



The Commonwealth of Massachusetts
Executive Office of Public Safety



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RECORD OF DECISION

IN THE MATTER OF

FRANTZ DESIR

W64529

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: March 13, 2012

DATE OF DECISION: April 13, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Release to Immigration Customs Enforcement Detainer (Haiti), after completing 2 years in lower security with continued program participation and good conduct. The decision is unanimous.

I. STATEMENT OF THE CASE

Errol Morrison, age 25, was shot dead on March 11, 1995 on Norwell Street in Boston. Earlier that same evening an argument among individuals attending a party ensued, which spilled out onto the street. Frantz Desir and his co-defendant Mena Auborg were among the guests at the party, as was Errol Morrison. The precipitant to argument included a female friend of Mr. Morrison's, who received unwanted attention from another individual. That individual was also assumed to have taken a gold chain from the female. Mr. Morrison believed the person who victimized his friend to be either Mr. Desir or Mr. Auborg. At that point, Mr. Morrison, Mr. Desir and Mr. Auborg were involved in an argument, shouting accusations toward each other. Witnesses state that both Mr. Desir and Mr. Morrison were armed with guns at that time. The argument escalated onto a sidewalk area surrounding the residence on Norwell Street. By this time most of the attendees were crowded on the sidewalk. Witnesses report that multiple shots were fired back and forth and Mr. Morrison was struck and died of a single gun shot wound to the head. Mr. Morrison was not found to have fired a gun, but witnesses

report that he left it on the floor of his car. It remained unclear if the gun Mr. Morrison was reportedly in possession of was loaded. Frantz Desir fired the gun that killed Mr. Morrison.

Upon learning that he had killed Mr. Morrison, Mr. Desir fled to New Hampshire where he was arrested for an unrelated offense, drug trafficking, committed while in New Hampshire. Mr. Desir was found guilty by jury trial in Suffolk Superior Court of Murder in the Second Degree and Possession of a Firearm without a permit for which he received a 4-5 year concurrent sentence. The life sentence, for second-degree murder was ordered to be served from and after a thirty seven month Federal Sentence for drug trafficking. Mr. Desir's co-defendant, Mena Auborg, was also convicted of Murder in the Second Degree and Possession of a Firearm. On February 11, 2010, Mr. Auborg received a parole to Immigration Customs Enforcement Detainer (Haiti).

II. PAROLE HEARING ON MARCH 13, 2012

Mr. Desir reports that at the time of the shooting, he heard shots being fired and it is then that he made the "biggest mistake of my life." Mr. Desir states in the midst of the chaos and shots being fired, he pulled out his gun and began to recklessly shoot towards Norwell Street while crouching behind a parked car. He reports he heard gun shots coming from different directions, people screaming, yelling and ducking behind cars. After firing his gun, Mr. Desir reports he "cowardly fled the scene" not knowing at that time if he hit anyone.

Mr. Desir's prison record is exceptional. He received only one formal disciplinary report, which occurred in 1998. He started program involvement early in his incarceration. He immediately enrolled in school and applied for institutional employment. Mr. Desir achieved his GED and his baccalaureate degree, graduating Magna Cum Laude from Boston University. In addition to his rehabilitation, he has completed numerous occupational training programs to better prepare himself for future employment. Such vocational achievements include, but are not exclusive to, gaining his welding license, culinary arts professional management certificate, and barber shop license. Mr. Desir has continued with any and all additional programming and higher education classes through Boston University. Mr. Desir has received positive reports from corrections personnel who hold various institutional roles.

Mr. Desir prepared an extensive, organized parole package for the parole board which included a detailed description of the offense, the effects of his actions on the victim's family, his family and the community at large. He also provided a history of his development and his perspective of why he chose a path of delinquent and criminal behavior. Also included in his package are certificates from each program he completed and how each program contributed to his rehabilitation and potential release back into society. Mr. Desir also provided his parole plan both in Haiti and in the United States. Mr. Desir's plan is comprehensive, realistic, and includes immediate housing, employment opportunities and plans to continue his treatment / rehabilitation. His plan also includes future goals to further his personal and professional aspirations. The potential for him to achieve the aforementioned are greatly enhanced by the significant support he receives from family members both in the United States and in Haiti. Mr. Desir is fortunate to be among supportive family members who are educated, employed and productive members of society. Mr. Desir had seventeen people attend his hearing, five of whom spoke on his behalf (the maximum allowed). Such supporters confirmed their commitment to assist Mr. Desir with a positive acclimation into the community.

III. DECISION

Mr. Desir is an extraordinary inmate. He immediately availed himself of all the rehabilitative, occupational and educational opportunities that the correctional institution has available. Mr. Desir has spent the past 15 years of his incarceration committing himself to rehabilitation and preparing himself to become a contributing, positive member of society. His rehabilitation and education were evident in not only his numerous accomplishments, but also in his writing, and his presentation. Mr. Desir responded to his incarceration by accepting complete responsibility for his offense, appreciating that having taken a life, his victim's family will continue to endure unimaginable suffering. His perspective today includes a level of insight, maturity and preparedness to enter society that is evident in his institutional record, presentation before the board and his writing. Furthermore, his extensive support system confirmed their experience of his growth and offer support that will enhance Mr. Desir's ability to successfully matriculate back into society.

After careful consideration of all the factors involved in making a parole decision, the Parole Board concluded that the inmate has earned parole. A transitional plan will precede his eventual release back into society. Mr. Desir will be required to continue his positive rehabilitation by transitioning through the correctional system to lower security. Prior to release, he will have completed two additional years in lower security to further enhance his re-entry back into society. It is the opinion of the Parole Board that Mr. Desir has benefitted from rehabilitation and after successful completion of two additional years in lower security, he will have developed the resources necessary to become a law-abiding, successful, contributing member of society. Further incarceration beyond this re-entry plan would not result in further positive growth as Mr. Desir has maximized and benefitted from the occupational, educational and rehabilitative programming. Mr. Desir is granted parole because he has demonstrated that he is not likely to re-offend and his release is compatible with the welfare of the community.

SPECIAL CONDITIONS: Two years in lower security; no drugs or alcohol use; substance abuse evaluation with requirement to follow recommended treatment; full-time employment required; approved home plan is required as contingency if ICE determines not to deport; report to probation in Federal District Court (the inmate has four years of federal supervision remaining from his trafficking case); no contact with victim's family.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Caitlin E. Casey, Chief of Staff


Date