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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

DERRICK ELLIS

W66593

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 17, 2012

DATE OF DECISION: April 19, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Josh Wall. Lucy Soto-Abbe was recused from participation in the hearing.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, 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 not a suitable candidate for parole at this time. Parole is denied with a review in three years.

I. STATEMENT OF THE CASE

On August 7, 1997, Derrick Ellis shot and killed 31-year-old Sherwood Gray during a botched robbery attempt. On June 2, 1999, Mr. Ellis pleaded guilty to second degree murder in Hampden Superior Court. That same day, he received concurrent one year sentences for unlawful possession of a firearm and unlawful possession of ammunition.

Mr. Ellis had two co-defendants in this case. Gerald Cobham was charged with manslaughter and received a prison term of 6 to 8 years. He was paroled on July 8, 2003, to an immigration detainer and was deported to Jamaica. His period of parole ended on May 21, 2005, and he was discharged from supervision. The other co-defendant, Joli Sparkman, pleaded guilty to murder in the second degree and was sentenced to life in prison with the possibility of parole. Her initial hearing was conducted in June of 2012.

Ms. Sparkman, Mr. Cobham, and Mr. Ellis were drinking alcohol on the night of August 6, 1997, and into the early hours of the next morning at the Red Lion Café in Springfield. Ms. Sparkman was romantically involved with Mr. Cobham. Mr. Ellis and Mr. Cobham are cousins. They decided to rob somebody and Ms. Sparkman suggested that they target Sherwood Gray, an acquaintance.

Ms. Sparkman arranged to meet with Mr. Gray and she drove with him to a planned location while Mr. Cobham and Mr. Ellis followed them. The plan was for Ms. Sparkman to distract Mr. Gray so that Mr. Ellis could approach the car undetected. Mr. Gray, however, noticed Mr. Ellis approaching the car. Upon being detected, Mr. Ellis fired two shots at close range. Both shots entered Sherwood Gray's upper left back, traveled through his torso, and penetrated several internal organs causing massive hemorrhaging and death.

Approximately one month later, all three were taken into custody and charged with the murder.

II. PAROLE HISTORY AND INSTITUTIONAL HISTORY

Derrick Ellis had a state prison sentence before he murdered Sherwood Gray. In January of 1992, Mr. Ellis was sentenced to serve five years in prison for possession of a Class B substance with the intent to distribute.¹ He was paroled from this sentence in August of 1992. While on parole, he missed mandatory counseling appointments, tested positive for marijuana, and accrued three motor vehicle arrests. In addition, he was arrested on drug-related charges in 1995. As a result of this new arrest, parole was revoked. He completed this sentence in 1996, just over a year before the murder of Mr. Gray.

While Mr. Ellis awaited trial on the murder indictment, his overall adjustment at the county jail was considered satisfactory. While serving his life sentence at the Department of Correction, he has accrued three disciplinary reports, the most serious and last of which was issued in July of 2003. That report alleged, and Mr. Ellis was found guilty for, having a three inch piece of metal in his mattress.

Mr. Ellis has completed several programs since 2001, including: Correctional Recovery Academy, Jericho Circle, Nonviolent Conflict Resolution (first level), Introduction to the 12 Step Fellowship, and Alcoholics Anonymous. In addition, he has participated in A.B.L.E Minds, a cognitive thinking seminar, Emotional Awareness, and the Young Father's Group. He has participated in Pre-GED classes since 2006, and has taken the Pre-GED course on several occasions and the equivalency test as recently as May of 2012, but has yet to pass.

Mr. Ellis is currently employed in the kitchen for the Health Services Unit. Within the institution, he has also been employed as a runner, unit janitor, unit buffer, food server, and with utilities and Walks and Grounds.

III. PAROLE HEARING ON JULY 17, 2012

Mr. Ellis appeared before the Massachusetts Parole Board on July 17, 2012, for an initial hearing on the life sentence he is currently serving. On January 7, 2000, Mr. Ellis was ordered removed from the United States to Jamaica by the Immigration Court. An ICE detainer is lodged with the Department of Correction. Mr. Ellis seeks a parole to his ICE detainer and plans to be removed to Jamaica.

¹ This was a so-called "Concord" sentence.

In the event that his immigration status were to change, Mr. Ellis would request to reside at a long-term program or sober housing as he reintegrates into society. Mr. Ellis' mother resides in Palm Bay, Florida and his daughter currently lives in the Springfield area. To maintain his sobriety, he would continue to attend AA/NA programs and church services, as he believes his faith has been a guiding force. Additionally, he would like to become involved with the local community center to either teach, counsel, or coach youth in sports.

At the hearing, Mr. Ellis provided an apologetic opening statement to the Board expressing his remorse to the family of Sherwood Gray for his crime and the loss of life. Mr. Ellis provided the Board with a detailed account of his crime and the path that he has taken in his rehabilitation. He stated that he shot Mr. Gray as he feared for his own well-being when he perceived the victim to be reaching for a weapon that did not exist. It is unclear if Mr. Ellis truly comprehends the fact that he created the situation that resulted in the death of Mr. Gray. It was Mr. Gray who had reason to be fearful, and Mr. Ellis' emphasis of his own fear minimizes his role in creating this dangerous situation.

Hampden Assistant District Attorney Diane Dillon submitted a letter opposing parole. The Victim Services' Unit read statements in opposition submitted by the members of Sherwood Gray's family. Mr. Ellis had several supporters in attendance.

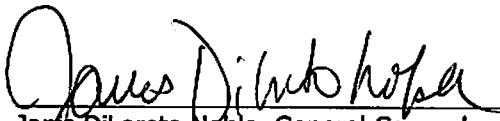
IV. DECISION

In the course of committing a well-planned armed robbery, Derrick Ellis shot Sherwood Gray two times in the back. The life sentence for second degree murder is his second state prison sentence. The previous commitment resulted in a failed parole with several violations and new criminal charges. He murdered Mr. Gray just over one year after that failed parole. After 15 years of incarceration on the life sentence, the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – have not yet been met.

The standard applied 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, we find that the inmate does not merit parole at this time.

The Board recognizes that Mr. Ellis' institutional conduct has been free from disciplinary reports since 2003, and encourages him to maintain positive institutional behavior, and remain program and work involved. The review will be in three years.

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.


James DiLoreto-Noble, General Counsel

4/19/13
Date