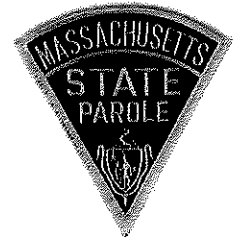


*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

*Telephone # (508) 650-4500
Facsimile # (508) 650-4599*

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Gloriann Moroney
Chair

DECISION

IN THE MATTER OF

EFRAIN PELLOT

W62918

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **November 27, 2018**

DATE OF DECISION: **August 19, 2019**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Tina Hurley, Paul Treseler

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

I. STATEMENT OF THE CASE

On July 1, 1997, in Worcester Superior Court, Efrain Pellet was found guilty by a jury 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. Pellet was convicted of armed robbery and received a 10-15 year consecutive sentence.

On October 30, 1995, Fitchburg police found the body of Albert Leger slumped over the front of the taxi cab he drove for City Cab Company. Police determined that Mr. Leger suffered from a bullet wound to the head. He was later pronounced dead at Burbank Hospital. Police ultimately identified one of the assailants as 14-year-old Efrain Pellet, who, along with his 2 co-defendants, planned the robbery. After Mr. Pellet shot the victim, he and one of his co-defendants took \$23 from Mr. Leger's shirt pocket. They later used the money to play pool.

II. PAROLE HEARING ON NOVEMBER 27, 2018

Efrain Pellet, now 37-years-old, appeared before the Parole Board on November 27, 2018, for a review hearing. He was not represented by counsel. Mr. Pellet was paroled to his from and after sentence after his initial hearing in 2010. On September 1, 2015, however, a warrant was lodged due to an alleged violation of his parole. On October 20, 2015, his revocation was affirmed for introducing Suboxone into the correctional institution.

At this hearing, Mr. Pellet was informed by the Board of his rights as a juvenile homicide offender, having committed the governing offense when he was 14-years-old, as well as his right to have an attorney and a forensic evaluation. Mr. Pellet stated that although he was assigned counsel by the Committee for Public Counsel Services (CPCS), his attorney was unable to attend the hearing. Mr. Pellet indicated that he has been in contact with his attorney, and he wished to proceed with the hearing without an attorney present. Mr. Pellet provided an opening statement to the Board.

While on parole to his from and after sentence within the institution, Mr. Pellet received a serious disciplinary report involving Suboxone strips in 2015. He admits that he colluded with his ex-girlfriend and another individual to introduce 37 strips of Suboxone into the institution. In 2016, Mr. Pellet received another disciplinary report for testing positive for Buprenorphine. He admitted to using twice, but said that he last used drugs in 2016. Mr. Pellet denied having an issue with substance abuse previously, although he acknowledged experimenting with drugs when he was 12 or 13-years-old. Mr. Pellet indicated that his Suboxone use was precipitated by depression during his incarceration. He now acknowledges the importance of verbalizing his feelings. It was noted that Mr. Pellet married in 2016, and that he receives additional support from others. Mr. Pellet agreed, however, that he has more work to do regarding his rehabilitation. Mr. Pellet requested a two year denial to continue to invest in his rehabilitation.

In addition, the Board reviewed and discussed Mr. Pellet's childhood. The Board also noted a forensic evaluation conducted by Dr. Frank DiCataldo in 1996 and informed Mr. Pellet that he may submit a new forensic evaluation for consideration.

The Board considered oral testimony in opposition to parole from Worcester County Assistant District Attorney Michelle King.

III. DECISION

The Board is of the opinion that Mr. Pellet has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Pellet has additional treatment and programming to address his causative factors, in light of his recent disciplinary infractions involving the introduction and use of Suboxone, while on parole supervision within the institution. Additionally, Mr. Pellet should pursue a mental health evaluation. Mr. Pellet requested a two-year denial to continue to invest in his rehabilitation.

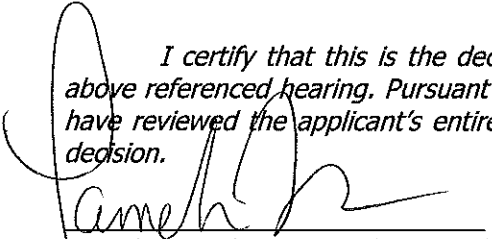
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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. Pellot's risk of recidivism. After applying this standard to the circumstances of Mr. Pellot's case, the Board is of the opinion that Efrain Pellot is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. Pellot, therefore, does not merit parole at this time.

Mr. Pellot's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Pellot 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

8/19/2019
Date