

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



**PAROLE BOARD**

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*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**ALBERT JOHNSON**

**W80324**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 15, 2021

**DATE OF DECISION:** October 14, 2021

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

**STATEMENT OF THE CASE:** On May 17, 2002, in Plymouth Superior Court, Albert Johnson pleaded guilty to the second-degree murder of Michael Grosso. He was sentenced to life in prison with the possibility of parole. On October 13, 2009, Mr. Johnson moved to withdraw his guilty plea, and he moved for a new trial. The judge, who presided over Mr. Johnson's plea colloquy, denied this request on November 4, 2009. Mr. Johnson appealed. On December 3, 2010, the Appeals Court of Massachusetts affirmed the order denying his motion to withdraw his guilty plea and his motion for a new trial.

Mr. Johnson appeared before the Parole Board for a review hearing on April 15, 2021, and was represented by Attorney Lisa Newman-Polk. This was Mr. Johnson's second appearance before the Board having been denied in 2016. The entire video recording of Mr. Johnson's April 15, 2021, hearing is fully incorporated by reference to the Board's decision.

**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. Reserve to Long Term Residential Program. Mr. Johnson was 17 years old when shot and killed Michael Grosso. Mr. Johnson received a denial of five years in 2016 and has made remarkable progress in his rehabilitation as evidenced by investment in Job Skills training, Restorative Justice, and other programs to enhance his self-development. He has been in lower security for over one year and his adjustment remains positive. Mr. Johnson has a solid support network. Mr. Johnson will

benefit from a Long Term Residential Treatment Program as he reintegrates to assist him in maintaining his sobriety. The Board considered the expert opinion and recommendations of Dr. Ziven.

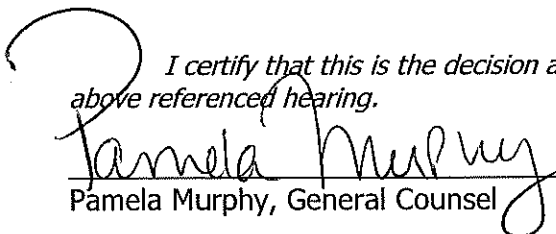
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

In making its decision, the factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

The Board has also taken into consideration Mr. Johnson's institutional behavior, participation in available work, educational, and treatment programs during the period of his incarceration, as well as a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Johnson's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Johnson's case, the Board is of the opinion that Mr. Johnson is rehabilitated and merits parole at this time.

**Special Conditions:** Reserve to Long Term Residential Program (LTRP); Waive work for two weeks/LTRP; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with the victim's family; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week; LTRP-must complete.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

  
Pamela Murphy, General Counsel

10/14/2021  
Date