

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

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**Gloriann Moroney**  
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**Kevin Keefe**  
*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**EFRAIN PELLOT**  
**W62918**

**TYPE OF HEARING:**            **Review Hearing**

**DATE OF HEARING:**        **November 17, 2020**

**DATE OF DECISION:**       **August 3, 2021**

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley<sup>1</sup>

**STATEMENT OF THE CASE:** On July 1, 1997, after a jury trial in Worcester Superior Court, Efrain Pellot was found guilty of second-degree murder for the death of 42-year-old Albert Leger. He was sentenced to serve life with the possibility of parole. On that same date, Mr. Pellot was convicted of armed robbery and received a 10-15-year consecutive sentence. This sentence is to run from and after his life sentence. Mr. Pellot was 14-years-old at the time of the murder.

Mr. Pellot appeared before the Parole Board for a review hearing on November 17, 2020 and was represented by Attorney Merritt Schnipper. This was Mr. Pellot's second appearance before the Board since his final revocation hearing in 2015. The entire video recording of Mr. Pellot's November 17, 2020 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 a unanimous decision that the inmate is a suitable candidate for parole. Reserve to Long Term Residential Program after 18 months in lower security.<sup>2</sup> Mr. Pellot has served 25 years for the murder of

<sup>1</sup> Board Member Karen McCarthy was not a board member at the time of the vote. Board Member Colette Santa was unavailable.

<sup>2</sup> On January 19, 2021, the Supreme Judicial Court in William Dinkins & Another v. Massachusetts Parole Board, 486 Mass. 605 (2021) invalidated 120 Code Mass. Regs. § 200.08(3)(c) and held that the Board must aggregate the parole ineligibility period of a life sentence with the parole ineligibility period of consecutive sentences for purposes

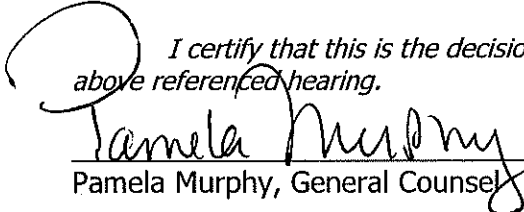
Albert Leger, a taxicab driver in Fitchburg, Massachusetts. Since his last hearing, he has become a graduate support peer in the Correctional Recovery Academy, is in the graduate maintenance program and the culinary arts program. In rendering their decision, the Board did consider his age at the time of the offense and the Forensic Evaluation completed by Dr. DiCataldo in 2019. The evaluation provided information as to his social, criminal, education, mental health and substance abuse history, institutional adjustment, and risk to re-offend. A period of transition in a lesser security environment will increase his likelihood of success upon reentry into the community.

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 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.* The Board has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Pellet's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Pellet's case, the Board is of the unanimous opinion that Mr. Pellet is rehabilitated and merits parole at this time.

**Special Conditions:** Reserve to Long Term Residential Program (LTRP) after 18 months in lower security; Waive work for LTRP; Curfew at must be home between 10 p.m. to 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 a substance abuse evaluation—adhere to plan. Must have mental health counseling for adjustment/transition.

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

  
Pamela Murphy, General Counsel

8/3/2021  
Date