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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

DERRICK ELLIS

W66593

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 14, 2015

DATE OF DECISION: August 26, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, and Tina Hurley. Board Member Lucy Soto-Abbe recused herself from this hearing.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 6-0 vote, that the inmate is a suitable candidate for parole. Reserve to the United States Immigration and Customs Enforcement (ICE) detainer on or after August 14, 2015. On January 7, 2000, Ellis had been ordered removed from the United States to Jamaica by the Immigration Court. An ICE detainer is lodged with the Department of Correction. If not deported, then the inmate must comply with specific conditions, as set by the Parole Board.

I. STATEMENT OF THE CASE

On June 2, 1999, Derrick Ellis pleaded guilty to second degree murder in Hampden County Superior Court and was sentenced to life imprisonment. That same day, he received concurrent one year sentences for unlawful possession of a firearm and unlawful possession of ammunition.

Ellis (then age 28) had two co-defendants in this case, Gerald Cobham and Joli Sparkman.¹ On the night of August 6, 1997, Sparkman, Cobham, and Ellis were drinking alcohol, which continued into the early hours of the next morning at a bar in Springfield. Sparkman was romantically involved with Cobham. Ellis and Cobham are cousins. They decided to rob somebody and Sparkman suggested that they target 31-year-old Sherwood Gray, an acquaintance. Sparkman arranged to meet with Gray and she drove with him to a planned location, while Cobham and Ellis followed them. The plan was for Sparkman to distract Gray so that Ellis could approach the car undetected. Gray, however, noticed Ellis approaching the car. Upon being detected, Ellis fired two shots at close range. Both shots entered Gray's upper left back, causing massive hemorrhaging and death. Approximately one month later, all three were taken into custody and charged with the murder.

II. PAROLE HEARING ON JULY 14, 2015

Derrick Ellis appeared without an attorney for his second parole hearing. Ellis is 46-years-old and has served 18 years of his life sentence. His initial hearing was conducted in July 2012, and parole was denied with a review in three years. He is currently serving his sentence at MCI Norfolk, where he has been since 2004.

Ellis provided an opening statement in which he expressed his remorse and shame for having taken the life of Sherwood Gray. He stated that he understands the suffering and pain he caused as a result of his actions. Since entering the institution, Ellis has completed several programs designed to address his criminal behavior and enhance his reintegration into the community. Ellis provided the Board with an overview of the treatment/programming that he has continued to engage in since his last hearing, including: Pre-General Equivalency Diploma, Alcoholics Anonymous, Medical Companion/Environmental Cleaner, and Young Father's Group. According to his personalized program plan, Ellis is considered to be a medium risk for violence and a medium risk to recidivate. He is pending participation in the Cognitive Skills program. Ellis also informed the Board that his involvement in other programming, such as the Correctional Recovery programs, provided him with the skills to diffuse volatile situations and manage conflict.

Ellis is employed as a companion that assists disabled inmates with daily living activities. He has also been employed as a runner, unit janitor, unit buffer, food server, and walks and grounds worker. He reported that he has been sober throughout his incarceration. According to Department of Correction (DOC) records, there is no indication of substance use in the past 18 years. According to his DOC Classification Reports, Ellis has maintained an exemplary record within the correctional system, accruing only three disciplinary reports, the last of which was issued in 2003. Notably, none of the disciplinary reports were for violence or substance abuse.

Ellis was born in Jamaica and, at age 12, he traveled to Springfield, Massachusetts in pursuit of a better future. As Ellis matured into adolescence, his mother believed he was getting out of hand and hanging out with the wrong set of people. While Ellis denied being in a

¹ Gerald Cobham (W66595) was sentenced to serve a 6 to 8 year sentence for manslaughter. He was paroled to INS custody in 2003 and completed parole on May 21, 2005. On March 30, 1999, in Hampden Superior Court, Joli Sparkman (F36723) pleaded guilty to second degree murder, possession of a firearm, and possession of firearm without ID card. She was sentenced to life in prison and two concurrent 1 year sentences. Her initial parole hearing took place on June 12, 2012 and resulted in a denial with a two year review date. Sparkman appeared before the Parole Board on June 10, 2014 and was granted a positive parole vote.

gang, he admits that he began selling drugs at age 17. Ellis moved out when he was 18-years-old and continued selling drugs, reportedly making about \$500 per month.

Ellis' criminal history began at age 19 when he was arrested for marijuana distribution (which was dismissed). On April 19, 1988, Ellis and five co-defendants were charged with entering a Springfield residence and assaulting the occupants. For his involvement, Ellis received probation for assault and battery and assault with a dangerous weapon. On January 13, 1992, Ellis was sentenced to 5 years for unlawful possession of cocaine with intent to distribute, and conspiracy to possess cocaine with intent to distribute. Notably, in August 1992, Ellis was paroled from this sentence. While on parole, Ellis missed mandatory counseling appointments, tested positive for marijuana, and accrued three motor vehicle arrests. As a result of this new arrest, his parole was revoked. Ellis completed this sentence in 1996, or just over a year before the murder of Sherwood Gray. Ellis provided a detailed and comprehensive version of the offenses for which he has been convicted that is consistent with all known facts. Ellis informed the Board that he shot Gray when he perceived him to be reaching for a weapon (that did not exist) and feared for his own well-being.

Ellis seeks a parole to his ICE detainer, as he has been ordered removed from the United States to Jamaica by the Immigration Court. An ICE detainer is lodged with the Department of Correction. Ellis plans to reside at his father's home with employment prospects that include working with his father as an electrician. In addition, he plans to participate in religious services and Alcoholics/Narcotics Anonymous. There was no one present in support of Ellis' release. However, there were written submissions in support of his release.

There were no members of the public present in opposition to Ellis' release. However, the Victims Services Unit read a statement in opposition submitted by a member of Sherwood Gray's family. Hampden County Assistant District Attorney (ADA) Howard Safford spoke in response to Ellis' petition for parole. He submitted a letter after the hearing that outlined the substance of the hearing, including Ellis' rehabilitative progress in prison and the skills he has learned that may help his transition into the community, "should he be paroled."

III. DECISION

Ellis has served 18 years on his life sentence and has maintained a positive record within the correctional system. He appears empathetic and insightful of his behavior that resulted in the death of Sherwood Gray. During his 18 years of incarceration, Ellis chose a path of rehabilitation and engaged in numerous programs, maintained a positive adjustment, and maintained employment. The Board is of the opinion that Derrick Ellis has demonstrated his rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in his successful transition back into the community under supervised release.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the opinion of the Board, by a 6-0 vote, that Derrick Ellis merits parole at this time because he is rehabilitated.

SPECIAL CONDITIONS²: Reserve to ICE detainer for deportation to Jamaica. If not deported, Ellis will be subject to the following parole conditions: Approve home plan before release. Waive work for two weeks. Ellis must be at home between the hours of 10 pm and 6 am. Ellis will be subject to electronic monitoring via GPS for six months. Ellis will be supervised for drugs and liquor abstinence, with testing required according to agency policy. Ellis is to report to his assigned Massachusetts Parole Office on the day of his release. Ellis is not to have any contact with the victim's family. Ellis must have a substance abuse evaluation and follow all recommendations.

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.


Michael J. Callahan, General Counsel

August 26, 2015
Date

² The Board's regulations at 120 CMR 300.06(1) provides that "Where parole release is granted to a warrant or other legal process, release will not occur until the requesting authority is present to serve the warrant. The Massachusetts Parole Board's jurisdiction over the inmate shall continue until the inmate is subject to the outstanding obligation arising out from such warrant or other legal process. The Parole Board may establish conditions which apply both before and after the obligation is satisfied."