

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



PAROLE BOARD

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AMENDED DECISION

IN THE MATTER OF

ALBERT JACKSON

W63771

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 16, 2020

DATE OF DECISION: January 6, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

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 by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to an approved home plan, but not before nine months in lower security.

I. STATEMENT OF THE CASE

On December 12, 1997, in Plymouth Superior Court, a jury convicted Albert Jackson of second-degree murder in the death of Walter Poe. The Massachusetts Appeals Court affirmed the conviction in 2000. In 2010, the Appeals Court considered the case again and affirmed the denial of Jackson's motion for new trial.¹

On the evening of March 13, 1996, Albert Jackson and seven other prisoners, including Walter Poe, were transported by the sheriff's van from the Nashua Street Jail to various other facilities. During the trip, Mr. Poe, an alcoholic in precarious physical condition, manifested symptoms of alcohol detoxification, such as hallucinating and incoherent rambling. Annoyed by

¹ *Commonwealth v. Jackson*, 721 N.E.2d 944 (Mass. App. 2000)

Mr. Poe's behavior, Mr. Jackson told him to shut up. He then administered two sets of powerful kicks to Mr. Poe's head and chest, using his right boot. After the second set of kicks, Mr. Poe slumped to the floor (mumbling and dazed), at which point Mr. Jackson said, "He'll be quiet now." By the time the van arrived at its first destination, Mr. Poe was on the floor, neither moving nor speaking. He died the following afternoon at Boston City Hospital of acute subdural hematoma, a consequence of head trauma. Mr. Jackson was 26-years-old when he committed the murder.

II. PAROLE HEARING ON JULY 16, 2020

Albert Jackson, now 50-years-old, appeared before the Parole Board for a review hearing on July 16, 2020. He was represented by Attorney Francis Herrmann. Mr. Jackson had been denied parole after an initial hearing in 2012, and after a review hearing in 2017. Attorney Herrmann preliminarily presented a statement to the Board on Mr. Jackson's behalf. In Mr. Jackson's opening statement, he expressed remorse for Mr. Poe's death and acknowledged the pain he caused the Poe family. Mr. Jackson told the Board that he will always feel "regret" and "embarrassment" for his role in Mr. Poe's murder. He noted, however, that he has "mentally and spiritually" changed since that time. If paroled, he anticipates challenges, but views such challenges as "part of the process." Mr. Jackson told the Board that he would use the necessary time for "self-analysis," so that he can remain "focused" and successful.

Board Members questioned Mr. Jackson as to the details leading up to the governing offense. As an inmate (convicted of a drug offense) traveling in the same van as Mr. Poe, Mr. Jackson stated that he was "immatur[e]" and had abused alcohol. He had no "direction" in life, nor the ability to control his anger and impulses. Mr. Jackson described to the Board how Mr. Poe engaged in "erratic" behavior that bothered him during the van ride. Unbeknownst to him, Mr. Poe was experiencing alcohol withdrawal symptoms. Mr. Jackson explained how he took it upon himself to "quiet [Mr. Poe] down" with multiple violent kicks to his chest and head within the first 15 minutes of travel. When Board Members inquired, Mr. Jackson indicated that he did not have any intent to kill Mr. Poe, however. Mr. Jackson characterized his behavior as "despicable" and "violent in nature," but stated that if a similar incident were to occur today, he would show compassion. When Board Members inquired as to why he did not show compassion at the time of the murder, Mr. Jackson responded that it was a "really bad" time in his life. As to how he shows compassion now, Mr. Jackson told the Board of an instance where he surprised his fiancé with money, out of his own funds, to repair the roof of their home. Mr. Jackson also indicated how he expresses his remorse to the Poe family through his programming efforts.

When Board Members questioned Mr. Jackson as to his mental health, he indicated that he suffers from a traumatic brain injury, along with a mood disorder. Mr. Jackson also stated that, throughout his incarceration, he has been misdiagnosed. As a result, he has been prescribed multiple medications that have caused negative side effects. The Board noted that, although he no longer suffers from schizoaffective disorder, Mr. Jackson is currently prescribed a low dose of anti-psychotic medication to stabilize his mood disorder. Mr. Jackson recognized the importance of remaining medication compliant and indicated that he will hold himself accountable. Taking his medicine is "never an option," but should he miss a dose, Mr. Jackson told the Board that he has the skills and resources to reach out for help.

Board Members also questioned Mr. Jackson on the details surrounding his traumatic brain injury. Mr. Jackson explained to the Board that he was assaulted by a correctional officer, who kicked him in the head, causing significant injury to his skull. When Board Members asked if he was able to make a connection between Mr. Poe's murder and his assault, as both instances involved excessive violence, Mr. Jackson explained that he cannot compare the two events because "Mr. Poe paid the ultimate sacrifice because of my stupidity." In response to questions regarding his prior substance abuse issues, Mr. Jackson maintained that he has been sober for 23 years and expressed a full understanding that sobriety is an important component to his rehabilitation. As such, Mr. Jackson has made a "conscious decision" to remain sober, telling the Board, "In order for me to truly rehabilitate myself, I can't indulge in substances." Mr. Jackson stated that, over the past seven years, he has attended AA/NA meetings bi-weekly and, during the last six months, he has attended meetings weekly.

The Board noted the severity of Mr. Jackson's previously unaddressed anger issues. Mr. Jackson's anger was not only a consequential factor in Mr. Poe's death, but also caused him to have a problematic institutional adjustment at the onset of his incarceration. When the Board questioned whether he has learned to control his anger, Mr. Jackson answered in the affirmative. He then explained to the Board how he facilitates a program within the institution that encourages gang members to participate in a basketball league that promotes a safer environment. He often finds himself breaking up fights between the participants and, as a result, has been involved in physical altercations. Mr. Jackson explained that when he has been assaulted, he chooses not to "think on impulse," but rather, he is able to use "restraint." He also acknowledged that his initial propensity for violence negatively impacted his decision making during his incarceration. Mr. Jackson reassured the Board, however, that he has addressed these issues through his programming efforts and with the support of his "strong mental health community." When Board Members noted his "remarkable" institutional progress, Mr. Jackson stated that he came to the realization that, if he did not change, he would likely die in prison. He then addressed his issues and identified the strengths and skills he needed to be successful. Mr. Jackson expressed a sincere appreciation for the help he received, stating that he plans to use his improved skills "for good."

Mr. Jackson and Attorney Herrmann researched different clinics, depending upon Mr. Jackson's location, that would provide him with a specialized treatment plan to address his mental health and substance abuse issues, if paroled. Mr. Jackson indicated that he is financially secure and has a strong support system, including his children, fiancé, and other family members. His fiancé resides in Connecticut, where they are homeowners. If the Board deems it appropriate, Mr. Jackson hopes to transfer his parole there. If not, he will sell his home and move back to Massachusetts. Ultimately, Mr. Jackson stated that his plan is flexible; he will adjust to whatever conditions the Board deems necessary. Mr. Jackson anticipates challenges, if released, but will allow himself time to transition, so that he can continue to apply the skills he has acquired through his programming efforts.

The Board considered testimony in support of parole from Mr. Jackson's two children, his aunt, and his cousin. The Board considered testimony in opposition to parole from Mr. Poe's two children and his two brothers. Additionally, Plymouth County Assistant District Attorney Keara Kelley provided testimony in opposition to parole. Plymouth County District Attorney Timothy Cruz provided the Board with a letter of opposition.

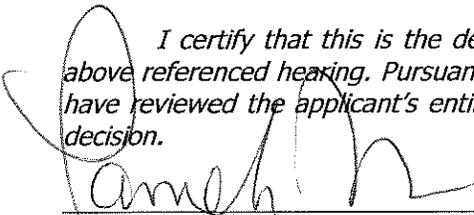
III. DECISION

The Board is of the opinion that Albert Jackson has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Jackson has served 24 years for the murder of Mr. Poe in a transportation van. Mr. Jackson accepted the recommendations of the Board and continued to make strides in his rehabilitation. He completed numerous meaningful programs since the last hearing to address his causative factors. He has been sober for 23 years and attends AA/NA regularly. Mr. Jackson has a strong support network and presented a solid reintegration plan.

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 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. Jackson'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. Jackson's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Jackson's case, the Board is of the opinion that Albert Jackson is rehabilitated and, therefore, merits parole at this time. Parole is granted to an approved home plan, but not before nine months in lower security.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for two weeks; Must be at home between 10 pm and 6 am; Electronic monitoring; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Must take prescribed medication; Supervise for liquor abstinence, testing in accordance with agency policy; No contact with victim(s) family; Report to assigned MA Parole Office on day of release; Must have mental health counseling for adjustment/transition; Attend AA/NA at least three times a week.

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.



Pamela Murphy, General Counsel



Date