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IN THE MATTER OF

WILLIAM ALLEN, W63210

PETITION FOR COMMUTATION

REPORT AND RECOMMENDATION

YOUR EXCELLENCY:

The Advisory Board of Pardons (herein after “the Board”) respectfully submits this report and recommendation concerning the commutation of William Allen. Mr. Allen is serving a life sentence for murder in the first degree, imposed on August 29, 1997, in Plymouth Superior Court.

The effective date of Mr. Allen’s sentence is September 9, 1994 and he is not eligible for parole due to his first-degree conviction.

On March 8, 2017, Mr. Allen submitted a petition for commutation. (*Attachment A*). On May 26, 2020, Mr. Allen submitted a supplemental memorandum in support of his petition for commutation. (*Attachment B*). On June 15, 2021, the Board conducted a public hearing regarding Mr. Allen’s petition. In his petition, supplemental memorandum, and at the public hearing, Mr. Allen requested commutation of his first-degree murder sentence to a second-degree murder sentence so that he may be eligible for parole. In a letter submitted on Mr. Allen’s behalf on June 28, 2021, Mr. Allen’s attorneys indicated they had “reconsidered” this request and are

instead seeking that his sentence be commuted to time served. (*Attachment B*). After due consideration, the Board voted unanimously to recommend favorable consideration that Mr. Allen's sentence for first-degree murder be commuted to a sentence for second-degree murder. The reasons for the Board's recommendations are set forth in the body of this opinion.

PROCEDURAL HISTORY

On August 29, 1997, after a jury trial in Plymouth Superior Court, William Allen was convicted of first-degree murder and sentenced to life in prison without the possibility of parole. On that same date, Mr. Allen received a 9–10-year sentence for armed robbery while masked. (*Attachment C*).

The Supreme Judicial Court affirmed Mr. Allen's convictions in 1999. Commonwealth v. Allen, 430 Mass. 252 (1999). (*Attachment C*). Mr. Allen subsequently filed numerous motions for new trial and motions to vacate his conviction, all of which were denied in Plymouth Superior Court.

On April 8, 2020 Mr. Allen filed a Rule 30 motion (captioned "motion to correct illegal sentence") in Plymouth Superior Court. Mr. Allen filed this motion in the early days of the pandemic out of concern for his health, given his underlying conditions putting him at risk for complications should he contract COVID-19. The motion did not challenge his underlying convictions. The motion was clear that Mr. Allen accepts full responsibility for his actions and convictions. The Superior Court denied the motion on May 1, 2020. (*Attachment C*). Although an appeal of this denial was originally filed, Mr. Allen decided not to pursue the appeal and it was closed on May 15, 2020. No appeals are currently pending.

STATEMENT OF THE CASE

Mr. Allen and Rolando "Mike" Perry decided on the night of February 7, 1994, to rob Purvis Bester. In furtherance of this plan, the two co-defendants borrowed a truck which they drove to Mr. Bester's apartment, both dressed in black, with gloves and identical black ski masks. The two co-defendants carried knives. Mr. Allen drove the truck to Mr. Bester's street and waited

while a third man, Joel Hampton, posted on the corner, informed Mr. Perry that Mr. Bester was “pumping” (selling crack cocaine). Mr. Hampton also told Mr. Perry that he had heard women's voices coming from the apartment. Nevertheless, Mr. Allen and Mr. Perry, both wearing gloves and ski masks, proceeded to the front door of Mr. Bester's apartment. Mr. Allen stood to the side, hidden from view of whoever opened the door, while Mr. Perry knocked. When Mr. Bester answered the knock, Mr. Allen and Mr. Perry burst into the apartment, knives in hand. Both co-defendants, shouting, “Where's the shit at,” attacked Mr. Bester.

Then, while Mr. Perry stabbed Mr. Bester, Mr. Allen, still holding his knife, turned to several women and ordered them into the bathroom. One woman had a knife and a can of aerosol spray, which she had grabbed for protection. Holding his knife to her throat, Mr. Allen ordered her to drop the knife and can. Mr. Allen then told the women to empty their pockets. The women had nothing but a dollar bill, which Mr. Allen did not take. At this time Mr. Bester, covered with blood, was groaning on the floor of the next room. Both co-defendants ransacked the apartment, then ordered the women out of the bathroom to ask for money. Mr. Perry stood over Mr. Bester and, bloody knife in hand, said, “I should finish you off. I should kill you.” Mr. Allen took a camera case and a police scanner, and both co-defendants ran out of the apartment. Before they left, both co-defendants said, “Don't let us catch you bitches on our block,” in an angry and threatening tone.

Mr. Perry and Mr. Allen then got back in the truck. They stopped to pick up Mr. Hampton. Mr. Allen told Mr. Hampton that if he said anything he would “find” him. The three men drove directly to the apartment of Donald Webster, the truck's owner. Mr. Hampton described the men as “happy” and “bragging.” According to Mr. Webster, Mr. Allen and Mr. Perry were excited when they arrived at his home. Mr. Perry said that he stabbed someone three times over \$50. Then Mr. Perry, covered with blood and still holding a bloody knife, went straight to the bathroom to wash. When a transmission came over the police scanner which Mr. Allen held, Mr. Allen said,

“The mother fucker must have called. They're on their way.” Mr. Allen handed Mr. Webster the camera he took from Mr. Bester's apartment and jokingly told him to take a picture.

Mr. Allen, Mr. Perry, and Mr. Hampton left with Mr. Webster's truck, which Mr. Allen said Mr. Webster would get back when he paid them the money he owed him (for crack cocaine purchased the night before). After dropping Mr. Hampton off at his home, the two co-defendants went to Mr. Allen's home. Later that morning, the two co-defendants drove Mr. Allen's sister to school, went out for breakfast, went to a bowling alley to play video games, and visited a girlfriend of Mr. Perry. Later that night, in response to Mr. Webster's page, Mr. Allen returned the truck to its owner. (*Attachment D*).

CO-DEFENDANT

On June 13, 1996, in Plymouth Superior Court, Rolando Perry pleaded guilty to second-degree murder and was sentenced to life in prison with the possibility of parole. On the same date, he pleaded guilty to armed robbery while masked and was sentenced to a concurrent term of 9 to 10 years in state prison. Mr. Perry was released on parole supervision on October 3, 2011.

SOCIAL HISTORY

Mr. Allen grew up in Roxbury and lived with his mother until age 11 or 12. His mother struggled with drug addiction and his father was not in his life for a portion of his childhood. Mr. Allen and his siblings ended up in the custody of the Department of Social Services before going to live with their great grandmother. Mr. Allen had known his co-defendant, Rolando Perry, since he was a child and looked up to him as a brother. Mr. Perry's mother cared for Mr. Allen and took him in when he was a child. Despite the difficulties at home, Mr. Allen formed some positive relationships and engaged in enriching activities. He has no juvenile criminal record. He spent a lot of time at the church involved in youth activities and was employed as a camp counselor at the summer day camp for several years.

Mr. Allen became a father at the age of eighteen, when he was a junior at Madison Park High School. His son was born on March 6, 1992. Although his grades improved significantly in

his junior and senior year, he was frequently absent from school. Mr. Allen graduated from Madison Park High School in June 1993. Just before graduation, Mr. Allen obtained full-time employment in the dietary department of the Jamaica Plain Veteran's Administration Hospital. (*Attachment A*).

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) both dated January 15, 2021, Mr. Allen is serving his first incarceration of any kind. (*Attachment E*).

On October 16, 1991 in Charlestown District Court, Mr. Allen received a Continuation Without a Finding on one count of Use without Authority and was sentenced to one year of probation. On February 26, 1992 in Dorchester District Court, Mr. Allen was convicted of Knowingly Receiving a Stolen Motor Vehicle and was sentenced to two years of probation. On the same date and docket, a charge of Assault and Battery with a Dangerous Weapon was dismissed at the request of the Commonwealth. He violated his probation and was sentenced to six months in the House of Corrections, suspended until November 8, 1994. Mr. Allen was discharged from probation on October 13, 1999. There is no record of Mr. Allen being arrested or charged with a crime outside of Massachusetts. (*Attachment E*).

INSTITUTIONAL HISTORY

The Department of Correction Classification Report dated February 10, 2021, indicates that Mr. Allen is currently incarcerated in general population at Old Colony Correctional Center where he receives average housing evaluations and receives visits. (*Attachment F*).

CHRONOLOGICAL MOVEMENT (*Attachment F; Attachment H*)

September 8, 1997	MCI Concord
April 30, 1999	MCI Walpole
June 7, 2002	Souza-Baranowski
August 23, 2005	MCI Shirley
February 25, 2011	Bridgewater State Hospital
April 7, 2017	Old Colony Correctional Center

RETURNS TO HIGHER CUSTODY (*Attachment F; Attachment H*)

From August 2, 2004 until September 20, 2004, Mr. Allen was placed in the Special Management Unit.

DISCIPLINARY CHRONOLOGY (*Attachment G; Attachment H*)

- September 7, 1999** Violating Department Rule; Conduct which Disrupts
Guilty, 14 day loss canteen; Guilty, 14 day loss TV/radio/telephone
- September 4, 1999** Violating Department Rule; Being Out of Place
Guilty, 14 day loss canteen; Guilty, 14 day loss TV/radio
- August 1, 1999** Disobeying Order; Failure to Keep in Accordance
Guilty, 10 day isolation; 21 day loss TV/radio
- January 28, 1998** Possession of a Weapon; Violating Department Rule; Possession of Unauthorized Items
Guilty, 21 day loss TV/radio; 21 day loss canteen; 21 day loss telephone
- August 2, 2004** Disobeying Order; Fighting; Conduct which Disrupts
Guilty, 15 day isolation
- May 29, 2019** Use of Telephone in Violation of Regulations
Continuance without a Finding, 15 day loss of telephone

PROGRAM AND WORK INVOLVEMENT

Mr. Allen has participated in the following programs/work (*Attachment H; Attachment I*):

WORK

2017 - Present

Special Needs Assistant

2005 - 2017

Barber

2011 - 2015

UT Runner

2003 - 2011

Utilities

2007

Industries - Sewing

2003 - 2005

Referee

CONTINUING EDUCATION

2015

Computer Skills I
Serv Safe

2014

OSHA
Law Library Clerk Training Program

2012

Life Skills I
Life Skills – Advanced Math
Life Skills – How Things Work
Post Grad Life Skills

2011

Life Skills – Parenting
Life Skills – Book Discussion
Culinary Arts: Foundations I

2010

Serv Safe

2002

Barber Training

PROGRAMS

Currently Enrolled

Companion Program (Since 2014)
Restorative Justice Reading Group

2018

Health Awareness
Restorative Justice Reading Group

2016

70 x 7 Program
Toastmasters

2015

Anger Management
TCUD Assessment

2014

Able Minds

2013

70 x 7 Program

2012

Cognitive Skills – Setting Goals
Cognitive Skills – Using Self-Control
Father’s Group
Cognitive Skills – Asking
Alternatives to Violence
Menswork
Book Discussion I
Relapse Prevention

2011

Cognitive Skills – Asking

2010

Alternatives to Violence

2009

Alternatives to Violence

2008

Men’s Work Program
Black History Month
Alternatives to Violence

2007

Book Discussion
Black History Month
Alternatives to Violence

2005

Father’s Group

2004

Introduction to 12 Step Program

2003

Native American Spiritual Circle
AA 12 Steps
Relapse Prevention

PROCEEDINGS BEFORE THE ADVISORY BOARD

On June 15, 2020, the Advisory Board of Pardons held a public hearing on William Allen’s commutation petition. This was his first appearance before the Board. The hearing was chaired by Gloriann Moroney. Advisory Board of Pardon members Charlene Bonner, Tonomey Coleman,

Sheila Dupre, and Tina Hurley were present at the hearing. Mr. Allen was represented by Attorney Robert J. Cordy, Attorney Kristine McDonald, and Attorney Patricia DeJuneas.

WILLIAM ALLEN'S OPENING STATEMENT

Mr. Allen thanked the Board for the opportunity to be heard. He “sincerely” apologized to his victim’s family, along with other parties involved in the governing offense. He recognized the “hurt and pain” he inflicted on the Brockton community, as well as the lasting impact the victim’s family had to endure. He took full responsibility for his role in Mr. Bester’s murder, stating “I and I alone am responsible for my reckless actions.” Moreover, he acknowledged what he “took” from Mr. Bester’s family, noting all the important milestones he will not be able to partake in. Mr. Allen apologized to his own family for not being present and the embarrassment and pain he caused them as well. Mr. Allen shared with the Board that his mother passed away in 2014. He empathized with Mr. Bester’s family, noting that “he could not imagine how they felt losing someone to an act of violence” having lost someone due to natural causes. In 2004, Mr. Allen told the Board that he began his rehabilitative transformation, as he vowed to be a “better man.” Mr. Allen told the Board he made a decision to “live his life in a way that would honor Mr. Bester.” As such, he made it his goal to be transferred out of maximum security so that he could avail himself to all programs and treatments. Mr. Allen told the Board that “everything began to change” when he took full responsibility for his crime.

THE BOARD'S INQUIRY

When asked if he was offered a plea at trial, Mr. Allen admitted he declined the opportunity to plead guilty to second-degree murder. He explained to the Board that at the time, he did not take responsibility for his role in Mr. Bester’s murder and believed he should not have to admit guilt to a crime he did not commit. Today, he expressed a full understanding of his role in Mr. Bester’s murder and accepts responsibility for contributing to his death because he willingly participated in the armed robbery. Moreover, he admitted to the Board that he “regrets” not taking the plea. Mr. Allen said that he didn’t understand the “magnitude of his participation” and that he

was young. Rolando Perry, Mr. Allen's co-defendant, pleaded guilty to second-degree murder and has been released on parole. When asked about his thoughts on his co-defendant pleading out to second-degree murder and being released on parole, he said he was initially "hurt" and did not "believe it was right." However, he came to terms with the fact that he is just as culpable as his co-defendant and that he should have taken the plea prior to trial.

During the hearing, Mr. Allen stated he is asking that his first-degree murder conviction be reduced to second-degree murder, making him immediately parole eligible if granted.¹ When the Board asked Mr. Allen as to why he believes he's worthy of commutation, noting commutation is an extraordinary remedy that requires a true commitment to self-betterment, he stated that he has accomplished "everything possible" to get where he is today. Moreover, he expressed a desire to give back and help those in similar situations, stating "I want to be that beacon of light." The Board acknowledged the incredible amount of work Mr. Allen has accomplished for his rehabilitation. Mr. Allen believes he has made a positive impact on other inmates.

SOCIAL HISTORY

Mr. Allen grew up in Roxbury and graduated high school in 1993. Mr. Allen explained that his mother struggled with drug addiction. Mr. Allen has one son, who at the time of the governing offense, was two years old. Prior to the murder, Mr. Allen said he was "mostly working." After graduation, Mr. Allen obtained employment at the VA hospital. In addition, he had plans of attending college in Providence, RI.

Mr. Allen and his wife, who married in 2009, recently ended their relationship. Mr. Allen told the Board that she asked him for a divorce in 2020. While Mr. Allen told the Board that he "didn't see it coming" he respects his ex-wife and wishes her the best.

RELATIONSHIP WITH CO-DEFENDANT

¹ In a letter submitted on Mr. Allen's behalf on June 28, 2021, Mr. Allen's attorneys indicated they had "reconsidered" this request and are instead seeking that his sentence be commuted to time served.

Mr. Perry moved to Roxbury when Mr. Allen was around 9 years old, and they became friends. Due to his own mother's substance abuse issues, he developed an even closer bond with the Perry family, specifically Mr. Perry's mother. He stated, that "his [Mr. Perry] mother was like my mother." When asked about his relationship with his own mother, Mr. Allen stated "she was a beautiful woman" but she struggled significantly with her addiction. He went on to say that his family "did everything they could" to help their mom but her addiction ultimately "took over her life. When asked about the impact his mother's addiction had on his life, Mr. Allen told the Board it was "hard," however, he assured the Board that he does not say that with the intention of shifting responsibility for his crime. His loyalty to his mother was evidenced by the fact that he chose to stay with his mother even after his father left. Mr. Allen described Mr. Perry as "his brother" and that he "loved him very much." While Mr. Allen admitted to being "jealous" of Mr. Perry's home life, he expressed an appreciation for his family "accepting" him and "taking him in."

The Board inquired as to whether Mr. Perry had control over Mr. Allen throughout their friendship. Mr. Allen explained that he "admired" Mr. Perry and as such did not want to appear "weak" in his eyes. At the time, Mr. Perry had a reputation for engaging in criminal activity, specifically drug dealing. However, Mr. Allen did not have that same reputation. He explained that his mother's addiction worked as a deterrence towards such behavior, which can be supported by his prior criminal history. Mr. Allen went on to explain that he considered Mr. Perry to be "like a brother," but, as they got older, they began to go in different directions due to Mr. Perry's anti-social behavior. As such, they did not have the same friend group. Despite this, Mr. Allen stated that he felt indebted to Mr. Perry because of the familiar relationship they built, which is why he ultimately agreed to participate in the robbery. Board Members noted that his testimony at trial indicated he may have been under duress when agreeing to the robbery. Mr. Allen explained that at the time, he felt that way, however, with age and maturity, he has come to accept that he just "didn't want to disappoint Mr. Perry and that he was being a "follower."

While Mr. Allen told the Board he was close with Mr. Perry, he indicated that Mr. Perry appeared to have “control” over him. The Board noted that Mr. Allen appeared to be on the right track, therefore, it did not make sense to admire someone who is engaging in anti-social behavior. At the time, Mr. Allen was employed with aspirations of attending college and had no criminal history. Despite this, he still wanted Mr. Perry’s acceptance.

GOVERNING OFFENSE

The day of the governing offense, Mr. Perry and Mr. Allen were hanging out in Boston. Mr. Allen was driving and they stopped at Mr. Hampton’s house. At Mr. Hampton’s house, Mr. Perry asked Mr. Allen if he wanted to participate in a robbery. Mr. Allen initially said no, stating to Mr. Perry, “are you crazy?” Mr. Perry and Mr. Allen continued on their way to Boston. After hanging out in Boston for awhile, the two drove back to Brockton. On their way home, Mr. Perry told Mr. Allen to go back to Mr. Hampton’s house. When asked if he knew who Mr. Hampton was or if he’d ever been to this location, Mr. Allen said no. When they arrived at Mr. Hampton’s house for a second time, Mr. Perry asked Mr. Allen again if he wanted to participate in the robbery and Mr. Allen agreed. When the Board asked why he changed his mind, Mr. Allen said that he was “foolish” and cited his use of marijuana throughout the night. Board Members questioned him as to whether he felt pressure when Mr. Perry asked him a second time. While Mr. Allen maintained that he could have said no, he admitted to feeling “a little pressure” but more than that he was “just being a follower.” Mr. Allen stated that he did not want to look bad in his eyes.

Upon agreeing to the robbery, Board Members noted the various steps that took place in preparation of the robbery, such as obtaining the weapon, gloves, and masks. Mr. Allen told the Board that Mr. Perry had his mask and the knife he typically carried on a regular basis and then he stopped at his house to get a “kitchen knife” and a mask. He also told the Board that the mask was not purchased specifically for the robbery. Rather, it was a common item to have among his friends, as masks were worn by popular rap groups at the time.

When the Board asked why Mr. Bester was the target of this robbery, Mr. Allen admitted that Mr. Hampton had knowledge of drugs and money being present in the home. When they broke into Mr. Bester's apartment, an altercation ensued between Mr. Perry and Mr. Bester. Mr. Allen did admit to witnessing Mr. Perry "stomp" Mr. Bester, which caused him to grasp for air. However, he maintains that he was in the bathroom when he was being stabbed.

Mr. Allen told the Board that before leaving the apartment he "grabbed" a scanner and camera case to make it look like he was doing his part. The Board asked why he felt the need to do that, and he cited his need to please Mr. Perry as the reason for stealing those items. When Board Members inquired as to his feelings upon leaving the crime scene, he said he was "scared" and felt like a "coward." When questioned as to Mr. Bester's injuries, Mr. Allen stated that he did not know the extent of his injuries. He told the Board that he did not think he would die and that he did not see Mr. Perry stab him, as he was in the bathroom with the other members of the house at the time. When asked why he believed the robbery turned fatal, Mr. Allen could not provide any insight on Mr. Perry's actions. Moreover, Mr. Allen was unaware of how many times Mr. Bester was stabbed.

The following day, Mr. Allen told the Board that Mr. Perry "would not leave his side," despite his attempts to go to work or leave the house. Mr. Allen explained that his perception was that Mr. Perry was "unsure" what Mr. Allen was going to do, therefore, he followed him around throughout the day. The Board made note of the fact that they went about their day as if nothing happened. Mr. Allen admitted that was a fair statement but maintained that he did not have knowledge of Mr. Bester's death until the day he was arrested. When asked how he felt about being accused of murder at 20-years old, Mr. Allen admitted to being "naïve" and that his first thought was that he was going to miss work.

Board Members asked if his intention, in agreeing to the robbery, was to make "quick cash." While Mr. Allen maintains that he was a willing participant, he denies ever having a

financial motivation to participate in the robbery. However, he did admit that Mr. Perry agreed to pay him “half.” The Board asked if the money made him give into the plan, and Mr. Allen stated “no” and indicated that he participated because he “wanted to look good in his [Mr. Perry’s] eyes.”

VICTIM IMPACT

When asked about Mr. Bester, Mr. Allen states that his rehabilitative work is to “honor him.” The Board asked if he’s thought about the impact his appeals may have had on the family. He indicated that he tries to put himself in their shoes and that he understands how difficult a hearing must be for them. However, while he has pursued all available legal avenues, he assured the Board that he was not trying to minimize his culpability and if he caused more pain to Mr. Bester’s family, he is “truly sorry” because that was not his intent. In response, the Board stated the record clearly shows he has accepted responsibility for his crime.

REHABILITATIVE PROGRAMMING

Board Members commended Mr. Allen on his “commitment and effort” on his rehabilitative progress. Beginning in 2006, despite his sentence structure, Mr. Allen reached out to the Governor’s office to advocate for himself to gain access to programs. Mr. Allen stated, “I wanted to help guys who had the opportunity to change their life” and in order to do that “I needed to learn everything.” When asked which program he considered most valuable, he stated Alternative to Violence and Restorative Justice. Mr. Allen said that it’s “mission to restore the harm” he caused. Mr. Allen shared his experiences with the Companion Program with Board Members. Mr. Allen began the program in 2014 and has been matched with approximately seven companions over the years, some of which provided feedback for the Board’s consideration. He said that he was encouraged to participate in the program by the DOC Commissioner, due to his encouraging disposition and positive reputation. He told the Board that he immediately “fell in love” with the program, as it taught him “the value of life.” The Board noted that Mr. Allen was praised for “his ability to empathize and his ability to make them feel like they are not alone.” When asked how he felt about his work, he told the Board that he appreciates those who commend

him on his work however, he told the Board that the companions “help him just as much as he helps them” and he does not participate in the program for the accolades. The Board asked whether he acknowledges that he has the opportunity to help, he said that his “dream” is to show young kids that they are “loved” and that they are not alone in hopes that it prevents them from going down the wrong path.

The Board questioned Mr. Allen on an incident in 2011, where Mr. Allen intervened and prevented an inmate from attacking a female correctional officer. When asked how he felt to come to the aide of the officer, he said it felt “like the right thing to do.” Moreover, the Board asked if he connected his inaction on the day of the governing offense to his actions that resulted in helping an officer. He said that he “should have done more” on the day of Mr. Bester’s murder and indicated that it felt “good” to have the strength to intervene and help the officer.

When the Board inquired about Mr. Allen’s participation in Restorative Justice, he shared that he learned about “forgiveness” and was able to gain insight on the “hurt and pain” he caused. Moreover, he maintains that he is on a mission to “restore the harm” he caused, specifically through outreach programs where he can mentor at risk youth. Mr. Allen used his son as an example. Mr. Allen’s son is currently incarcerated. He shared with the Board that he “sadly” followed in his footsteps, indicating that his absence negatively impacted him.

The Board recognized Mr. Allen’s ability to advocate for himself throughout his incarceration in order to have access to the programs, someone with his sentence structure would not normally have access to. As noted, Mr. Allen is considered “low risk” and as such, he does not automatically have the ability to participate in certain programs. Mr. Allen stated, “actions speak louder than words” as he understood that he needs to prove himself to show people he is committed and deserving of the opportunities he’s been awarded. The Board commended Mr. Allen on his strong work ethic and how he embraced giving back. Mr. Allen stated, “[Mr. Bester]

is not here, and I'm sad about that because it's my fault" therefore, the "best thing" he can do is try to make a difference.

When asked about his initial motivation behind his rehabilitative path, he explained that he wanted to "work on himself" and since he wanted to help others, he first needed to help himself and learn the necessary skills. Mr. Allen stated, "I believe when you do good, you get good." Mr. Allen told the Board that helping people makes him feel good and he tries to steer his fellow inmates in a positive direction, just as his father tried to do for him when he was younger. Mr. Allen stated that he believes "it's never too late to correct a mistake and make it right," which is what he tells his son as well.

The Board asked Mr. Allen about his religion. Mr. Allen stated that his faith is very important to him, and he "doesn't know where he would be without it."

INSTITUTIONAL ADJUSTMENT

Board Members acknowledged Mr. Allen's significant transformation beginning in 2004. Coincidentally, Mr. Allen received a concerning disciplinary report that year for threatening a correctional officer. Mr. Allen describes receiving that report and being sent to isolation as his initial motivation to his commitment to rehabilitation. When asked to explain the events that led to the disciplinary infraction, Mr. Allen told the Board that he disagrees with the DOC as he states he did not approach the CO in a threatening manner however he did admit that he "should have minded his business." In addition, Mr. Allen has received only six disciplinary reports throughout his incarceration, having received his most recent report in 2019. When the Board inquired as to the circumstances surrounding this report, he indicated that he was issued the infraction after he participated in a three-way phone call with his wife and son. Board Members noted that Mr. Allen failed to address this report in any of his submissions. When asked to explain, Mr. Allen admitted that his wife set up the phone call because his son was "going through a hard time." Mr. Allen acknowledged his actions were wrong.

SUPPORT

TESTIMONY

Thurston Allen

Thurston Allen, Mr. Allen's father, appeared before the members of the Advisory Board of Pardons and presented testimony on June 15, 2021 in support of commutation. Thurston described Mr. Allen as thoughtful and hardworking. He explained that it was not uncommon for Mr. Allen to go out of his way to help others. For example, Thurston shared with the Board that Mr. Allen would wake up early in the morning to help him shovel snow before he left for school. Moreover, Thurston asserted that if given the chance, Mr. Allen would give back to the community and continue to help people.

Frances Bynoe

Frances Bynoe, the long-time partner of Mr. Allen's father, appeared before the members of the Advisory Board of Pardons and presented testimony on June 15, 2021 in support of commutation. Ms. Bynoe told the Board she met Mr. Allen while he was incarcerated. She indicated that he maintained consistent contact with his family and always exhibited a "positive attitude." She noted Mr. Allen's various accomplishments and further described him as "uplifting" even in the face of hardship.

Jacqueline Elias

Jacqueline Elias, a former Well Path employee, appeared before the members of the Advisory Board of Pardons and presented testimony on June 15, 2021 in support of commutation. Ms. Elias met Mr. Allen through his participation in the Companion Program. She commended him on his "special ability" to empathize with the patients. She went on to say that he had a positive impact on those around him and often did what he could to help the staff and officers de-escalate situations, indicating that she "felt safe" in Mr. Allen's presence. Ms. Elias described Mr. Allen as a "ray of sunshine" and the "epitome of rehabilitation." Moreover, she found Mr. Allen to have "integrity," which she explained was rare within the institution.

Joseph Moore

Joseph Moore, a licensed Massachusetts Drug Counselor, appeared before the members of the Advisory Board of Pardons and presented testimony on June 15, 2021 in support of commutation. Mr. Moore told the Board that he first met Mr. Allen when he volunteered for the peer counseling program. Mr. Moore commended Mr. Allen on his “transparency” and described him as a “leader.” He told the Board that he witnessed Mr. Allen’s “tremendous growth and maturity” and that he believes he used his incarceration to “better himself” and help others. In addition, Mr. Moore stated that he will provide assistance in the reentry process if Mr. Allen is released, as he believes he is “worthy of redemption.”

Peg Newman

Peg Newman, a former Catholic chaplain at the Department of Corrections, appeared before the members of the Advisory Board of Pardons and presented testimony on June 15, 2021 in support of commutation. Ms. Newman stated that she was Mr. Allen’s chaplain for eight years. She acknowledged Mr. Allen’s “sincere” commitment to his faith. She shared with the Board that that he volunteered every week for Sunday service. She also credited Mr. Allen for the increase in attendance at her sermons, as he was a mentor to many involved in the program. Ms. Newman described Mr. Allen as “one of the finest human beings” she ever met and an “inspiration” to many people. She told the Board that if released, her relationship with Mr. Allen will continue and she will help him in any way she can.

Leah Cole

Leah Cole, the daughter of Mr. Bester, appeared before the members of the Advisory Board of Pardons and presented testimony on June 15, 2021 in support of commutation. Ms. Cole stated that she forgives Mr. Allen for his role in Mr. Bester’s murder. While Ms. Cole stated that Mr. Allen’s actions caused her family “pain,” she supports his release if his sentence is eventually commuted. Ms. Cole acknowledged Mr. Allen’s commitment to rehabilitation and said that she

hopes he is able help the Brockton community with the skills he's learned through his programming efforts, as she believes people can learn from him.

Timothy J. Cruz, Plymouth County District Attorney

Plymouth County District Attorney Timothy J. Cruz appeared before the members of the Advisory Board of Pardons and presented testimony on June 15, 2021 in support of commutation. DA Cruz thanked the Board in considering his testimony. DA Cruz stated that this is a "rare case" that warrants reconsideration and as such, the Plymouth County District Attorney's office supports Mr. Allen's petition for commutation. DA Cruz stated that while Mr. Allen's sentence was "appropriate" at the time, developments in the law deem his current sentence of life without the possibility of parole as incompatible with the current doctrine of felony murder. DA Cruz recognized Mr. Allen's growth as an individual, as he has taken "countless steps" towards rehabilitation and giving back to others. DA Cruz shared with the Board that his office has spoken with various members of Mr. Bester's family, several of which support commutation. He indicated that the victim's family's support and the fact that Mr. Allen's co-defendant has been released on parole significantly contributed to his decision to support commutation. DA Cruz stated he has "no doubt" Mr. Allen would have been granted parole, had he been eligible.

LETTERS²

Numerous individuals whose relationship with Mr. Allen is unknown submitted multiple postcards in support of his petition for commutation. (*Attachment J*). In addition, the following individuals submitted letters of support for Mr. Allen in connection to his petition for commutation (*Attachments B and J*):

Peg Newman Peg Newman, former DOC chaplain at Bridgewater State Hospital, submitted a letter dated April 1, 2020, in support of Mr. Allen's petition

² Mr. Allen submitted support letters along with his petition in 2017. These letters are not enumerated in this Report and Recommendation but they are enclosed in *Attachment A*.

for commutation. Ms. Newman has known Mr. Allen for approximately seven years and notes his significant transformation.

Joseph Moore Joseph Moore, licensed mental health counselor, submitted a letter dated April 1, 2020 in support of Mr. Allen's petition for commutation. Mr. Moore met Mr. Allen approximately twenty years ago and notes Mr. Allen's positive adjustment and will offer Mr. Allen assistance if he were released into the community.

Francis Cloherty Reverend Francis Cloherty submitted a letter dated April 13, 2020 in support of Mr. Allen's petition for commutation. Rev. Cloherty met Mr. Allen during his incarceration and notes his positive adjustment.

William McAndrew William McAndrew, former chief probation officer, submitted a letter dated April 12, 2020 in support of Mr. Allen's petition for commutation commenting on Mr. Allen's positive adjustment.

Sandra Wixted Sandra Wixted, licensed independent clinical social worker, submitted a letter dated April 10, 2020 in support of Mr. Allen's petition for commutation. Ms. Wixted notes Mr. Allen's positive adjustment and support within the community.

Marcia Orcutt Marcia Orcutt, a former volunteer within the correctional system, submitted a letter dated April 13, 2020 in support of Mr. Allen's petition for commutation. Ms. Orcutt notes Mr. Allen's "kind and considerate" disposition.

Kathleen Moore Kathleen Moore, former principal of a public school, submitted a letter dated April 9, 2020 in support of Mr. Allen's petition for commutation noting that Mr. Allen is "a model inmate."

- Richard Dieter** Attorney Richard Dieter submitted a letter dated April 9, 2020 expressing support for Mr. Allen’s petition for commutation.
- Robert Loxley** Robert Loxley, a retired counselor, submitted a letter dated April 10, 2020 expressing support for Mr. Allen’s petition for commutation.
- Hattie Bester** Hattie Bester, the sister of victim Purvis Bester, submitted a letter dated June 16, 2021 in support of Mr. Allen’s petition for commutation. Ms. Bester expressed forgiveness for Mr. Allen and indicated that he appears to be remorseful for the murder of her brother. Ms. Bester also noted she was pleased to see what Mr. Allen has been doing for the community while incarcerated.
- Jacqueline Elias** Jacqueline Elias, former Well Path Recovery Treatment Assistant, submitted a letter (undated) in support of Mr. Allen’s petition for commutation. Ms. Elias met Mr. Allen through his participation in the Companion Program. She commends him on his ability to give back to others and his dedication to the patients in the program.
- Kathleen Cahill** Kathleen Cahill, a licensed clinical social worker and former employee at Bridgewater State Hospital, submitted a letter dated April 5, 2021, in support of Mr. Allen’s petition for commutation. Ms. Cahill worked as a staff facilitator for the Companion Program, where she met Mr. Allen. Ms. Cahill commended Mr. Allen for his work within the program.
- Shawn Cooper** Shawn Cooper, a friend of Mr. Allen’s, submitted a letter dated April 9, 2021, in support of Mr. Allen’s petition for commutation. Mr. Cooper indicates that Mr. Allen is a good person that deserves commutation.
- Lyn Levy** Lyn Levy, founder/former director of Span, Inc., submitted a letter dated April 16, 2021, in support of Mr. Allen’s petition for commutation. Ms.

Levy works with similarly situated parolees and offered to assist Mr. Allen in the event he is released.

Kerri Marmol Kerri Marmol, from the Brockton Interfaith Group, Second Chance Justice Foundation, submitted a letter in April 2021, in support of Mr. Allen's petition for commutation. Ms. Marmol spoke to Mr. Allen's faith and moral character and that if released, Mr. Allen would contribute to his community in a positive way.

Ted Greenwood Ted Greenwood, from the Brockton Interfaith Group, Second Chance Justice Foundation, submitted a letter in April 2021, which spoke to Mr. Allen's faith and moral character and that if released, Mr. Allen would contribute to his community in a positive way.

Craig Parker Craig Parker, a member of the religious organization Navigators, submitted a letter dated April 19, 2021, in support of Mr. Allen's petition for commutation. Mr. Parker makes note of Mr. Allen's ability to improve and helps others.

Kathy Weinman Kathy Weinman, whose relationship with Mr. Allen is unknown, submitted a letter in April 2021, in support of Mr. Allen's petition for commutation. Ms. Weinman states that if released, Mr. Allen will continue to do good for his family and his community.

Lindsey Neugut Lindsey Neugut, from the Brockton Interfaith Group, Second Chance Justice Foundation, submitted a letter in April 2021, in support of Mr. Allen's petition for commutation. Ms. Neugut spoke to Mr. Allen's faith and moral character and that if released, Mr. Allen would contribute to his community in a positive way.

- Bambi Good** Bambi Good, whose relationship with Mr. Allen is unknown, submitted a letter dated May 29, 2021, in support of Mr. Allen’s petition for commutation.
- Susan Levin** Susan Levin, whose relationship with Mr. Allen is unknown, submitted a letter in May 2021, in support of Mr. Allen’s petition for commutation. Ms. Levin supports Mr. Allen’s release, as he has made great strides toward becoming a better person.
- Thomas Ziniti** Thomas Ziniti, whose relationship with Mr. Allen is unknown, submitted a letter in May 2021, in support of Mr. Allen’s petition for commutation. Mr. Ziniti supports Mr. Allen’s release, as he has made great strides toward becoming a better person.
- Linda Nathanson** Linda Nathanson, whose relationship with Mr. Allen is unknown, submitted a letter dated May 27, 2021, in support of Mr. Allen’s petition for commutation. Ms. Nathanson supports Mr. Allen’s release, as he has made great strides toward becoming a better person.
- Deborah Pierce** Deborah Pierce, whose relationship with Mr. Allen is unknown, submitted a letter in May 2021, in support of Mr. Allen’s petition for commutation. Ms. Pierce supports Mr. Allen’s release, as he has made great strides toward becoming a better person.
- John Small** John Small, whose relationship with Mr. Allen is unknown, submitted a letter in May 2021 in support of Mr. Allen’s petition for commutation. Mr. Small supports Mr. Allen’s release, as he has made great strides toward becoming a better person.
- Thomas Kleiner** Thomas Kleiner, whose relationship with Mr. Allen is unknown, submitted a letter in May 2021, in support of Mr. Allen’s petition for

commutation. Mr. Kleiner supports Mr. Allen's release, as he has made great strides toward becoming a better person.

Jill Schiff Jill Schiff, whose relationship with Mr. Allen is unknown, submitted a letter dated May 29, 2021, in support of Mr. Allen's petition for commutation.

Kathleen Conroy Kathleen Conroy, whose relationship with Mr. Allen is unknown, submitted a letter dated June 17, 2021, in support of Mr. Allen's petition for commutation.

Gordon Postill Gordon Postill, whose relationship with Mr. Allen is unknown, submitted a letter dated June 20, 2021, in support of Mr. Allen's petition for commutation.

Clare Counter Clare Counter, whose relationship with Mr. Allen is unknown, submitted a letter in June 2021, in support of Mr. Allen's petition for commutation.

Dr. Tina Maiorano Dr. Tina Maiorano, whose relationship with Mr. Allen is unknown, submitted a letter in July 2021, in support of Mr. Allen's petition for commutation. Dr. Maiorano states that Mr. Allen's deserves a second chance and if released, he would contribute to his community in a positive way.

Ellen S. Glazer Ellen Glazer, a licensed independent clinical social worker, and a member of Temple Beth Elohim, submitted a letter in July 2021, in support of Mr. Allen's petition for commutation. Ms. Glazer states that Mr. Allen has demonstrated a remarkable rehabilitation and is worthy of a commutation.

Anita Diamant Anita Diamant, whose relationship with Mr. Allen is unknown, submitted a letter in July 2021 in support of Mr. Allen's petition for commutation. Ms.

Diamant cites Mr. Allen's remarkable rehabilitation and the amount of support he has in the community as reasons for his release.

Jane Silberberg Jane Silberberg, whose relationship with Mr. Allen is unknown, submitted a letter in July 2021 in support of Mr. Allen's petition for commutation. Ms. Silberberg states that Mr. Allen has demonstrated a remarkable rehabilitation and is worthy of a commutation.

Nan Langowitz Nan Langowitz, whose relationship with Mr. Allen is unknown, submitted a letter in July 2021 in support of Mr. Allen's petition for commutation. Ms. Langowitz states that Mr. Allen has demonstrated a remarkable rehabilitation and is worthy of a commutation.

Colleen Kirby Colleen Kirby, Mr. Allen's friends' mother, submitted a letter dated August 6, 2020 in support of Mr. Allen's petition for commutation.

Emily Berg Emily Berg, whose relationship with Mr. Allen is unknown, submitted a letter dated August 6, 2020 in support of Mr. Allen's petition for commutation.

Lois Ahrens Lois Ahrens, founding director of the Real Cost of Prisons Project, submitted a letter dated August 6, 2020, in support of Mr. Allen's petition for commutation.

VIDEO TESTIMONY

The following individuals submitted video testimony in support for Mr. Allen in connection to his petition for commutation. Please note that the individuals listed below were not sworn in by the Advisory Board Chair prior to providing this testimony.

Davon McNeil Davon McNeil, a returning citizen, is a friend of Mr. Allen.

Bobby Stephen Bobby Stephens, a returning citizen, worked with Mr. Allen in the Companion program.

James Hollie James Hollie, a returning citizen, is a friend of Mr. Allen.

Jason Potter Jason Potter, a returning citizen, is a friend of Mr. Allen.

George Powell George Powell, a returning citizen, is a friend of Mr. Allen.

Richard Countryman Richard Countryman is Mr. Allen's grandfather.

Joseph Moore Joseph Moore, former program manager at Plymouth County Correctional Center, is a friend of Mr. Allen.

Peg Newman Peg Newman, former DOC chaplain at Bridgewater State Hospital, worked with Mr. Allen in the Companion Program.

Faith Tobon Faith Tobon is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Janine Carreiro Janine Carreiro is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Johanna Schnitz Johanna Schnitz is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Teresa Aiello Teresa Aiello is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Thomas Hatchfield Thomas Hatchfield is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Sandra Wixsted Sandra Wixsted is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Carol Delorey Carol Delorey is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Deb Fencer Deb Fencer is a member of Brockton Interfaith Community-Second Hand Justice Foundation.

Janice Schuster Janice Schuster is a member of Brockton Interfaith Community- Second Hand Justice Foundation.

Francis Cloherty Reverend Francis Cloherty is a retired priest in Brockton, MA.

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Allen's petition.

LETTERS

No letters were submitted in opposition to Mr. Allen's petition.

ATTORNEY'S CLOSING STATEMENT

Mr. Allen's attorney indicated in her closing statement that Mr. Allen wants nothing more than to make a positive impact outside the prison environment and that he fully accepts responsibility for his crime.

WILLIAM ALLEN'S CLOSING STATEMENT

Mr. Allen began his closing statement by thanking the Board. He apologized to Mr. Bester's family for putting them through this "heartache" and promised to "honor" Mr. Bester through his actions going forward. Mr. Allen thanked his family and support system and promised to continue to make them proud. Mr. Allen stated that he is not asking for forgiveness, rather he is asking the Board and his community to recognize that he is no longer that same person. If given the opportunity, Mr. Allen vows to make "positive footprints" so future generations don't make the same mistakes he did. However, if his petition is denied, Mr. Allen stated that he will continue his rehabilitative work while incarcerated and work towards helping his fellow inmates.

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

After careful review and consideration, it is the opinion of 6 of the 6 voting members of the Advisory Board of Pardons that a favorable recommendation for commutation of sentence be sent to the Governor on behalf of William Allen.

Unlike a pardon, a commutation does not imply forgiveness of the underlying offense. Rather, a commutation remits a portion of the punishment. The granting of a commutation has no effect on the underlying conviction and does not necessarily reflect upon the fairness of the sentence originally imposed.

Governor Charles D. Baker's Executive Clemency Guidelines, issued on February 21, 2020 ("Guidelines"), establish the grounds upon which a commutation may be granted and provide assistance to the Advisory Board of Pardons in making recommendations to the Governor on clemency petitions. The Guidelines state that a commutation is "an extraordinary remedy" and "an integral part of the correctional process" and provide that "[commutations are] intended to serve as a strong motivation for confined persons to utilize available resources for self-development and self-improvement and as an incentive for them to become law-abiding citizens and return to society." The Guidelines further provide that the nature and circumstances of the offense and the character and behavior of the petitioner are the two "paramount considerations in deciding whether to grant clemency."

Under the Governor's Guidelines, a person who petitions for a commutation of sentence bears the responsibility of demonstrating, by clear and convincing evidence, that:

- (a) The petitioner has clearly demonstrated an acceptance of responsibility for the offense for which the petitioner is seeking clemency;
- (b) the petitioner has participated in Restorative Justice or other similar programs;

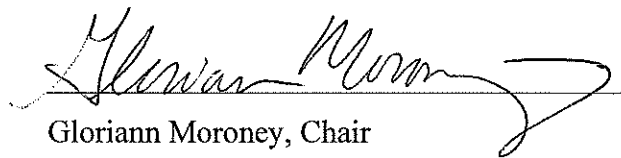
- (c) the petitioner does not have any pending appeals or challenges to a conviction or sentence;
- (d) the petitioner has made exceptional strides in self-development and self-improvement and would be a law-abiding citizen;
- (e) the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (f) the petitioner has contributed to society through the military or public service, or through charitable work; or
- (g) there is no alternative remedy available to the petitioner.


In addition to one of the above requirements, petitions for commutation of a first-degree murder conviction will generally not be considered unless the petitioner has served at least 15 years of incarceration, the minimum amount of time it takes for a person serving a sentence for second-degree murder to become eligible for parole.

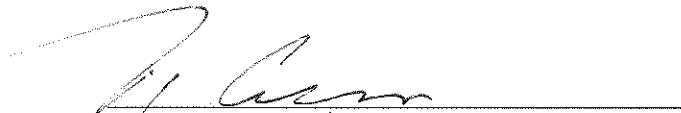
Based on the hearing and the record it is clear Mr. Allen has made exceptional strides towards self-improvement and self-development. He has served approximately 27 years and has always accepted responsibility for his role in the murder of Purvis Bester. He has been a model inmate and stopped a patient from harming a female correctional officer at Bridgewater State Hospital in 2011. He has had extensive program involvement, has an extensive support network, and has a low risk of violence and recidivism per the Department of Corrections. He has participated in the Companion Program and Cadre Program where he has demonstrated a genuine level of compassion and empathy for the chronically mentally ill population. He has also earned his barber's apprentice license and Serv Safe certification. He has always maintained employment while incarcerated. District Attorney Cruz along with family members of Mr. Bester support commutation. District Attorney Cruz urged the Board to recommend commutation to second-degree murder.

Mr. Allen began investing in his rehabilitation soon after he was sentenced despite no possibility of parole and has continued to do so throughout his incarceration. Mr. Allen is serving a sentence for first-degree murder. He was not the principal actor and did not stab the victim although he has always taken responsibility for his role in the crime. It is for these reasons that the Board is recommending commutation to second-degree murder. He has exhibited a good example to the incarcerated population to commit to self-development and self-improvement.

For the six members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 16 of September, 2021:


Gloriana Moroney, Chair


Charlene Bonner, Board Member


Tonomey Coleman, Board Member


Sheila Dupre, Board Member


Tina Hurley, Board Member


Colette Santa, Board Member