

**Maura T. Healey**  
Governor

**Kimberley Driscoll**  
Lieutenant Governor

**Terrence M. Reidy**  
Secretary

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

**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

*Telephone: (508)-650-4500*

*Facsimile: (508)-650-4599*



**Tina M. Hurley**  
Chair

**Lian Hogan**  
Executive Director

**RECORD OF DECISION**

**IN THE MATTER OF**

**ANDREW MALAVE**  
**W83263**

**TYPE OF HEARING:**      **Review Hearing**

**DATE OF HEARING:**      **December 14, 2023**

**DATE OF DECISION:**      **March 12, 2024**

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

**VOTE:** Parole is granted to Group Living Environment, where staff can assist with medication compliance after 9 month step down to lower security.

**PROCEDURAL HISTORY:** On March 2, 2004, in Suffolk Superior Court, Andrew Malave pleaded guilty to the second degree murder of Justin Gibson and was sentenced to life in prison with the possibility of parole. On that same date, he also pleaded guilty to armed robbery. The armed robbery charge was placed on file. Mr. Malave was denied parole after his initial hearing in 2017, and after his review hearing in 2022.

On December 14, 2023, Mr. Malave appeared before the Board for a review hearing. He was represented by Attorney Benjamin Urbelis. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Malave's December 14, 2023 hearing.

**STATEMENT OF THE CASE:** On December 7, 2001, 21-year-old Andrew Malave and an accomplice met Justin Gibson in the Theater District of Boston. When Mr. Gibson asked whether the two men had any heroin, Mr. Malave and his accomplice stated that they did. After they led Mr. Gibson to a parking lot, Mr. Malave's accomplice attempted to rob him. A fight ensued between Mr. Gibson and Mr. Malave's accomplice. Mr. Malave then joined the fight, stabbing Mr. Gibson to death. Mr. Malave and his accomplice then fled the area. Bystanders alerted police, who arrested Mr. Malave about two blocks from the parking lot. His accomplice was never caught.

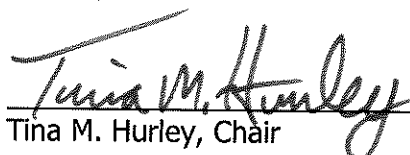
**APPLICABLE STANDARD:** Parole "[p]ermits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and 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 incarcerated individual'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 incarcerated individual'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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

**DECISION OF THE BOARD:** Mr. Malave was before the Board a year ago. He has been incarcerated for approximately 20 years. During the last year, Mr. Malave has remained disciplinary report free. He is currently enrolled in RTU programming and has been employed as a utility worker for three years. He renounced his STG (Security Threat Group) affiliations over 10 years ago. He has maintained sobriety during his incarceration. Mr. Malave has a diagnosis of schizophrenia. He is currently receiving medications for his mental health needs and is engaged in mental health counseling. He has been deemed eligible for Department of Mental Health services. The Board reviewed Ronald Michaels, LICSW 2022 re-entry plan for Mr. Malave, which involves utilizing DMH services. The Board notes Suffolk County Assistant District Attorney Montez Haywood spoke in opposition. Mr. Malave's mother spoke in support.

The Board concludes by unanimous decision that Andrew Malave has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

**SPECIAL CONDITIONS:** Must be home between 10pm and 6am or at parole officer's discretion; Electronic monitoring at parole officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned Massachusetts Parole Office on day of release; No contact with [name] - lifetime RO; No contact with victim(s)' family; No gangs/gang activities; Must have substance use evaluation and follow recommendations; Must have mental health counseling for schizophrenia and transition issues; Residential program – Group Living Environment (GLE) through DMH or similar program that meets needs; Mandatory – must sign all release of information forms.

*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.*

  
Tina M. Hurley, Chair

3/12/24  
Date