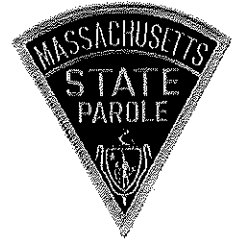


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

CORIE STOKES

W69601

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 13, 2019

DATE OF DECISION: May 6, 2020

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

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 not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.

I. 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, 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,

On August 9, 1999, 17 year-old Corie Stokes, a juvenile, shot and killed 39 year-old Cecil Smith, Jr., in the City of Fall River, MA. In the years preceding the murder, Mr. Stokes was a member of a street gang and he was having problems with a rival street gang. Mr. Stokes mistakenly believed the victim, Mr. Smith, was a member of this rival gang. On the night of August 9, 1999, Mr. Stokes and another individual armed themselves with handguns and went to the home of the woman Mr. Smith was visiting. The Men knocked on the door and when the woman answered the door, Mr. Stokes fired his gun into the apartment, killing Mr. Smith who had been sitting on the couch. The woman who opened the door was able to identify Mr. Stokes' from a photo array and identify the gun which was located nearby. Ballistics tied Mr. Stokes' gun to the murder and testimony from another individual indicated that Mr. Stokes was the shooter. Mr. Stokes fled to his grandmother's house in Georgia shortly after the murder. When Fall River Police learned that Mr. Stokes was in Georgia, they had the Georgia Police arrest him and he was extradited back to Massachusetts where he was tried for the murder of Mr. Smith.

II. PAROLE HEARING ON JUNE 13, 2019

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.

Corie Stokes, now 39-years-old, appeared before the Parole Board on June 13, 2019, for an initial hearing. He was represented by Attorneys Seth Orkin and Mark Gordon. In his opening statement to the Board, Mr. Stokes apologized to Mr. Smith's children, his wife, his parents and to the community he had terrorized with his actions.

When the Board questioned him about what elements of his youth may have contributed to him committing his governing offense, Mr. Stokes described how he grew up neglected and abused. He told the Board that he began drinking alcohol at the age of five and that his mother, who had him when she was 15 years-old, did not want anyone to pick him up or show affection to him. He described how he became involved in gang activities at a young age, following in the footsteps of his uncle, who was just a few years older than him and who he looked up to. Mr. Stokes related being arrested around the time of his birthday and Christmas and having bail set at \$1 but no one would pay it, so he spent his birthday and Christmas in jail. He said this made him feel worthless. Mr. Stokes said that he was easily influenced by his older brother and his peers. He indicated that he sought approval from his peers that he could not get from his mother.

The Board then questioned Mr. Stokes about the governing offense. Mr. Stokes said that it started when his family moved to a different public housing project and into a rival gang's territory. He described being stabbed and hospitalized because he came from a different neighborhood and was affiliated with a gang from the old neighborhood. He said that a friend of his had his door kicked in, his house ransacked, and the friend was pistol-whipped for associating with Mr. Stokes. Mr. Stokes had falsely determined that Mr. Smith was a leader of the rival gang that was responsible for him being stabbed and his friend being assaulted. He told the Board how he and his friend got guns and knocked on the door of the place where Mr. Smith was visiting. The woman who answered the door ducked when she saw the two men's guns. Mr.

Stokes says he saw Mr. Smith sitting on a couch in the apartment, fired his gun at him and then ran away. Mr. Stokes said that he had not planned on killing Mr. Smith, but just wanted to show the rival gang that he would stand up for himself and his friends. When the Board asked him if he had thought of the consequences of his actions and the possibility of his killing one or more of the people in the apartment, Mr. Stokes said that he was not thinking about that at the time, but now that he has matured he realizes how reckless his actions were.

When the Board questioned Mr. Stokes about his institutional record, Mr. Stokes noted that he was young when he went to prison and that he was still vulnerable to outside influences, particularly from security threat groups. He said that he went to prison at the age of 17, he was serving life without the possibility of parole and he was angry and got into trouble. Mr. Stokes said he had a turning point in 2004 when he was sent to "the hole" after a fight. He determined to change his life and engaged in programming including Restorative Justice and Emotional Awareness where he learned to address problems stemming from his neglect as a child. He credits Alcoholics Anonymous and Narcotics Anonymous with helping him realize he is not alone in his struggle to rehabilitate. Mr. Stokes said that he has matured and that the murder of both of his older brothers helped him appreciate the gravity of his crime.

The Board considered a psychosocial risk needs evaluation report prepared by Kimberly Mortimer MS, LMHC. Mr. Stokes' sister and former attorney spoke in support of Mr. Stokes' release. Kim Yashir, the empowerment director at the THRIVE program also spoke in support of his release. Additionally, Reverend Christopher Womack spoke in support of Mr. Stokes' release. Bristol County Assistant District Attorney testified in opposition to Mr. Stokes' parole. The Suffolk County District Attorney's Office sent a letter in support of Mr. Stokes' parole.

III. DECISION

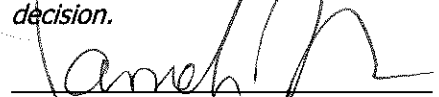
It is the opinion of the Board that Corie Stokes has yet to demonstrate a level of rehabilitation that would be compatible with the welfare of society. Mr. Stokes has been incarcerated for 20 years for the senseless murder of Cecil Smith. His adjustment has been problematic at times. Since 2014 he has been actively engaged in treatment and programming to habilitation. Mr. Stokes should refrain from incurring infractions and maintain compliance with Personalized Program Plan. Parole is denied with a review in 2 years from the date of this hearing.

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 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 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 in Mr. Stokes' case 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.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-40. The Board has also considered the psychosocial evaluation prepared by Kimberly Mortimer, MS, LHMC, as well as the Board's risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Stokes' risk of recidivism. After applying this standard to the circumstances of Mr. Stokes' case, the Board is of the unanimous opinion that Corie Stokes is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Stokes' next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

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.


Pamela Murphy, General Counsel

5/6/2020
Date