken from two other shootings that occurred in Dorchester in November 1989. The ballistics evidence from those shootings matched a .25 caliber handgun that police had seized on November 22, 1989, from a bedroom shared by Williams Dinkins and his best friend, Adell Joyner. Mr. Joyner had been convicted in January 1990 of armed assault in connection with one of the other shootings. Mr. Joyner was subsequently arrested for the murder of Mr. Dos Santos and confessed to participating, with Mr. Dinkins, in the robbery and murder of Mr. Dos Santos.³

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release

³ Mr. Dinkins was 17 years old at the time of the murders. He maintains his innocence in both cases.

is not incompatible with the welfare of society.” M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual’s institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual’s risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual’s testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

In the context of an incarcerated individual convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, 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 meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile’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.” *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the incarcerated individual’s right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

DECISION OF THE BOARD: Williams Dinkins presented for his initial hearing. Mr. Dinkins was 17 years old at the time of the offenses for which he maintains his innocence. He has been incarcerated for the past 34 years. Mr. Dinkins had a difficult initial adjustment, which appeared directly related to his age, lack of maturity, and trauma he endured during stages of his incarceration. His improvement in conduct is consistent with his investment in rehabilitative programs, maturation, and self-development. He completed all programs on his personalized program plan. Mr. Dinkins’ last serious disciplinary report was in 2012. He has been qualified for minimum security by the Department of Correction. The Board notes his LSCMI risk assessment is low. The Board considered the expert opinion of Dr. Robert Kinscherff, who deems him at low risk to re-offend. The Board also considered the mitigation report by Rebecca Cohen. Mr. Dinkins has an extensive community support network and a comprehensive release plan to meet his ongoing needs.

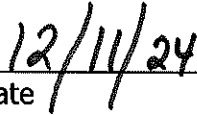
In support of parole, the Board heard testimony from Dr. Kinscherff and Rebecca Cohen, as well as Mr. Dinkins’ former attorney, his brother, and a friend. Suffolk County ADA Montez Haywood testified in opposition to parole, as did a member of the Fernandez family.

SPECIAL CONDITIONS: CRJ for at least 90 days; Waive work for when program allows; Curfew - must be home between 10 p.m. and 6 a.m. for six months; Electronic monitoring for six months; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; Must take prescribed medication; Report to assigned MA Parole Office on day of release; No contact with victim(s)

family; No contact with witnesses; Must have mental health counselling for adjustment, PTSD, depression.

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.


Tina M. Hurley, Chair


Date