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PAROLE BOARD

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Tina M. Hurley
Chair

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Executive Director

DECISION

IN THE MATTER OF

ALBERT JACKSON

W63771

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 23, 2022

DATE OF DECISION: December 1, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney,¹ Dr. Charlene Bonner, Tonomey Coleman, Tina Hurley, 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 the 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.² Parole is denied with a review scheduled in one year from the date of the hearing.

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. He was sentenced to life in prison with the possibility of parole. The Appeals Court affirmed his conviction, and his petition for further

¹ Chair Moroney was present for Mr. Jackson's hearing, but she was no longer a Board Member at time of vote.

² Two Board Members voted to grant parole, and two Board Members voted to deny parole. Due to a split vote, parole is denied with a review in one year from the date of the hearing.

appellate review was denied.³ In 2010, the denial of Mr. Jackson's motion for a new trial was affirmed and again, further appellate review was denied.⁴

On the evening of March 13, 1996, Albert Jackson (age 26) 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, was manifesting symptoms of alcohol detoxification, including hallucinations and incoherent rambling. Annoyed by Mr. Poe's behavior, Mr. Jackson told him to shut up. Mr. Jackson 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.

II. PAROLE HEARING ON JUNE 23, 2022⁵

Mr. Jackson, now 52-years-old, appeared before the Parole Board for a review hearing on June 23, 2022. He was represented by Attorney Nicole Ouellette. Mr. Jackson had been denied parole after an initial hearing in 2012, and after a review hearing in 2017. He was granted parole after his review hearing in 2020. Mr. Jackson was released on August 10, 2021, but was returned to custody in February 2022, due to several violations. On April 8, 2022, his parole revocation was affirmed. In his opening statement to the Board, Mr. Jackson blamed his return to custody on his decision-making skills. Although he outlined many positive aspects of his parole supervision, Mr. Jackson admitted that there was still work to be done. He also acknowledged the pain he caused the Poe family, as well as his own.

When Board Members questioned him about his parole supervision period (August 2021 through February 2022), Mr. Jackson explained that he got married a couple of months after his release and how his wife was expecting a child. He worked at several jobs, most recently for a cab company. Mr. Jackson noted that he did not have any positive tests for alcohol or illegal substances. Among the difficulties he encountered, however, was in obtaining his prescribed medications while residing at the CRJ House. Mr. Jackson also acknowledged his impulsive spending, using a large sum of money that he had received from a settlement.

Board Members also questioned Mr. Jackson about the behavior that led to his return to custody, which included itinerary violations, GPS violations, and his termination from CRJ following the discovery of 1200 rounds of hollow tipped pellet ammunition. When asked about the ammunition by his parole officer, Mr. Jackson also turned over four BB guns, which he admitted to purchasing. The Board noted Mr. Jackson's decision to use his cell phone to record this interaction with his parole officer. Mr. Jackson also discussed how he was stopped by police in a car driven by another parolee. Although a search of the vehicle led to the discovery of marijuana and drug paraphernalia, Mr. Jackson denied knowledge of such items. Finally, the Board inquired

³ *Commonwealth v. Albert Jackson*, 48 Mass.App.Ct. 1114 (2000); *Commonwealth v. Albert Jackson*, 726 N.E.2d 413 (2000).

⁴ *Commonwealth v. Albert Jackson*, 78 Mass.App.Ct. 465 (2010); *Commonwealth v. Albert Jackson*, 459 Mass. 1109 (2011).

⁵ The entire video recording of Mr. Jackson's June 23, 2022 hearing is fully incorporated by reference into the Board's decision.

about Mr. Jackson's decision to send his wife a photograph of a cab passenger's credit card with instructions to "max it out." Although he admitted to sending the text, Mr. Jackson reported that his intention was only to get his wife to respond to him.

Mr. Jackson told the Board that he has experienced mental health issues and physical ailments since he suffered a brain injury. He discussed the medications he is prescribed to treat these conditions. Board Members encouraged Mr. Jackson to seek an accurate diagnosis, as well as the care of a trusted provider to manage his medications, if re-paroled. Board Members also stressed the importance of communication with his parole officer.

The Board considered testimony in opposition to parole from the victim's daughter and two brothers. The Board also considered testimony and a letter in opposition to parole from the Plymouth County District Attorney's Office.

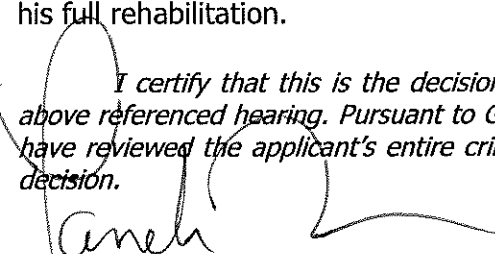
III.DECISION

The Board is of the opinion that Albert Jackson has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On December 12, 1997, Mr. Jackson was convicted of second-degree murder in the death of Walter Poe. Mr. Jackson had serious violations on parole and multiple graduated sanctions prior to his return. He needs a period of self-reflection and investment in rehabilitative programming – specifically criminal thinking. A Board Member remains concerned about his honesty relative to attempt[ing] to engage in criminal behavior while on parole.

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. 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. Applying this standard to the circumstances of Mr. Jackson's case, the Board is of the opinion that Albert Jackson is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Jackson'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. Jackson 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.


Pamela Murphy, General Counsel

12/1/22
Date