



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

Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

AZUZALLAH MUHAMMAD

(FKA EZEKIEL HOGAN)

W52680

**TYPE OF HEARING:** Initial Hearing  
**DATE OF HEARING:** June 28, 2022  
**DATE OF DECISION:** October 24, 2022

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre<sup>1</sup>, Tina Hurley, Colette Santa<sup>2</sup>

**STATEMENT OF THE CASE:** On June 4, 1992, after a jury trial in Suffolk Superior Court, Azuzallah Muhammad was convicted of first-degree murder in the death of Kimberly Rae Harbour and was sentenced to life in prison without the possibility of parole. On that same date, he was convicted of armed robbery and was sentenced to a concurrent term of life in prison. Finally, he was convicted of aggravated rape and was sentenced to 15-20 years to run consecutive to his life sentences. Mr. Muhammad was 15 years old at the time of the offense.

On December 24, 2013, the Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013), in which the Court determined that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that such juvenile offenders must be given a parole hearing. Accordingly, Mr. Muhammad became eligible for parole.

Mr. Muhammad appeared before the Parole Board for an initial hearing on June 28, 2022. He chose not to be represented by counsel. Mr. Muhammad postponed his initial hearing in 2014 and waived his right to a hearing in 2019. The entire video recording of Mr. Muhammad's June 28, 2022 hearing is fully incorporated by reference to the Board's decision.

<sup>1</sup> Board member Dupre was present for the hearing but was no longer a board member at the time of the vote.  
<sup>2</sup> Chair Moroney was recused.

**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 a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to Interstate Compact – Alabama after DA clearance. On October 31, 1990, Mr. Muhammad, then 15 years old, participated in the rape and murder of Kimberly Rae Harbour in Boston, along with six codefendants including three adults. Mr. Muhammad reported he had a difficult childhood during which he was exposed to extreme violence and crime. He has been incarcerated for 32 years during which time he has maintained sobriety. Before the *Miller/Diatchenko* cases rendered him eligible for parole, he completed thirty-five institutional programs. Throughout his incarceration, he has participated in substance abuse counseling and complete programs that addressed his need areas. He pursued vocational and educational opportunities while incarcerated. Mr. Muhammad has significant family support. Mr. Muhammad chose not to be represented by counsel or submit a forensic psychological evaluation. The Board feels he would benefit from obtaining an evaluation to pursue additional counseling. The Board considered the *Miller/Diatchenko* factors and notes that Mr. Muhammad has worked hard during his incarceration to mature and become a productive member of society.

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

**Special Conditions:** Reserve to Interstate Compact - Alabama; Waive work for two weeks; Curfew at PO's discretion; ELMO-electronic monitoring at PO'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 or association with codefendants; No contact with victim's family; Must have mental health evaluation and follow all recommendations; Mental health counseling for adjustment/transition/anger management; AA/NA at least 3 times/week; Mandatory – Sex A Conditions.

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

*Pamela Murphy, CEO*  
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Pamela Murphy, General Counsel

*10/24/22*  
\_\_\_\_\_  
Date