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RECORD OF DECISION

IN THE MATTER OF

ANTHONY ROBINSON
W63405

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 6, 2024

DATE OF DECISION: January 22, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Tina M. Hurley, James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted to Long Term Residential Program (LTRP) after 90 days.²

PROCEDURAL HISTORY: On October 10, 1997, following a jury trial in Suffolk Superior Court, Anthony Robinson was convicted of murder in the first degree for the death of Barrington Nevins. He was sentenced to life in prison without the possibility of parole. On that same date, he was sentenced to 15 to 20 years for three counts of armed robbery and 3 to 5 years for possession of a firearm.³ He became parole eligible following the Supreme Judicial Court's decision in *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013). On June 6, 2024, Anthony Robinson appeared before the Board for an initial hearing.⁴ He was represented by Attorney Amy Codagnone. The Board's decision fully incorporates by reference the entire video recording of Anthony Robinson's June 6, 2024, hearing.

¹ Board Member Coughlin was recused.

² Two Board Members voted to deny parole with a review in two years from the date of the hearing. Both Board Members recommended that Mr. Robinson complete the Restorative Justice Program, one of whom voted that Mr. Robinson may petition for reconsideration upon completion of the program.

³ Mr. Robinson had also been convicted of a fourth count of armed robbery, the armed robbery of Barrington Nevins. Upon the appeal of all Mr. Robinson's convictions, the Supreme Judicial Court affirmed, except for the fourth armed robbery count because it was the predicate felony for the first-degree felony-murder conviction that the Court affirmed. *Commonwealth v. Anthony Robinson*, 449 Mass. 1, 11 (2007).

⁴ Mr. Robinson postponed his previously scheduled Parole Hearings in 2014 and 2019.

STATEMENT OF THE CASE: On November 24, 1995, 17-year-old Anthony Robinson and his two co-defendants approached 17-year-old Barrington Nevins and five of his friends, all of whom were standing on a sidewalk in Dorchester. Mr. Robinson was carrying a rifle, and another co-defendant had a handgun. The armed men demanded that Mr. Nevins and his friends turn over their leather jackets. One of the co-defendants held the handgun to the head of one victim. Although the victims surrendered their jackets and pocket money, Mr. Robinson nonetheless shot Mr. Nevins in the chest, killing him. He then pointed the rifle at another victim. As the robbers fired their weapons, the five surviving victims fled, but returned to the scene a short time later.

Three of the victims recognized the robbers. Two of them identified Anthony Robinson from a photographic array at the police station on the night of the incident. At trial, three of the victims identified Anthony Robinson as the killer. They all knew him by his nickname, "Ant." The three also identified the other two co-defendants by nickname. Anthony Robinson, who was 17 years of age at the time, fled after the murder and was arrested less than one month later in Petersburg, Virginia. While in custody, he was interviewed by the Petersburg Police Department and confessed to his role in the robbery and murder.⁵

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).


In the context of an incarcerated individual 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 meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile'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." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the incarcerated individual's right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

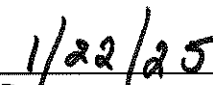
⁵ *Commonwealth v. Anthony Robinson*, 449 Mass. 1, 3-5 (2007).

DECISION OF THE BOARD: Mr. Robinson was 17-years-old at the time of the offense. He started to invest in rehabilitation prior to the *Diatchenko* decision. Mr. Robinson completed his GED, Men's Work, Problem Solving, and Correctional Recovery Academy (CRA). He has continued to invest in self-development and address areas in need, to include Violence Reduction, Conflict Resolution, Substance Abuse, and Vocational Skills training. He is currently employed. Mr. Robinson was forthcoming at his hearing and presented as motivated for continued treatment in the community. The Board viewed behavioral challenges in the context of his age and untreated mental health issues. As he was afforded treatment, he responded well in addressing his needs. Mr. Robinson presented a re-entry plan that will enable him to gain access to more individualized treatment. The Board considered the expert opinion of Dr. Herzog, who provided a psychological evaluation and recommendations that Mr. Robinson agreed with. Mr. Robinson has a strong support system to assist him with re-entry. The Board considered additional testimony in support of parole from Mr. Robinson's former attorney, his pastor, and a re-entry mental health professional. The Board also considered testimony from Suffolk County Assistant District Attorney Montez Haywood, who spoke in opposition of parole. The Board concludes that Anthony Robinson has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for program; Curfew: must be home between 10PM and 6AM at Parole Officer's discretion; Electronic Monitoring 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 substance abuse evaluation and comply with recommended treatment plan; Counseling for trauma, with a trauma-informed treatment plan; LTRP Program; Must sign all relevant treatment plan provider releases.

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


Date