



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**KEYMA MACK  
W55540**

**TYPE OF HEARING:** Initial Hearing  
**DATE OF HEARING:** August 26, 2014  
**DATE OF DECISION:** November 20, 2014

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

**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, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a 6-1 vote that the inmate is a suitable candidate for parole at this time. Parole is granted to an approved home plan after one year in lower security.

**I. STATEMENT OF THE CASE**

On December 6, 1993, Keyma Mack was convicted in Suffolk Superior Court of first degree murder for the shooting death of Christopher Pires, age 17. Mack, who was 17 years old and a juvenile at the time of the murder, received a life sentence without the possibility of parole. Mack is currently serving his sentence at MCI-Norfolk, where he has been since November 1996.

The following statement of facts is taken from *Commonwealth v. Keyma Mack*, 423 Mass. 288, 289 (1996), a decision by the Supreme Judicial Court.<sup>1</sup> "On March 23, 1992, the defendant<sup>2</sup> and a friend arrived outside a row of stores at the intersection of Fuller and

<sup>1</sup> As a first degree murder conviction, the case was subject to an automatic review by the Supreme Judicial Court. See. G.L. 278 § 33E.

<sup>2</sup> Mack is "the defendant."

Washington Streets in the Dorchester section of Boston. The victim, Christopher Pires, was standing outside the stores with a group of people. Pires approached the defendant and his friend and started a conversation. That conversation degenerated into an argument among them. After a short time, the defendant pulled out a revolver. Brandishing the weapon, he shouted at Pires several times, "You don't think I'm going to shoot you?" Pires turned and ran. The defendant pursued Pires down the street and around a corner, firing three to four shots in Pires' direction. The defendant gained ground on Pires and a shot hit him in the back from only a few feet away. Pires died within a few minutes."

Mack temporarily evaded arrest for the murders and fled to Springfield where he resided with a female acquaintance. In the early morning hours of June 27, 1992, Mack and a male co-defendant, who was identified as a cousin to the female acquaintance, were arrested in connection with a fight with five men. Mack's co-defendant instigated a fight with the five men, drew a handgun, and assaulted one of the men by striking him in the head. During the fight, two shots were fired. While no one was hit by those bullets, one of the victims suffered a severe cut to his arm. Mack suffered a cut to his head. With blood running down his face, Mack stated he started to run down the street, but was immediately apprehended by the police. Mack, who is identified in police reports as "Kevin Robinson" with a false date of birth, was charged with assault and battery with a dangerous weapon. For his role in this assault, on December 2, 1992, Mack was convicted of assault with a dangerous weapon.

On December 24, 2013, the Supreme Judicial Court issued a decision, *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013), in which the court determined that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first degree murder. Further, the Court decided that Diatchenko (and others similarly situated) must be given a parole hearing. Accordingly, Mack is now before the Parole Board for his initial hearing.

## **II. CRIMINAL & INSTITUTIONAL HISTORY**

Mack was first arrested as a juvenile at the age of fifteen. He explained that he was committed to the Department of Youth Services for a crime that involved him shooting another person. Mack explained at his interview that this case involved a situation where he and a friend got into an argument with another guy from the neighborhood. Mack got a "*neighborhood*" gun and started shooting wildly at the other individual, until his friend grabbed him and said, "Let's go." Mack's adult criminal history consists of the convictions for the murder of Pires and his role in the assault in Springfield.

Mack has been serving his life sentence since December 6, 1993. Initially committed to MCI-Cedar Junction at Walpole, Mack engaged in some programming and received positive housing and work evaluations. However, on October 18, 1994, Mack participated in a racial disturbance involving white and African American inmates, during which Mack was armed with a broomstick, ordering staff out of the housing unit. Mack squared off with a particular white inmate, who had a shank and was attempting to stab him.

Mack was transferred to MCI-Norfolk and received a 12 month placement in the Departmental Disciplinary Unit (DDU). Mack was later returned to MCI-Cedar Junction in the DDU, received a three month reduction in his sanction due to his overall positive behavior, and

was returned to the general population in January 1996. However, in April 1996, Mack incurred a disciplinary report for possessing a weapon, which was a sharpened piece of eyewear.

In November 1996, Mack was transferred again to MCI-Norfolk, and since that time he remained disciplinary report free. Mack instead received positive housing and work evaluations, and at a time when he recognized that he was not eligible for parole, Mack engaged in institutional programming, including Able Minds, Emotional Awareness, and several phases of Alternative to Violence (ATV) in March 2009, June 2009, August 2009, and February 2010. Mack also facilitated several ATV for Trainers Courses in February 2011, December 2011, and October 2013. Since the *Diatchenko* decision, Mack has continued his rehabilitative efforts, acting as a coordinator for ATV programming in March 2014, and he anticipates participating in Jericho Circle at the next available opening.

In addition to rehabilitative programming, Mack has been consistently employed and has been working in the laundry facility since 2002 while at MCI-Norfolk. Mack, however, has not yet attained a high school diploma or its equivalent.

### **III. PAROLE HEARING ON AUGUST 26, 2014**

Keyma Mack appeared for his initial parole hearing after serving 22 years of a life sentence for first degree murder. Boston attorney Michael Bourbeau represented Mack. Mack served the first 21 years of his sentence without parole eligibility. He only recently received parole eligibility at 15 years as determined by the Supreme Judicial Court in *Diatchenko*. Mack gave an opening statement in which he said, "I am ashamed of who I was and what I did. I took away the ability of the Pires family to create new memories with Chris; you are left only with the memories you had."

Mack has had a remarkably stable existence at the Department of Correction. He has been at MCI-Norfolk for 18 years, has lived in the same housing unit for 17 years, and has performed the same job in the laundry every day for 12 years. That unprecedented stability has been possible due to good conduct. He has not received a single disciplinary report during those 18 years at MCI-Norfolk.

After committing the murder at age 17, Mack began his life sentence commitment at age 18 at MCI-Cedar Junction. He was soon involved in a racial altercation in 1994 at Walpole which involved considerable violence between white and black inmates. Mack offered his explanation of the events, which included his admission that he was involved at the beginning of the melee. "I was in my cell when a guy came in with a shank. I didn't have any problem with that guy so I didn't know why he was there. I picked up a shank. That led to an altercation between about 12 black inmates and 30 white inmates. I knew the white inmates from the unit and I didn't have a problem with any of them. I found out later that I wasn't the real target and it had nothing to do with me. They were after the guy who was in the cell before me; he was the target. I did hold an officer back during the fighting. I was sentenced to serve 12 months in the DDU [Disciplinary Detention Unit]. They let me go three months early from DDU because I didn't get into any trouble. I was 20 years old. I no longer have any racial difficulties. I associate with inmates of different races." Mack received a disciplinary report in 1996 for possessing a sharpened piece of eyeglasses in his cell. He said, "I had that for protection because of all the stories I heard" about incidents in Walpole.

A Board Member asked Mack to explain how he has maintained an excellent conduct record since 1996. Mack said, "I interact with positive people and don't get caught up in problems. I stay involved with the programs and associate with people who do the same programs. I am also around Muslims, people who share the same faith. When I was in DDU, I read a book that hit home; it told me a lot about what I was doing. I knew I could not live like this anymore. I remember being classified to Norfolk. I couldn't wait to get out of that environment at Walpole. Once I got to Norfolk and could see what was offered there, I knew there was no possible way I could continue to be that person. I struggled with my friends; they called me weird or soft, but I was determined to change. I didn't know how I would change or how long it would take, but my responsibility for the murder of Mr. Pires lives with me forever. That night plays in my head every day." Mack was asked, "What needed to change?" He said, "I needed to change my reaction to things. I knew that the way I reacted to things, particularly that night, always ended up with a negative result. I didn't want that anymore. I knew I couldn't live like that anymore."

When he was released from the DDU to the general population, Mack got involved with Muslim religious activities in 1996. He credited Islam for helping him reform his character and conduct. Mack said, "Religion gave me a sense of purpose in life, gave me time to understand who I was, where I wanted to be, and how I affected other people. Religion humbled me. Praying every day made me humble and gave me discipline." Mack said that he goes to service weekly, and also visits the worship area "two or three times a week to make prayer or study."

Mack became involved with rehabilitative programming when he was serving a sentence of life without parole. He said, "Emotional Awareness was the most helpful program. I suppressed feelings that I had. Emotional Awareness showed me that it was unhealthy to hold things in and it allowed me to express some feelings." Mack was involved with Alternatives to Violence from 2009 to 2014. He reported that "I was a member of the program, then a facilitator of groups, and then a coordinator for the program. Alternatives to Violence taught me how to reach common ground when there is conflict. When you utilize the tools we learned, you will have success at the other end. You cannot just recite them, you have to use them." A Board Member asked Mack to provide examples of using the lessons he learned. He said, "A lot of times you can use humor to reduce the conflict, or you can revise your position and say, 'You're right and I was wrong.'" The Board Member asked Mack, "What do you do if you are right?" Mack said, "Sometimes you have to put yourself in the other person's shoes and you may have to sacrifice your position so the situation doesn't escalate." Mack explained that he recently left ATV because "now they rotate, there is a three year limit on holding a position and I was beyond the three years as coordinator. As a coordinator, we organized the weekends, picked other facilitators, showed them how to run weekends and be responsible for the program."

Beginning in 2000, Mack has been involved with the Second Thoughts program. Mack said, "Second Thoughts deals with DYS kids. We go out to talk to the kids. We have six to eight weeks with these kids and we cover various topics like gangs, violence, drugs, and alcohol." A Board Member asked Mack what he told the young people in Second Thoughts. He said, "I tell them that when you are young, you are impulsive and reckless. Fighting or picking up a gun is not what you want to do, lives will be lost and there are consequences for your actions. I also tell them not to be influenced by others."

Mack reported that he grew up with both parents in his life but they separated when he was three years old. His mother worked for the MBTA and his father was a Boston firefighter. He has four siblings. He said that he is the only one in his immediate family who has been involved in criminal behavior. He described that "my father had always been there when I was young and then I felt like he was in two different worlds. I always wanted to be around him but he had a demanding job and did not live with us. I would have loved to have him around more." He said that not living with his father affected his life negatively as he became withdrawn and later was "acting out in school and wouldn't listen." By ninth grade, he was skipping school and getting suspended as well as "hanging out with older guys from the neighborhood and getting in fights" outside of school. By ages 12 and 13, Mack said he "wanted to fit in so I was holding guns and drugs for the older guys and would get paid for it. It wasn't a gang. It was a group of guys who had money and guns and respect. Even as I got older I was not dealing drugs directly. They wanted me to be that person that carried things for them and that's what I accepted. I've only fired a gun twice. I never used a gun to put fear in others because I was always around older guys who were respected." He was involved in a shooting that resulted in a commitment to the Department of Youth Services. Mack gave this description of the crime. "A guy and I exchanged words. I went and got a gun and came back and fired at his house. People came out and I kept shooting. Two people got shot. One was in the leg and I think the other person was hit in the arm. I told my father and he said, 'You're going to turn yourself in.' My father and I went to the station and turned me in. I was 15." Mack added, "At DYS I didn't learn anything because I still had the mindset that I wanted to be respected and accepted."

Mack gave his version of the murder. "I was 17 years old and three months away from graduating high school. I had been released from DYS. I was carrying a gun that day just because I had it; there was no particular reason. I had a gun sometimes because of the neighborhood and the guys I was hanging with. Usually we would hide the guns in different parts of the neighborhood. There were plenty of guns in the neighborhood. I knew Mr. Pires and I didn't have any issues with him. That's one of the things that will continue to bother me. I would see him at the YMCA and in front of the park. That day when I saw him on the street he accused me of stealing a bike. I never stole a bike. When he said I did that, I got real defensive. I pulled the gun out and he ran. I chased him and I started firing. Everything just stopped and I don't remember everything. I don't remember how many shots I fired and I don't know when I hit him. I murdered Mr. Pires for no apparent reason."

Mack struggled to explain why he chased and shot a person who was running away. He suggested that he chased Pires out of recklessness and fired "out of fear." A Board Member challenged Mack's claim that fear was the primary cause of the shooting and Mack then described anger. "I did struggle with anger. I allowed anger to be a center point in my life. I didn't know how to control it. At the time, I didn't see myself as angry; I saw myself as stupid. Looking back, I see that it was anger. Anger was part of my fights in the neighborhood and at DYS. Anger was part of the lifestyle I was leading. I wanted to address that issue. I felt disrespected back then; I have learned the pitfalls of how you act out when you feel disrespected. I've confronted my problem with anger by not allowing things to be suppressed when they can come out at the wrong moment. Suppressing things can be destructive because it can cause you to react and do something you can never take back. My anger came from not

having my father there and in my life the way I really wanted. That's what drew me to the streets."

After the murder, Mack ran home. He said, "My father wanted me to turn myself in, so I left. I went with a friend to Springfield where I stayed with a girl. I met her cousin James Allston. One night he was fighting on the street and I went to help. I got hit in the head with something and I was bleeding. The police arrived at the scene and I was still stumbling from the blow to the head. I was dazed. I got arrested right there. I was taken to the hospital where I got stitches. I still have a scar on my head. James had a gun and it was recovered by the police. I don't know why James had a gun that night. I had just met him. He didn't sell drugs; he had a job. I did not have a weapon. I did not hit anybody. James initiated the fight; he pushed the guy. I was convicted of assault and battery and was given time served, which was 180 days." Based on police reports and the convictions received by Mack and his co-defendant, the Board concluded that the co-defendant instigated the fight, was the primary combatant, and was the only person with a gun. Mack was struck in the head and injured.

Board Members asked Mack about his failure to obtain a GED in prison. Mack said, "I took GED classes at Walpole and Norfolk, but I couldn't focus. My mind was all over the place. I realized there were things I needed to do before I did GED classes. I wanted to focus on what I was feeling and what I needed to work on first." Mack was also asked to explain a period from 2001 to 2008 in which he had little program participation. He said, "I was really focused on religion during those years. I did have a lot of classes with the Iman during those years."

The public portion of the hearing included statements of apology by Keyma Mack's family members and statements of forgiveness by Chris Pires' family members. Members of the two families spoke directly to each other. The Pires family members spoke directly to Keyma Mack to express the many feelings and opinions they have held over two decades. Following the regular order of events for hearings, the supporters of parole were called upon first. Cheryl Jenkins, Keyma Mack's mother, mentioned that she was at work at the MBTA at the time of the murder. At the hearing, she provided an emotional account of her concern for the Pires family over the years. She said, "I've always wanted to apologize to the Pires family." Eddie Rogers, Keyma Mack's father, apologized publicly to the Pires family before he sat down at the witness table to address the Board. Mr. Rogers is a retired Boston firefighter. He described that he tried to direct his son but "the streets and the peer pressure were more powerful than my words." He reported that, "I have visited my son in prison since day one." Earlier in the hearing, Mack had told the Board that "since I've been incarcerated, I've had the best relationship with my father; he's someone I look to all the time." Leroy Heyward, Mack's cousin, also testified in support of parole. He described that he was part of the neighborhood group that Mack was involved with. He said, "I knew all those guys. I was working while all those guys had the money and the cars and the girls. Keyma saw me and my friends. These guys knew what they were doing; they pull you in and then they use you. That's what they did with Keyma." Mr. Heyward is a Boston firefighter.

The family of Christopher Pires expressed both extreme sorrow and forgiveness. Maria Pires, Chris' mother, said, "I forgave Keyma. I lost a son and this other family lost a son. You tore my family apart and you tore your family apart too. I hope you have peace in your soul, Keyma; that will help you." Carlos Pires, Chris' brother, gave emotional testimony in which he

said, "I am a born again Christian and I forgive you. You did the actions, but I blame Robert; it was his influence." Carlos spoke directly to Keyma Mack's mother: "It is not too late for our families to sit together." Carlos told Mack that, "You are not ready" for parole. Paulina Hunter, Chris' aunt, testified that "Chris would light up a room. Chris and Keyma were friends. We forgive you Keyma, but we don't forget. We have a memorial Mass every March. We forgive you; we want you to have a nice life. Now that we have said these things, we will be at peace and my nephew can rest in peace." Nancy Pires, Chris' older sister said, "Chris and I were very close. I forgive you, Keyma. I worked with youth for many years because I didn't want my brother's life to have been lost in vain. I worked to educate youth to be better people. I overcame bitterness and anger by helping kids. I became a Christian, so I can forgive you, Keyma. I hope you do well, Keyma. My family lost a brother and his family lost a son. I have no malice against you, Keyma. God bless you. If you were released, my heart would be healed if you helped kids out there." Jon Hunter, a cousin, testified and described the loss that the family suffered. Suffolk Assistant District Attorney Donna Patalano, remarked upon the grace of the Pires family in offering forgiveness, the senselessness of the killing, and stated that the District Attorney's opposition was based on whether Mack was sufficiently prepared for parole, and suggested that if Mack received parole, the Board should include a condition of parole that responds to the hope of the Pires' family that he help young people avoid violence.

#### **IV. DECISION**

Keyma Mack, at age 17, committed a senseless murder by shooting Christopher Pires after an argument over an allegation of bike theft. He was convicted of first degree murder and has served 22 years of his life sentence. The Parole Board must determine if the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – have been met. Mack made a commitment to reform in 1996 and has spent 18 years of his incarceration improving himself. His rehabilitative efforts have included spiritual commitment, active program participation, steady employment, and family support. His path to rehabilitation was less complicated than that of most murderers because he does not have a substance abuse problem or an extended history of antisocial behavior. His record in prison over the past 20 years is remarkable. He has no disciplinary reports during that period and, due to good behavior and consistent effort, he has maintained a remarkably consistent and peaceful existence at the Department of Correction. He has been in the same prison for 18 years, the same housing unit for 17 years, and the same job for 12 years. During that time, he has converted to Islam, been involved in multiple religious programs and activities weekly, and participated in several rehabilitative programs while serving a life sentence without possibility of parole. At the hearing, Mack gave an insightful and candid assessment of his criminal activity, its causes, and his efforts to reform. Mack's conduct in prison and his statements at the hearing provided considerable evidence that he has successfully reformed his criminal thinking, criminal conduct, anger, and violence. Based on this evidence, the Parole Board concludes that Keyma Mack is rehabilitated and presents no current risk for violence or criminal behavior. The goals of rehabilitation and public protections have, therefore, been met.

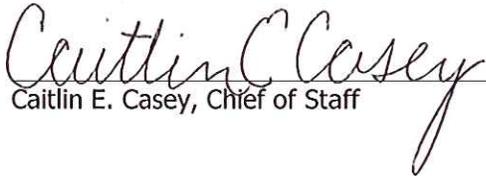
The facts of the murder are heinous enough that 15 years would not be sufficient to punish Mack or deter others from similar violence. He has, however, served an additional seven years. The Parole Board considers that he committed an impulsive act as a young person and, very importantly, that family members of Christopher Pires expressed that the punishment is now sufficient.

Board Member Ina Howard-Hogan dissented. She voted to deny parole with a review in two years from the date of the hearing. Member Howard-Hogan would require Mack to engage in additional rehabilitative programming, continue to address his issues with anger, and to obtain his high school equivalency.

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 majority opinion of the Board that Mr. Mack does merit parole after one year in lower security.

**SPECIAL CONDITIONS:** Parole to an approved home plan after one year in lower security; required enrollment in HiSET program (high school equivalency)<sup>3</sup>; report to assigned parole office on day of release; supervise for drugs with testing required; supervise for alcohol abstinence with testing required; counseling for adjustment issues.

*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

11/20/14  
Date

<sup>3</sup> HiSET® is an alternative to the GED® test.