



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 6, 2017

DATE OF DECISION: April 9, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 not a suitable candidate for parole.¹ Parole is denied with a review scheduled in one year from the date of the hearing.

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 3-5 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 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

¹ The Parole Board's decision was split. Three Board Members voted to deny Mr. MacMillan parole with a review in three years from the date of the hearing. Three Board Members voted to reserve Mr. MacMillan to home after successful completion of 18 months in lower security.

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 the 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 6, 2017

Adam MacMillan, now 55-years-old, appeared before the Parole Board on June 6, 2017 for a review hearing. Mr. MacMillan was not represented by counsel. Mr. MacMillan has been denied parole in 2000, 2005, 2009 and 2012. In his opening statement to the Board, Mr. MacMillan apologized to the family and loved ones of Mr. Jackson, as well as to his own family. He also expressed his remorse for the murder. Mr. MacMillan described his background, stating that his parents separated when he was 2-years-old. His mother began dating a man, who was an alcoholic. The man abused him and his mother, causing Mr. MacMillan to run away from home. He was subsequently placed in and out of different foster homes. Mr. MacMillan indicated that his alcoholism began around age 11.

Mr. MacMillan described the offense for which he was on parole, prior to the governing offense. He said that a group of men hit his brother in the head with a beer bottle and, as a result, an argument ensued between him and the men. During the argument, Mr. MacMillan stabbed one of the men. He was sentenced to 12 years for assault with intent to murder, assault and battery with a dangerous weapon, and robbery. He served approximately 6 years of that sentence, failed on parole, and was re-incarcerated. He was again paroled (prior to the governing offense).

In describing the governing offense, Mr. MacMillan stated that on the day of the murder, he had been using drugs with a female friend. Later in the evening, he and some friends met to go into Boston for a night on the town. The group purchased alcohol from a liquor store to drink before going into a nightclub. At some point, Mr. MacMillan and Mr. Jackson engaged in an argument, and a fist fight ensued. A short time later, Mr. Jackson was observed making unwanted advances towards Mr. MacMillan's female friend and, when she refused, he slapped her across the face. Another argument ensued between Mr. MacMillan and Mr. Jackson, during which Mr. MacMillan stabbed Mr. Jackson. When Mr. Jackson's girlfriend attempted to stop the attack, Mr. MacMillan stabbed her in the shoulder and pushed her aside. Mr. MacMillan continued to stab Mr. Jackson and then fled the scene.

Initially, Mr. MacMillan had a poor institutional adjustment. In 1986, while incarcerated at MCI-Cedar Junction, Mr. Macmillan hit another inmate several times with a pipe. Mr. MacMillan explained that the victim of that attack approached him and told him that he "was

going to be his." Mr. MacMillan stated he was told by other inmates that he had to "do something." Mr. MacMillan was convicted of assault and battery by means of a dangerous weapon. He was sentenced to 1-5 years in prison, from and after the sentence he is currently serving. Mr. MacMillan had also incurred a number of disciplinary reports. However, the Board noted that he has incurred only one disciplinary report since 2008. Mr. MacMillan recognized that his past violence was related to his substance abuse issues and, in particular, his use of alcohol. Mr. MacMillan has participated in programming to address these issues, including Alcoholics Anonymous and Criminal Thinking. He regularly attends church services.

The Board considered the testimony of Lyn Levy of SPAN, Inc., as well as the prior testimony of Mr. MacMillan's mother and girlfriend, all of whom expressed support for parole. The Board also considered the written submission of the victim's sister in opposition to parole.

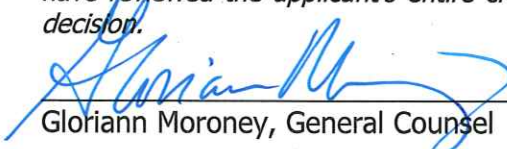
III. DECISION

The Board is of the opinion that Mr. MacMillan has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. MacMillan's rehabilitation.

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 into 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 has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. MacMillan's risk of recidivism. After applying this standard to the circumstances of Mr. MacMillan's case, the Board is of the opinion that Adam MacMillan is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. MacMillan's next appearance before the Board will take place in one year from the date of this hearing. During the interim, the Board encourages Mr. MacMillan to continue working toward his full rehabilitation.

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.


Gloriann Moroney, General Counsel

4/9/18
Date

