



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

TAWON ROBINSON

W47687

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: September 16, 2014

DATE OF DECISION: November 28, 2014

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

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, 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 a suitable candidate for parole at this time. Re-parole is granted to a long term residential program after completion of the Correctional Recovery Academy (CRA) program in lower security.

I. STATEMENT OF THE CASE

Tawon Robinson appeared before the Parole Board on September 16, 2014, for a revocation review hearing. Robinson, who had been paroled, was returned to custody and had his parole revoked in 2010. Robinson last saw the Board in 2011 for a review hearing and was denied parole with a three year period of review.

On December 13, 1989, Robinson pleaded guilty to second degree murder in Essex Superior Court and was sentenced to serve life in prison for murdering Manuel Rosa, age 29. Robinson was also convicted of armed robbery and received an additional concurrent life sentence.

On December 18, 1988, Robinson, then 19 years old, had been smoking crack cocaine with a co-defendant, Sharon Baker, then age 26, at her house on Albany Street in Lynn. When they ran out of crack cocaine, they left in search of more. During their search, Robinson and Baker came across Manuel Rosa and his father in law, Manuel Mendonca, who were seated in a pickup truck.

According to the police investigation, Baker, whose criminal history included a recent arrest for unarmed robbery, approached the truck and asked Mendonca for some "dope." Baker then opened the door of the truck, and tried to pull Mendonca out. When Rosa exited the truck to intervene, Robinson attacked Rosa with a knife. Robinson stabbed Rosa in the chest and pierced his heart. In addition, Rosa had several bruises to his face and had a severe defensive wound, having suffered from a cut that almost severed his left thumb. Indeed, due to its condition, the police were unable to take prints off of Rosa's left hand.

After attacking Rosa, Robinson went over to Mendonca, stuck the knife to his throat and said, "Give me your money." Robinson then reached into Mendonca's rear trouser pocket, pulled out his wallet, took \$300, and threw the wallet to the sidewalk. Robinson, Baker, and a third associate, Russell Kirby, then drove to a crack house on Washington Street and purchased more cocaine.

On February 13, 1990, in Essex Superior Court, Baker was convicted of manslaughter and armed robbery for her role in the events of December 18, 1988. Baker was sentenced to two concurrent terms of 10 to 15 years and completed her sentence in October 1997. Kirby, who was 17 years old at the time of the offense, was convicted of manslaughter and armed robbery.

II. CRIMINAL, PAROLE, AND INSTITUTIONAL ADJUSTMENT

Robinson's juvenile criminal history includes Department of Youth Services (DYS) commitments for offenses that include willful and malicious destruction of property, breaking and entering, possession of burglarious tools, indecent assault and battery on a child under the age of 14,¹ larceny of a motor vehicle, and receiving stolen property. His adult criminal history includes convictions in 1987 for larceny and breaking and entering. Also, on June 10, 1988, or approximately six months before murdering Rosa, Robinson was arraigned on charges of malicious destruction of property, breaking and entering, and larceny, for which he was eventually convicted and sentenced to one year.

Following his conviction for murder and armed robbery, Robinson first appeared before the Board on November 12, 2003, and received a positive parole vote, granting him a parole following six months in pre-release. Due to complications in classifying Robinson for pre-release, as required by the parole vote, Robinson was not released until March 2006. The Board, which granted Robinson's request for reconsideration, removed the condition requiring pre-release and replaced it with a grant of parole on a defined date, March 13, 2006, to a long term residential treatment program.

¹ After making a referral, on August 28, 2007, the Essex County District Attorney's office declined to pursue a civil commitment of Robinson as a sexually dangerous person (SDP) under G.L. c. 123A.

Robinson was returned to custody shortly after his release due to receiving threats from other residents at the Project Turnabout program and was again released in August 2007 to live with his wife and children in Lawrence, Massachusetts. Three years later, in the summer of 2010, Robinson tested positive for cocaine use three times. He was returned to custody on July 6, 2010, and his parole was revoked.

Robinson had a revocation review hearing on September 27, 2011, and was denied parole with a review in three years. In its decision denying re-parole, the Board noted that Robinson was unable to admit that he had relapsed on cocaine, and instead provided false testimony. Specifically, the Board said:

"Mr. Robinson has a history of serious addiction issues. At age 13 he smoked marijuana daily, and within months moved to daily use of cocaine. He became a crack cocaine addict, and was smoking crack the night he murdered Manuel Rosa. He denied that he used cocaine on parole, and presented the Board with a very unlikely story to explain how he ended up with a positive test for cocaine on June 24, 2010. His lawyer suggested that two other positive results, on July 1 and July 6, somehow resulted in the unlikely incident which caused the June 24 positive test. Mr. Robinson's story was not believable, and Board Members concluded that he returned to cocaine use while on parole and gave false testimony at his parole hearing."

The Board opined that "[a] drug addict who is an active user is not ready for community supervision," and found that Robinson was not a suitable candidate for parole, because he presented "a high risk for violence associated with his substance abuse." The Board advised Robinson "to be honest with himself about his drug use, seek help in the institution, and present a parole plan that keeps him in treatment and removes him from the path that begins with narcotic medication and leads to cocaine use."

Since his return to custody, Robinson completed several programs to address substance abuse and violence including Smart Recovery, AA Big Book, and two Alternatives to Violence programs (Writing Class and as Facilitator). Robinson also completed two self-help correspondence programs, Substance Abuse and Offender Corrections (as offered by the American Community Corrections Institute (ACCI)), and is working on a third program called Offender Responsibility.

Since his return to custody in 2010, Robinson received three disciplinary reports. The first was on October 30, 2012, for fighting; the second was on December 12, 2012, for missing a scheduled appointment; and the third was on February 24, 2014, for lying to staff. All were dismissed.

III. PAROLE HEARING ON SEPTEMBER 16, 2014

Robinson said he was in denial the last time he came before the Board, and that the Board rightly denied him parole. He had adjusted well after he was initially released, was working, and things were going fine until he got laid off from work. He and his wife had just had a daughter and because he was unemployed, he had to stay home and care for the baby.

Sitting at home caused him to relapse because his inability to provide financial support for his family left him feeling inadequate.

Robinson said the story he told the Board at the last hearing was, "all a lie." He said three days before he first tested positive in June 2010, he was sitting at home and feeling depressed about being out of work, so he went out in the neighborhood and bought \$35 worth of cocaine. Some cocaine remained after he tested positive, and he used it up afterwards because he felt he could get clean before the next test. He bought cocaine for a second time in July 2010 (\$20 worth) and used it.

Robinson said the programs he engaged in since his return to custody have helped him to accept that he is an addict. When questioned about his failure to engage in the CRA program to address his addiction, Robinson said he did not have an opportunity to participate in that program because he had scored low for substance abuse on the Department of Correction (DOC) COMPAS risk assessment and DOC staff had him sign a waiver.

Robinson said he has learned that in order to stay clean and sober, he has to be aware of the people he stays around and the places he goes. He said he previously attended AA/NA while on parole, and found it helpful. Robinson further commented that he had stopped attending AA/NA prior to violating parole. He would like to be paroled to a long term residential program and, after completion, would like to attend school to become a drug counselor.

Four individuals spoke in support of Robinson at the hearing including his wife, his aunt, his mother, and his brother-in-law. Of note, his wife said she did not see Robinson use drugs while on parole, but did notice a change in his behavior about two months before he was returned to custody. His mother said she believes Robinson has changed because he now accepts that he is an addict, which he had been unwilling to do in the past. Essex Assistant District Attorney Elin Graydon spoke in opposition.

IV. DECISION

Tawon Robinson ignored important requirements of community supervision during his parole. He used cocaine at least three times while on parole, and lied to the Board rather than take responsibility at his previous revocation review hearing on September 27, 2011. Denial of parole in 2011 gave him three additional years of incarceration plus the incentive to be honest with himself and others about his addiction and his need to engage in more rehabilitation.

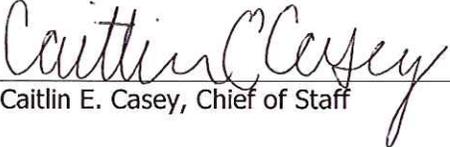
Robinson has been productive over the last three years, and is now more suitable for parole. Robinson, however, could still further his rehabilitative efforts through completion of the CRA program to address his addiction. He claims he was not given the opportunity to complete the CRA program because he was considered a low risk in this area. This assessment, however, is belied by the fact that the governing offense was committed while under the influence of drugs and he violated parole with drug use. Robinson, more than any other, should know he is a high risk for drug use, and the fact that the DOC has designated him as a low risk only suggests that he was not forthright with DOC staff. As such, Robinson must complete the CRA program before he will be deemed suitable for parole.

Notwithstanding the above, Robinson does present as having improved his attitude, reduced his criminal thinking, and recognized the importance of community supervision rules. He presents no current risk for violence and his reduced criminal thinking is a significant rehabilitative step.

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, the Parole Board grants parole to a long term residential program after completion of the Correctional Recovery Academy (CRA) program in lower security. This plan will allow for important supports and treatment during a closely supervised transition.

SPECIAL CONDITIONS: Re-parole to a long term residential program after completion of CRA in lower security; report to MA parole office on day of release; waive work for long term residential program; no drug use with testing required; no alcohol use with testing required; AA/NA at least 3 times per week; obtain AA/NA sponsor; polygraph testing at the parole officer's discretion; no contact with co-defendants.

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.


Caitlin E. Casey, Chief of Staff

11/28/14
Date