

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



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RECORD OF DECISION

IN THE MATTER OF

ALLEN ALSTON¹
W65758

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **July 2, 2025**

DATE OF DECISION: **November 18, 2025**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz²

VOTE: Parole is granted on/after a total of 90 days total in minimum to LTRP (Long-Term Residential Program).

PROCEDURAL HISTORY: On December 17, 1998, following a jury trial in Plymouth Superior Court, Allen Alston was convicted of murder in the first-degree for the death of Ismael Rivera. He was sentenced to life in prison without the possibility of parole.

Allen Alston became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision in regard to his first-degree murder conviction, Mr. Alston was re-sentenced to life with the possibility of parole after 15 years.

On July 2, 2025, Allen Alston appeared before the Board for an initial hearing. He was represented by Attorney Lisa Newman-Polk. The Board's decision fully incorporates by reference the entire video recording of Allen Alston July 2, 2025, hearing.

¹ Formerly known as Allen Scoggins.

² Chair Gomez was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote. Former Acting Chair Coleman participated in the hearing, but departed the Board prior to vote.

STATEMENT OF THE CASE: On May 16, 1997, 19-year-old Allen (Scoggins) Alston shot and killed 56-year-old Ismael Rivera in Brockton. At around 1:09 a.m., Mr. Rivera, a taxi driver, was dispatched to pick up a rider from Wyman Street and take them to West Elm Street in Brockton. Mr. Alston was seen entering the taxi at the Wyman Street location around 1:15 a.m. At around 1:20 a.m., Mr. Rivera's taxicab rolled onto a lawn with its lights on and engine running. Mr. Alston fled the car on foot, leaving Mr. Rivera to die from three gunshot wounds. Mr. Rivera unsuccessfully tried to get help, but he collapsed not far from his taxicab on West Elm Street. He was pronounced dead a few minutes later.

About 5 months after the murder, Mr. Alston was arrested in North Charleston, South Carolina and confessed to shooting Mr. Rivera.

APPLICABLE STANDARD: Parole “[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society.” M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate’s institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate’s risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate’s testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

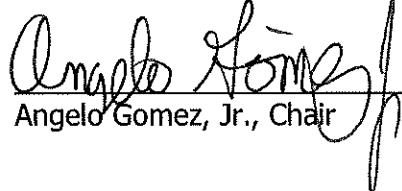
Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the “unique aspects” of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation” and the Board evaluates “the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender’s character and actions during the intervening years since conviction.” Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult’s greater capacity for change. See Mattis, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Alston was 19 years old at the time of the offense. He is now 47 years old and has been incarcerated for 28 years. This was Mr. Alston’s first appearance before the Board. Since his incarceration, he has invested in self-development and rehabilitation. He began to work on himself well before the Mattis decision. Mr. Alston has not had a Disciplinary Report in 19 years and has not used any substances during his incarceration. Mr. Alston

demonstrated insight, accountability, and remorse. Mr. Alston has a significant support system to assist him with re-entry. The Board considered the forensic evaluation of Dr. Long, who found Mr. Alston to have low risk for violence and low risk for recidivism. Mr. Alston has already transitioned to minimum security. The Board considered public testimony from several of Mr. Alston's friends and family in support of parole. The Board also considered testimony in opposition to parole from Plymouth County Assistant District Attorney Arne Hantsen. The Board concludes by unanimous decision that Allen Alston has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Long-Term Residential Program; Waive work for 2 weeks or program; Electronic monitoring for 6 months; Curfew-must be home between 10 PM and 6 AM at parole officer's discretion; 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 victim's family; Must have mental health counseling for adjustment and grief.

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.



Angelo Gomez, Jr., Chair

11-18-25

Date