



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

BRIAN DAWSON

W51119

TYPE OF HEARING: Review Hearing
DATE OF HEARING: November 18, 2014
DATE OF DECISION: December 12, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 9, 1991, in Hampden Superior Court, Brian Dawson pleaded guilty to accessory before the fact of second degree murder and received a life sentence. Dawson and his associates were responsible for the killing of Jerry Hughes, age 25, over a disputed drug territory in Springfield.

The facts are developed from the police reports and Brian Dawson's change of plea hearing that was held in Hampden County Superior Court on September 9, 1991. In early 1991, and for some time before that date, Brian Dawson, then age 25, and Mr. Hughes had developed animosity regarding their mutual involvement in the drug trade. Mr. Hughes had been dealing drugs outside of an area hotel. Dawson wanted some of his associates to start dealing crack at the same location. Mr. Hughes objected, confronted Dawson, and they fought.

Mr. Hughes retained control of the area, having beaten Dawson. Dawson made numerous comments that Mr. Hughes should be murdered.

On March 3, 1991, Dawson and his co-defendants, John Carter, age 18, and Donald Van Hook, age 36, were at the apartment of an acquaintance. A plan was developed where Dawson provided a gun and a vehicle to Carter and Van Hook, and they would find Hughes and shoot him. Carter took the gun that ultimately came from Dawson. Van Hook drove Carter in Dawson's car to the area hotel to look for Mr. Hughes. Carter encountered Mr. Hughes just outside the front of the hotel and shot him once in the left side of the head, killing him.

Carter was convicted of first degree murder in Hampden Superior Court on September 21, 1992. Like Dawson, Van Hook was charged with accessory to murder. However, Van Hook's case was dismissed. Never having been indicted, Van Hook made an agreement with the prosecution and testified against Carter.

II. INSTITUTIONAL HISTORY

Dawson has served 23 years of a life sentence and has had a very poor adjustment to incarceration. He had four Departmental Disciplinary Unit (DDU) placements. Three of his DDU placements were for fights with other inmates and one was for spitting in a correction officer's face. In March 1991, due to his problematic adjustment, numerous fights with inmates and staff, and his growing number of enemies, Dawson was classified out of state and went to the Connecticut Department of Correction. His adjustment in Connecticut was no better, as he accumulated numerous disciplinary reports for threats, assaults, and disobeying orders. He was transferred back to Massachusetts in July 2008.

In Massachusetts, Dawson has over 100 disciplinary reports with the most recent infraction occurring on February 4, 2012, for fighting another inmate. That report was dismissed. Other infractions over the years include threatening officers and staff on many occasions, fighting and assaulting other inmates on many occasions, urinating on the floor, flooding a cell many times, possessing unauthorized medication, using vulgar language, using obscene language, threatening to kill an officer (and his kids and mother), throwing things (food, water, trash), putting human feces on shower head and shower handle, racially taunting another, and many instances of conduct which disrupts. While he currently receives good housing and work evaluations, it took a very long time to get there.

Dawson did not start to engage in any rehabilitative programming until 2004, when he was in Connecticut and completed Anger Management, Relapse Prevention, How to Deal with Your Problems & How to Do Your Bid, Interactive Skill Building, and The Bridge Group. He completed Violence Reduction, Alternatives to Violence – Basic Level, and Health Awareness Peer Education Program in 2013 at Norfolk. He continued his rehabilitative pursuits in 2014 by completing Emotional Awareness/Emotional Healing, Alternatives to Violence – Advanced Level, and two cycles of Jericho Circle. Currently, Dawson participates in Emotional Awareness as a Facilitator and the Criminal Thinking Program. He did not work at all between 1991 and 2010. He became a unit runner at Souza Baranowski in 2010 and is currently employed as a unit runner (buffer) at Norfolk.

III. PAROLE HEARING ON NOVEMBER 18, 2014

On Tuesday, November 18, 2014, Brian Dawson appeared before the Massachusetts Parole Board for a Review Hearing on the life sentence he is currently serving at MCI-Norfolk for his 1991 conviction for being an accessory before the fact of second degree murder. This is Dawson's second appearance¹ before the Board. In its 2008 decision, the Board stated that while Dawson pleaded guilty to the crime, he took little responsibility, showed no remorse, and had extremely problematic institutional conduct.

Dawson seeks a parole to his one year consecutive sentence he received in Connecticut Superior Court for assault. This sentence stems from a physical altercation he had with another inmate while incarcerated in September 2005. He would like to be paroled to that sentence and then return to New York City to live with one of his sisters.

Dawson provided an opening statement to the Board asserting that he accepted full responsibility for his actions and understands the gravity of his role in the murder of Jerry Hughes. He apologized to all the people involved with and affected by the crime. Dawson was asked to give his thoughts regarding the 2008 Record of Decision and he stated simply, "They were right. I wasn't ready." He then described his work history and outlined his participation in rehabilitative programming. "I did not really work or do programs until recently. I worked as a food server seven days a week during breakfast, lunch, and dinner for two and a half years at Souza [Baranowski Correctional Center] and now I work as a Unit Buffer on an as needed basis for the last six or seven months at [MCI] Norfolk. When I see the floors need buffing, I do it. I have done programs like Violence Reduction, Criminal Thinking, Jericho Circle and Jericho Circle Retreat, Emotional Awareness, and two parts of Alternatives to Violence. I am on the wait list to become a trainer in Alternatives to Violence." He explained why he most liked Emotional Awareness by saying, "It was a twelve week program that explained about expressing feelings and not keep anger bottled up inside; it really got to the core of my anger and my pain. It got me to stop looking at myself as the victim and to accept responsibility for my choices."

Regarding his many disciplinary reports and his (admitted) extremely violent adjustment to incarceration, Brian Dawson told the Board, "I did everything possible to make people hurt as much as I did. I was so lost and did not want to be found. I got into a lot of fights and I stabbed some people. The last time I fought someone was while we were playing cards and this drunk inmate accused me of cheating. I was always looking for any reason to hurt someone, whether it was the look they gave me or a certain stare. A lot of the guys just had big egos." About the stabbings, he said, "One guy was so arrogant and he said something to me. I told him to stop or I would have to punish him and he kept at it; so I stabbed him. Another guy I stabbed because I heard he was trying to get a weapon to stab me. I also beat up a gang leader when he was my cell mate because he was so arrogant and demanding; he wanted me to be submissive to him, so I beat him up." A fight that Dawson was involved in while incarcerated in Connecticut resulted in a one year prison sentence to be served from and after his life sentence. He explained that incident stating that "the guy was a popular guy from my old neighborhood in New York, but I did not like him and I told him that he should just go his own way and I would go my own way. Things escalated and I ended up picking him up, dropping him on his head and stomping on him twice until he wasn't moving anymore."

¹ Dawson postponed his initial hearing that had been scheduled for March 7, 2006.

Dawson spoke about his upbringing by saying that he grew up fighting a lot. "School came easy to me. I was suspended a couple of times for fighting but I graduated in either 1983 or 1984. I was exposed to alcohol, drugs and violence, but I only liked the violence. I never did drugs or drank alcohol, but I got into a lot of fights. After high school, I went to work at an international bank in New York City in the accounting department. Then I went to this training school and learned computers. I got a job at two law firms in the accounts receivable department entering and backing up data." Dawson reported that he was laid off from that position in 1989 and decided to sell drugs. "During those days I met Mr. Hughes, I took a liking to him, and then we shortly teamed-up in in the illicit drug trade."

Dawson described his relationship with Mr. Hughes and the circumstances surrounding the crime. "Jerry Hughes and I were partners selling cocaine. He knew that I was against using drugs and told him that he cannot use and sell. He started using drugs and we ended our partnership. One day he wanted me to give him a ride somewhere and I did. While I waited in the car, he must have been robbing someone because he came back and told me to hurry up and speed away. I did not like that he did that and we got into a fight over it. I was beating him up when he bit me to get away. I did not think anyone was going to shoot Mr. Hughes. People were talking about it, but there is a lot of talk on the street and I believe if someone is going to do something, they just do it. They don't just talk about it. I gave Van Hook and Carter my car and Carter had a gun I had sold to Van Hook. Both of those items were used to shoot Mr. Hughes."

While incarcerated in Connecticut, Dawson engaged in institutional programming. Dawson acknowledged, however, that his personal investment in this programming was minimal, but mandated by the state of Connecticut. Moreover, upon his return to Massachusetts in 2008, Dawson did not begin his path to rehabilitation in earnest until 2013. Instead, in that five year period, Dawson accumulated approximately 18 disciplinary reports. About resuming his participation in programs, he said, "My 24 year old son is lost. He thinks prison is a joke and has glorified guns, violence, drugs and prison. One day I just broke down and started crying. It just hit me. I started preparing for a future and adjusting my behavior in 2010."

Hampden Assistant District Attorney Howard Safford spoke on behalf of his office in opposition to parole by noting the complexities of violence, but also noted the insightfulness with which Dawson presents. Three of Dawson's family members testified in support of his petition for parole pointing out to the Board the changes over the last couple of years. In closing, Dawson humbly said, "If you all see something that needs to be addressed, even though I don't see it, it must be there and I will work on that."

IV. DECISION

Brian Dawson was a ruthless drug dealer who provided the vehicle and the weapon to kill Jerry Hughes. Dawson admitted to inflicting pain on others throughout his upbringing. He has served 23 years of his life sentence and has had a very poor adjustment to incarceration. Dawson's transition to prison life was fraught with violence, anger, and complete disrespect for authority and other inmates. Because of his violent tendencies and increasing number of enemies, he was transferred to the Connecticut Department of Corrections where he continued his assaultive behavior. It is only recently that Dawson has earnestly committed himself to

rehabilitative programming. While Dawson appears to be learning from his participation in these programs, more time is needed to address his very deep rooted anger and violence. A few years of sincere participation in rehabilitative efforts is not enough to undo a lifetime of criminal thinking and antisocial behavior.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Brian Dawson does not merit parole at this time. Parole is denied with a review in three years from the date of the hearing, during which time Dawson should continue to address his issues of violence, anger, and anti-social behavior.

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.


Janis DiLoreto Smith, Executive Director

12/12/14
Date