



*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

IN THE MATTER OF

ADAM MACMILLAN

W42419

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 5, 2018**

DATE OF DECISION: **March 1, 2019**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude that the inmate is a suitable candidate for parole.¹ Parole is granted to a Long Term Residential Program (LTRP) after 18 months in lower security with special conditions.

I. STATEMENT OF THE CASE

On May 12, 1986, in Suffolk Superior Court, Adam MacMillan pleaded guilty to the second-degree murder of Richard Jackson and was sentenced to serve life in prison with the possibility of parole. On that same date, he was also convicted of assault and battery by means of a dangerous weapon and received a sentence of 3 to 5 years to run concurrent with his life sentence.

On May 22, 1985, Adam MacMillan and Richard Jackson, along with a group of individuals, were drinking alcohol in the area of Copley Square. Mr. MacMillan and Mr. Jackson became involved in a small altercation, which was broken up by another member of the group. Shortly

¹ Two Board Members voted to deny parole with a review in three years.

thereafter, Mr. Jackson and a woman began to argue, and Mr. Jackson then struck the woman. Mr. MacMillan ran over to Mr. Jackson with a knife in hand and stabbed Mr. Jackson several times. When Mr. Jackson's girlfriend attempted to separate the fight, Mr. MacMillan stabbed her in the shoulder. He then plunged the knife into Mr. Jackson's left eye and fled. Mr. Jackson died the following day of injuries resulting from multiple stab wounds. After the murder, Mr. MacMillan fled to Florida. On August 3, 1985, Mr. MacMillan was arrested by Fort Lauderdale police under the alias "Dennis Walsh." He was charged with aggravated battery, resisting an officer, and property damage arising out of an assault and battery. Mr. MacMillan was extradited back to Massachusetts, where he subsequently pleaded guilty to the murder of Mr. Jackson.

At the time of the governing offense, Mr. MacMillan was on parole from a 12 year sentence for assault with intent to murder, assault and battery with a dangerous weapon, and robbery. In that (1980) case, Mr. MacMillan stabbed the victim twice. During that sentence, Mr. MacMillan had two parole failures.

II. PAROLE HEARING ON JUNE 5, 2018

Adam MacMillan, now 56-years-old, appeared before the Parole Board on June 5, 2018 for a review hearing. Mr. MacMillan was not represented by counsel. Mr. MacMillan had been denied parole in 2000, 2005, 2009, 2012, and 2017. In Mr. MacMillan's opening statement to the Board, he accepted full responsibility for taking the life of Mr. Jackson. He expressed his remorse not only for the crime itself, but for the pain and suffering he caused Mr. Jackson's family. He offered his "most sincere apology" and hoped that they would find "peace and closure." Mr. MacMillan explained that he spent years discovering how he became the misguided young man that he was in 1985.

Mr. MacMillan recounted a life dismantled by his addiction to alcohol and narcotics. He told the Board that he considered himself to be an alcoholic by the age of eleven. His substance abuse habit developed as a way to escape an abusive home life, where he was both a witness to, and victim of, physical abuse at the hand of his mother's boyfriend. When the Board asked Mr. MacMillan about the governing offense, he explained how he had been distressed and under the influence of alcohol when he attacked Mr. Jackson (after their initial altercation had been resolved). Mr. MacMillan explained that he had interpreted Mr. Jackson's treatment of his female friend as disrespectful and violent. Mr. MacMillan further admitted that a similar situation led to him stabbing a man in Florida before he was apprehended for the governing offense.

The Board discussed Mr. MacMillan's prior history on parole supervision. Mr. MacMillan stated that he was only on parole for a short period of time when he committed the governing offense. He explained that he was paroled to a program to address his alcohol problem, but left the program almost immediately to continue drinking. Mr. MacMillan described having friends, money, and employment during this time, but that substance abuse led him to commit further violence. The Board asked Mr. MacMillan about the role he believed alcohol played in the commission of his crimes. Mr. MacMillan admitted that alcohol was involved in each of his violent incidents, but denied ever hurting anyone when he was sober. Mr. MacMillan explained to the Board that Alcoholics Anonymous ("AA") is a significant part of his life, and he attends and/or leads meetings on a weekly basis. He told the Board that, despite its prevalence in prison, he has not touched alcohol in 20 years. Mr. MacMillan credits Alcoholics Anonymous and other programming with "adjusting [his] thought patterns."

Mr. MacMillan has participated in various programming during his 33 years of incarceration, including Anger Management and Alternatives to Violence. He maintains employment at the prison gym, where he reports regularly to a boss. He informed the Board of his regular church attendance, as well as his excitement about leading an upcoming service for his fellow inmates. Mr. MacMillan stated that he has not had a disciplinary report since his last hearing in 2017. Despite amassing many disciplinary reports in his first decade of incarceration, Mr. MacMillan said he has only acquired a handful over the past 20 years. Mr. MacMillan discussed the immense support he enjoys from his mother, brother, and girlfriend. All of these individuals had been present at prior hearings, but were not present during this hearing. Despite their absence, Mr. MacMillan explained that his supporters have consistently visited him and have all expressed an interest in allowing him to live with them, if he is released.

The Board considered the written submission of Mr. MacMillan's mother in support of parole. The Board considered the written submissions of the victim's niece in opposition to parole. The Board also considered the written submission of Suffolk County Assistant District Attorney Kathryn Leary in opposition to parole.


III. DECISION

The Board is of the opinion that Mr. MacMillan has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board strongly recommends Vivitrol to maintain sobriety.


The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken consideration Mr. MacMillan's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction could effectively minimize Mr. MacMillan's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. MacMillan's case, the Board is of the opinion that Adam MacMillan merits parole at this time. Parole is granted to a Long Term Residential Program (LTRP) after 18 months in lower security with special conditions.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be at home between 10:00 pm and 6:00 am; Electronic monitoring at PO's discretion; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adjustment/transition; Long Term Residential Treatment program; AA/NA at least three times/week; Mandatory adherence to Vivitrol protocol as he uses Vivitrol to maintain sobriety.

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.



Shara Benedetti, Acting General Counsel



Date