



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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RECORD OF DECISION

IN THE MATTER OF

FRANK DIBENEDETTO
W44738

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 14, 2025

DATE OF DECISION: March 12, 2026

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted on or after 2 weeks from issuance of Decision to Bethany House.

PROCEDURAL HISTORY: On April 11, 1988, following a jury trial in Suffolk County Superior Court, Frank DiBenedetto was convicted of two counts of murder in the first degree for the death of Joseph Bottari and Frank Chuchiolo. He was sentenced to two consecutive terms of life in prison without the possibility of parole. Following a successful appeal, on December 28, 1992, the Supreme Judicial Court reversed Mr. DiBenedetto's convictions and remanded the cases to Superior Court for a new trial.

In early 1994, Mr. DiBenedetto was tried a second time and, on February 3, 1994, a jury found Mr. DiBenedetto guilty of two counts of murder in the first degree with deliberate premeditation and in a manner of extreme atrocity or cruelty. The judge sentenced Mr. DiBenedetto to serve consecutive life sentences in prison without the possibility of parole.

Mr. DiBenedetto 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 first-degree murder conviction, Mr. DiBenedetto 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.

On October 14, 2025, Mr. DiBenedetto appeared before the Board for an initial hearing. He was represented by Attorney Dennis Shedd. The Board's decision fully incorporates by reference the entire video recording of Mr. DiBenedetto's October 14, 2025 hearing.

STATEMENT OF THE CASE: On February 19, 1986, at around 9:30 p.m., 19-year-old Frank DiBenedetto and his co-defendants shot and killed Joseph Bottari (age 23) and Frank Chiuchiolo (age 20) in Boston. Mr. Bottari was shot 16 times, including six shots to the head. Mr. Chiuchiolo was shot seven times, including five shots to the head. Both men were shot at close range. The murder occurred at Slye Park, a neighborhood in Boston's North End.

A witness, who resided in an apartment overlooking the park, heard four or five "cracks or pops" that he thought were fireworks. He looked out his window and saw orange-red flashes in the area near a co-defendant's hand. The witness then watched Mr. DiBenedetto bend before one of the men lying on the ground and saw four to six flashes accompanied by the sound he had initially heard. The sounds continued until the three shooters left the park. Mr. DiBenedetto and his co-defendants were arrested February 23, 1986.

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. DiBenedetto was 19-years-old at the time of the offense. He is currently 59-years-old. He is currently in lower security based on positive progress. Mr. DiBenedetto began engaging in rehabilitative programming prior to the Mattis decision. Mr. DiBenedetto addressed the issues and risk factors that precipitated his offense. His LS/CMI risk/needs assessment is low. The Board also considered the expert forensic evaluation by Dr. Kinscherff, who noted he was low risk for violence and low risk for recidivism. Mr. DiBenedetto earned his BA in 2011 and numerous vocational certifications. Mr. DiBenedetto presents with no major substance abuse risk factors. He has a significant support system who will assist with his re-entry needs. The Board considered the testimony of Mr. DiBenedetto's family and friends in support of parole. The Board considered the written testimony of Mr. Chiuchiolo's family in opposition to parole. The Board also considered the testimony of Suffolk County ADA Montez Haywood in opposition to parole. The Board concludes by unanimous decision that Frank DiBenedetto has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for 2 weeks or program; Must be home between 10 PM and 6 AM or at Parole Officer's discretion; Electronic monitoring for 6 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; Residential Program – Bethany House.

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.


Angelo Gomez Jr., Chair

March 12, 2026
Date