



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

**PAROLE BOARD**

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**DECISION**

**IN THE MATTER OF**

**ALBERT JACKSON**

**W63771**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** August 21, 2012

**DATE OF DECISION:** December 27, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** Parole is denied with a review in five years. The decision is unanimous.

**I. STATEMENT OF THE CASE**

Albert Jackson was convicted by a Plymouth County jury on December 12, 1997 of the second degree murder of Walter Poe. The Massachusetts Appeals Court affirmed the conviction in 2000. The Appeals Court considered the case again in 2010 and affirmed the denial of Jackson's motion for new trial. In its 2010 decision the Appeals Court provided the following summary of the facts.

"On the evening of March 13, 1996, Albert Jackson and seven other prisoners, including the victim, Walter Poe, were transported by sheriff's van from the Nashua Street jail to various other facilities. During the trip, Poe, an alcoholic in precarious physical condition, was manifesting symptoms of alcohol detoxification, including hallucinations and incoherent rambling. Annoyed by Poe's behavior, Jackson told him to 'shut up' and then administered two sets of powerful kicks to Poe's head and chest, with his right boot. After the second set of kicks, Poe slumped to the floor, mumbling and dazed, at which point Jackson said, 'He'll be quiet now.'"

Other prisoners in the van described the kicks as "very powerful," administered "like you would kick at a door," and sounding like "someone punching a bag." After the first set of kicks, Jackson pushed two other prisoners out of the way to position himself directly in front of Poe so he could resume the attack with the second set of kicks. The medical examiner noted that Poe had bruises and scrapes to both sides of the face, black eyes, and the upper eye lids were swollen. Poe died of severe brain injury which included subdural bleeding and subarachnoid bleeding.

Jackson was 26 years old when he committed the murder. He had previous convictions for armed robbery, assault with a dangerous weapon, assault and battery on a police officer, and four drug dealing convictions involving heroin and cocaine.

## **II. INSTITUTIONAL CONDUCT**

Albert Jackson has served 15 years of his life sentence. His institutional conduct is terrible. He has 31 disciplinary reports. In November 1999 he ordered the stabbing of another inmate for which he received 12 months in the Disciplinary Detention Unit (DDU). He received seven disciplinary reports for fighting, including two fights in 2011. Jackson informed corrections officers that he plans to retaliate against the inmates who injured him in a September 2011 fight. His last disciplinary report was for carrying a weapon (hidden in his knee brace) in October 2011. Jackson is currently housed in the segregation unit (Ten Block) at MCI Cedar Junction.

The inmate completed Jericho Circle in 2007. He has held several jobs in the institution. He receives weekly mental health counseling and sees a psychiatrist quarterly. His current prescriptions include Lithium, Prozac, and Lamictal.

## **III. PAROLE HEARING ON AUGUST 21, 2012**

Albert Jackson appeared for his initial parole hearing represented by Attorney Frank Herman. Jackson said that he was reckless in attacking Walter Poe but he did not intend to kill him. He said he has matured and currently has a non-violent approach to resolving conflict. Jackson said that by age 19 he was unemployed and spending most of his time "in the streets." He said he was an alcoholic and frequent marijuana smoker who "went out and robbed people." He said he was convicted of robbery for holding a knife to a young woman's throat and taking jewelry and cash. He also recalled an armed robbery, for which he was not convicted, in which he used a billy club.

The inmate said that after "smoking and drinking in my first year at the Suffolk House," he has been "clean and sober for 15 years." Board Members questioned Jackson about his institutional conduct. Jackson said "I was really wild when I came in; I was a heavy gambler," which led to several of his disciplinary reports. He denied being a member of a gang; he said he "sat at the 20 Love table" which is the reason the Department of Correction lists him as an associate of the 20 Love prison gang. He said that many of his disciplinary reports in recent years resulted from his good behavior that other inmates resented. He said that he was "trying to help guys get away from gambling" so the prisoners who "ran the book put a hit out on me." He said he was stabbed in April 2011 "because I spoke out against gang violence." He said that the comment about retaliating for the April 2011 fight was taken out of context.

A Board Member asked the inmate about his lack of rehabilitative programming. Jackson referred to his involvement in Jericho Circle for two weeks in 2007 and said, "Since I was little I have reacted without thinking, and reacted angrily; now I think before I act." He acknowledged that, "I need more programming in the institution and in the community, including community mental health."

Five family members spoke in support of Jackson's parole. Walter Poe's daughter and Plymouth Assistant District Attorney Karen Sullivan spoke in opposition to parole.

#### **IV. DECISION**

Albert Jackson presented an unusual case for parole: he maintained that his violent prison record is indicative of his good behavior rather than his violent behavior. He said that his opposition to gambling and prison gangs has caused him to be targeted and attacked. He also said that he is improperly labeled as a member of 20 Love only because he "sits at the 20 Love table" and not because he is a member. Jackson's record of persistent violence in prison does not support his bold assertions of heroic behavior. Self-serving claims of altruistic violence are not the basis for parole. The basis for parole includes non-violent good conduct and a commitment to rehabilitation demonstrated by persistent program participation. Jackson has achieved neither good conduct nor program participation, and the Parole Board therefore does not have a basis to conclude that he is rehabilitated. He is likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, parole is denied. The review will be in five years, during which time the inmate is encouraged to get involved in rehabilitative programs and remove himself from situations that result in violent confrontations.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.*

  
Timothy V. Dooling, General Counsel

12/27/12  
Date