

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

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



Tina M. Hurley
Chair

Lian Hogan
Executive Director

RECORD OF DECISION

IN THE MATTER OF

JEAN-MARIE THEBAUD
W95278

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 18, 2024

DATE OF DECISION: October 22, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman,¹ Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted to approved home plan two weeks from date of Decision.

PROCEDURAL HISTORY: On October 20, 2009, Jean-Marie Thebaud pleaded guilty to second-degree murder in the death of John Lubin and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Thebaud pleaded guilty to possession of a firearm without a license, for which he received a concurrent 4 to 5 year prison sentence, and to discharging a firearm within 500 feet of a dwelling/building, for which he received a concurrent 3 month House of Correction sentence. Parole was denied following an initial hearing in 2022.

On June 18, 2024, Jean-Marie Thebaud appeared before the Board for a review hearing. He was represented by Attorney Jason Benzaken. The Board's decision fully incorporates by reference the entire video recording of Jean-Marie Thebaud June 18, 2024, hearing.

STATEMENT OF THE CASE: On July 3, 2007, 24-year-old John Lubin attended a firework display in Randolph. Mr. Lubin noticed a group of young men who appeared to be staring at him. Jean-Marie Thebaud was included among that group. After the fireworks, both men attended a party at a home on Bayberry Lane in Randolph. Mr. Thebaud, and others with him, decided to kill Mr. Lubin in retaliation for the 2004 murder of a gang member in Hyde Park. They believed that an associate of Mr. Lubin had committed the murder. Mr. Thebaud and his brother retrieved a shotgun and brought it back to the party. Shortly after midnight on July 4,

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

2007, Mr. Thebaud approached Mr. Lubin in the yard of the house on Bayberry Lane and shot him in the back, killing him. Mr. Thebaud fled the scene, discarding both his gun and sweatshirt. A homeowner located the gun the following morning.

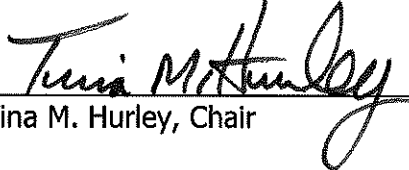
APPLICABLE STANDARD: Parole “[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain 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 incarcerated individual’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 incarcerated individual’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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual’s testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

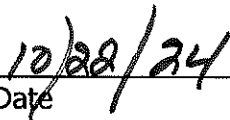
In the context of an incarcerated individual convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile’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.” *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the incarcerated individual’s right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

DECISION OF THE BOARD: Mr. Thebaud was 16-years-old at the time of offense. The Board considered the Miller/Diatchenko factors as they apply to Mr. Thebaud. The Board reviewed Dr. Mendoza’s evaluation. Mr. Thebaud scores low risk on the LS-CMI risk assessment tool. He has been in lower security for the past two years. He has no history of institutional violence. Mr. Thebaud does not have a history of controlled substance abuse. Mr. Thebaud has engaged in programming and spoke regarding the influence of Restorative Justice programming on his rehabilitation. He engaged in educational efforts and earned his bachelor’s degree from Boston University, achieving Dean’s list. Mr. Thebaud has a considerable support network including family and friends. Mr. Thebaud plans to pursue additional educational opportunities through My Turn. Norfolk County Assistant District Attorney Meagen Monahan spoke in opposition to parole, as well as numerous members of John Lubin’s family. The Board concludes by unanimous decision that Jean-Marie Thebaud has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 weeks; Curfew must be home between 10 pm and 6 am at Parole Officers discretion; Electronic monitoring at Parole Officer's discretion; 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 mental health evaluation and must follow recommendation; Counseling for adjustment issues.

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.


Tina M. Hurley, Chair


Date