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PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

CORIE STOKES
W69601

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 3, 2021

DATE OF DECISION: November 3, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

STATEMENT OF THE CASE: On June 12, 2001, after a jury trial in Bristol Superior Court, Corie Stokes was found guilty of first-degree murder and sentenced to life imprisonment without the possibility of parole. Mr. Stokes was also found guilty of armed home invasion and was sentenced to a concurrent term of 20-25 years imprisonment, and unlawful possession of a firearm, for which he was sentenced to a concurrent term of 1-2 years imprisonment. A charge of conspiracy to commit armed robbery was filed. On September 10, 2014, in Barnstable Superior Court, Mr. Stokes' life sentence was revised to life with the possibility of parole, *nunc pro tunc* to June 12, 2001. On the same date, Mr. Stokes' armed home invasion sentence was revised to a term of 10-15 years, *nunc pro tunc* to June 12, 2001, to be served concurrently with his life sentence. Mr. Stokes was 17-years-old at the time of the offenses.

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, on August 29, 2014 Corie Stokes was scheduled to appear before the Parole Board for an initial hearing, which he postponed and his initial hearing occurred on June 13, 2019.

Mr. Stokes appeared before the Parole Board for a review hearing on June 3, 2021, and was represented Attorneys Seth Orkand, Andrew Dulberg, Rachel Gargiulo, Renna Ayyash, and Mark Gordon. This was Mr. Stokes's second appearance before the Board, having been

denied in 2019. The entire video recording of Mr. Stokes's June 3, 2021, 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 Long Term Residential Program, but not before six months in lower security. Mr. Stokes was 17-years-old when he shot and killed 39-year-old Cecil Smith, Jr. during an attempted robbery and was convicted of first-degree murder. He has served approximately 22 years for this offense. He has availed himself of all available programming and completed his GED in 2016. He has also held a number of leadership positions in several organizations. Board did consider the expert opinion of Dr. Frank DiCataldo who indicated that Mr. Stokes is a compelling candidate for parole and provided recommendations with which Mr. Stokes agrees, specifically, counseling to address symptoms of Post-Traumatic Stress Disorder. He has a significant social support network available to him in the community. Mr. Stokes' age and juvenile attributes were considered in the Board's decision.


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." 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-degree 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 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 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." *Id.*

In forming this opinion, the Board also has taken into consideration Mr. Stokes' 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. Stokes' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Stokes' case, the Board is of the opinion that Mr. Stokes is rehabilitated and merits parole at this time, subject to special conditions, and after six months in lower security.

Special Conditions: Reserve to Long Term Residential Program (LTRP) after six months in lower security (must complete); Waive work for two weeks or program; Curfew must be at home between 10 p.m. and 6 a.m.; 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 counseling for adjustment/transition, PTSD, anxiety and depression; AA/NA at least 3 times/week.

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



Pamela Murphy, General Counsel

11/3/2021
Date