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Josh Wall
Chairman

DECISION

IN THE MATTER OF

ADAM MACMILLAN

W42419

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 26, 2012

DATE OF DECISION: April 24, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Shelia Dupre, Ina Howard-Hogan, Roger Michel, 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 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 at this time. Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Adam MacMillan appeared before the Massachusetts Parole Board for a review hearing on the life sentence he is currently serving at MCI-Concord. Mr. MacMillan received this sentence in Suffolk Superior Court on May 12, 1986, after pleading guilty to second-degree murder in the stabbing death of 39-year-old Richard Jackson. He was also convicted of assault and battery with a dangerous weapon for stabbing Mr. Jackson's girlfriend in the same incident.

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 Pamela Dorsey began to argue and Jackson struck Ms. Dorsey. Mr. MacMillan ran over to Mr. Jackson with a knife in hand and stabbed Mr. Jackson several times. When Jackson's girlfriend, Melanie Jewell, attempted to separate the fight, Mr. MacMillan stabbed her in the shoulder, 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.

When Mr. MacMillan stabbed Mr. Jackson to death, he was on parole from a 12-year sentence for assault with intent to murder. In that 1980 case, Mr. MacMillan stabbed the victim twice. He was paroled, revoked, and re-paroled prior to the murder.

In August 1985, Mr. MacMillan was arrested in Florida under the alias "Dennis Walsh" for an assault and battery for stabbing a patron in the hand in a local sandwich shop and was returned to Massachusetts.

II. PAROLE HEARING ON JUNE 26, 2012

Adam MacMillan appeared before the Parole Board for his fourth hearing. Following his most recent hearing in 2009, Mr. MacMillan received a denial with a review in three years. Since that time, Mr. MacMillan has remained disciplinary report free and began actively participating in programming in January of 2011. The Board inquired about the significant six year gap in programming to which MacMillan stated, "I was participating in programs, it's just not recorded."

Concerning the murder of Mr. Jackson, Mr. MacMillan's continued assertions that he was coming to the defense of Ms. Dorsey, his childhood friend, and that Ms. Jewell "jumped in front of the knife," are inconsistent with the grand jury testimony. He said that "I was a punk at the time, I carried a knife all the time."

Mr. MacMillan was on parole when he committed the murder and he has two prior parole failures. He has three escapes, in 1982, 1984, and 1985. He said that in 1982 and 1984, he "was gone" for several months each time. He said that in 1985, he was quickly apprehended after escaping from a transportation van.

He has incurred 76 disciplinary reports that include DSU, SMU, and DDU placements for the following conduct: smearing feces over a cell door, assaulting another inmate with a pipe, assaulting an officer, possession of heroin, and fighting. Mr. MacMillan's last disciplinary report was received in April of 2008. He currently works as a hall runner and receives positive housing evaluations. Mr. MacMillan is currently enrolled in AA 12-Steps, AA Big Book, SMART Recovery, and the Criminal Thinking program. He said that "it took me ten years into my life sentence to realize I was an alcoholic." He also said, "before I blamed the system; I used drugs for eight or nine years at Walpole; I didn't care about nobody; I was a disrespectful punk."

Mr. MacMillan's mother, brother, fiancée, and friend testified in support of parole. The victim's sister submitted a letter stating that she was opposed to parole, but was unable to attend the hearing due to a death in the family. Suffolk County Assistant District Attorney Charles Bartoloni testified in opposition to parole.

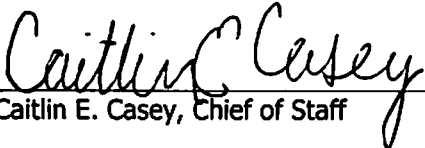
III. DECISION

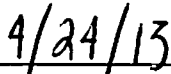
Adam MacMillan has an extraordinarily violent history, including committing this murder while on parole. His behavior in prison was violent and dangerous for years. To earn parole under these circumstances, an inmate would need a long commitment to rehabilitation. Mr. MacMillan has not sustained such a commitment as his meaningful program participation began just two years ago.

The standard applied in assessing candidates for parole is set out in 120 CMR 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, we find that Mr. MacMillan is likely to commit a new crime if released and that his release is not compatible with the welfare of society. Parole, therefore, is denied with a review in five years. Given the danger presented by Mr. MacMillan, he needs a long period of established rehabilitation. He should continue with program participation, work, sobriety, and good conduct.

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


Date