

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

ERNEST BENJAMIN
W61272

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 17, 2025

DATE OF DECISION: August 6, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted to an approved home plan on or before August 26, 2025, in order to enter into the 2025-2026 MyTERN program scheduled to start on August 28, 2025.²

PROCEDURAL HISTORY: On September 16, 1996, following a jury trial in Plymouth Superior Court, Ernest Benjamin was convicted of murder in the first-degree for the death of Anthony Simmons. He was sentenced to life in prison without the possibility of parole.

Mr. Benjamin became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision in regard to Mr. Benjamin's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after 15 years.

¹ Board Member Ortiz was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

² Two Board Members voted to deny parole with a hearing in two years; one Board Member voted to grant parole, but not before serving 90 days in a minimum security facility.

On April 17, 2025, Mr. Benjamin appeared before the Board for a review hearing. He was represented by Attorney Lisa Newman-Polk. The Board's decision fully incorporates by reference the entire video recording of Mr. Benjamin's April 17, 2025, hearing.

STATEMENT OF THE CASE: On July 30, 1995, 20-year-old Ernest Benjamin shot and killed 27-year-old Anthony Simmons in Brockton. Mr. Benjamin attended a cookout in Brockton on the afternoon of July 30, 1995, where he encountered Mr. Simmons across the street. Mr. Benjamin confronted Mr. Simmons and accused him of selling drugs on "his block." Mr. Simmons denied selling drugs and began to walk away. Mr. Benjamin pulled out a gun and fired at him. According to Mr. Benjamin's testimony at trial, he closed his eyes as he fired, opened them to see Mr. Simmons walking, and began firing again. He testified that he meant to cause injury, but not kill, Mr. Simmons. Mr. Simmons died after being struck by four bullets and grazed by two others.

Mr. Benjamin initially fled to Puerto Rico. He returned several weeks later and turned himself in to the Brockton Police Department.

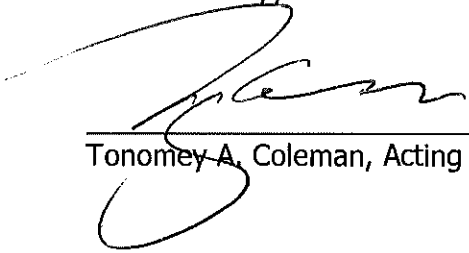
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.


DECISION OF THE BOARD: Mr. Benjamin is 50-years-old and became eligible for parole as a result of the Mattis decision. Mr. Benjamin earned his GED in 2005. He participated in the Boston University degree program, but did not complete it. Mr. Benjamin is employed as a runner. He has been disciplinary report free for almost 10 years. He completed Criminal Thinking in March 2025. He has been engaged in rehabilitative programming for many years. Mr. Benjamin has a strong re-entry plan, which includes acceptance to the Tufts re-entry program, MyTERN. The Board finds that the benefits of the services available through MyTERN warrant a release plan structured to assure he attends MyTERN, as he has been accepted to the 2025-2026 cohort. The Board heard testimony in support of parole from Forensic Psychologist Katherine Herzog, a mental health clinician, two of Mr. Benjamin's friends, and a family member. The Board also heard testimony from Mr. Simmons's mother, sister, a family friend, a minister, as well as Plymouth County Assistant District Attorney Arne Hantson, in opposition to parole.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 weeks or program; Electronic monitoring for six months; 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 mental health counseling for adjustment and PTSD; Mandatory: must enter and complete TUPIT program (My-TERN).

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.



Tonomey A. Coleman, Acting Chair



Date