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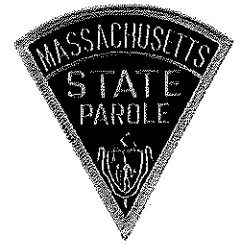
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Tina M. Hurley
Chair

RECORD OF DECISION

IN THE MATTER OF

BENJAMIN SILVA

W61285

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 20, 2022**

DATE OF DECISION: **January 11, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On September 13, 1994, after a jury trial in Middlesex Superior Court, Benjamin Silva was convicted of the second-degree murder of Lawrence Souza. He was sentenced to life in prison with the possibility of parole. He was also convicted of armed robbery and received a consecutive eight to ten-year sentence.

Mr. Silva appeared before the Parole Board for a review hearing on October 20, 2022. He was represented by student attorneys from Boston College Law School. After waiving his right to a hearing in 2009, Mr. Silva was denied parole after his initial hearing in 2014 and after his review hearing in 2018. The entire video recording of Mr. Silva's October 20, 2022, 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.

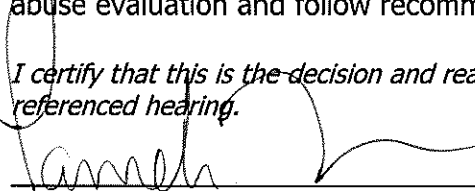
Reserve to LTRP after eighteen months in lower security. On December 3, 1994, 18-year-old Mr. Silva and his codefendant stabbed 55-year-old Lawrence Souza to death. Mr. Silva's institutional adjustment has drastically improved over the course of his incarceration. He has been sober for approximately 28 years. He completed programs including Restorative Justice, Violence Reduction, GPMP and shared that he has gained insight into nonviolent conflict

resolution. He has engaged in counseling and the Board reconsidered Dr. Kinscherff's 2015 evaluation which identified his need areas.

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

Special Conditions: Reserve to LTRP; Waive work for program; Curfew – Must be at home between 10pm and 6am; 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 victim's family; Must have mental health evaluation and follow recommendations; Must have substance abuse evaluation and follow recommendations.

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



Pamela Murphy, General Counsel

1/11/23
Date