



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

**PAROLE BOARD**

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**RECORD OF DECISION**

**IN THE MATTER OF**

**EVANS AUGUSTE<sup>1</sup>**  
**W51012**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** February 18, 2025

**DATE OF DECISION:** June 24, 2025

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley,<sup>2</sup> James Kelcourse, Rafael Ortiz.

**VOTE:** Parole is granted to CRJ or Long-Term Residential Program (LTRP) for not less than 3 months.<sup>3</sup>

**PROCEDURAL HISTORY:** Evans Auguste was convicted of first-degree murder on August 8, 1991, in Suffolk Superior Court. He was sentenced to life in prison without the possibility of parole. On that same date, he was convicted of carrying a firearm without a license and was sentenced to a concurrent term of 3-5 years in prison.

Mr. Auguste 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 regarding Mr. Auguste's first-degree murder conviction, his mittimus was corrected to reflect a life sentence with the possibility of parole after serving a minimum term of 15 years.

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<sup>1</sup> The correct spelling of Mr. Auguste's first name is Evens.

<sup>2</sup> Chair Hurley was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote. Chair Hurley participated in the vote of this matter prior to her departure from the Board.

<sup>3</sup> The decision to grant parole to Mr. Auguste was unanimous. However, three Board Members voted for 90 days in lower security before release. Two Board Members also voted for 6 months of GPS.

On February 18, 2025, Mr. Auguste appeared before the Board for an initial hearing. He was represented by Attorney Amy Belger. The Board's decision fully incorporates by reference the entire video recording of Mr. Auguste's February 18, 2025, hearing.

**STATEMENT OF THE CASE:** On October 16, 1990, 19-year-old Evans Auguste shot and killed 19-year-old Dana Cox in Mattapan. Two witnesses to the murder saw Mr. Auguste using a public telephone in the L&A Market just before the shooting. One of the witnesses saw Mr. Auguste leave the market and walk towards the ice cream parlor across the street. Dana Cox was standing near the ice cream parlor when a vehicle pulled over. Mr. Cox approached the car to speak with the driver. Mr. Auguste walked up to Mr. Cox, who was speaking to the occupants of the parked car. Mr. Auguste said something to Mr. Cox and then shot him six times. Mr. Auguste fled the scene. The two witnesses saw Mr. Auguste on a separate occasion after the shooting and noted that he was wearing the same clothes he wore on the night of murder.

**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.

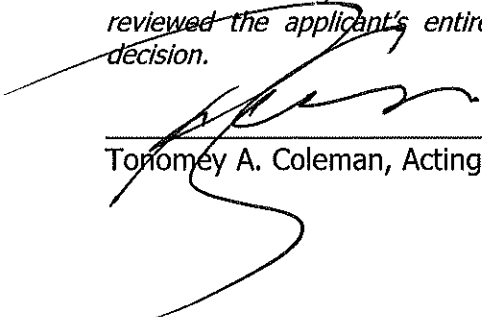
Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). 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. Auguste committed the underlying offense when he was 19-years-old and has been incarcerated for over 34 years. Mr. Auguste's participation in programming, most of which occurred prior to him being made parole eligible pursuant to

Mattis, is remarkable. Mr. Auguste has been a mentor to fellow incarcerated individuals. The Board notes that although Mr. Auguste had a difficult initial experience while incarcerated, he has not received a disciplinary report in over 14 years. Mr. Auguste has been sober for 30 years and is engaged in completing HiSet. Mr. Auguste has strong community support and a compelling post release plan. He has been accepted to multiple reentry programs. The Board accepted the expert testimony of Dr. DiCataldo as well as his forensic evaluation.

**SPECIAL CONDITIONS:** Long-Term Residential Program (LTRP) or CRJ; Waive work for 2 weeks or program; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with 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.

*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.*



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Tonomey A. Coleman, Acting Chair



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Date