

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JEAN-MARIE THEBAUD

W95278

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: June 7, 2022
DATE OF DECISION: September 28, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Tina Hurley, Colette Santa

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

1. STATEMENT OF THE CASE

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.

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, 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.

II. PAROLE HEARING ON JUNE 7, 2022¹

Jean-Marie Thebaud, now 31-years old, appeared before the Parole Board for an initial hearing on June 7, 2022, and was represented by Attorney John Rull. In his opening statement to the Board, Mr. Thebaud expressed his guilt for taking the life of Mr. Lubin. He told the Board that he never meant to kill Mr. Lubin; rather, he "only" wanted to injure him because he feared for his own safety. Upon Board Member questioning, Mr. Thebaud shared some of the factors in his early life that may have influenced his decision to commit the murder, including how he felt unsafe at home and in the community. Mr. Thebaud also explained that he was grieving the loss of a friend at the time of the governing offense. Although he denied any gang involvement, Mr. Thebaud stated that he spent time with older boys in an environment that had "gang-like tendencies."

Mr. Thebaud informed the Board that he has taken advantage of available rehabilitative programming, while incarcerated. He stated that participation in such programming has had an impact on his ability to empathize with others and to forgive himself. Mr. Thebaud obtained his GED, earned credits toward his bachelor's degree, and has maintained employment as the head of maintenance. He has a minimal disciplinary record for non-violent incidents. Mr. Thebaud told the Board that his parole plan includes completing a pre-release program and then moving in with his mother and grandmother. He plans to obtain his bachelor's degree and participate in counseling. Mr. Thebaud told the Board that he has received offers of employment for when he is released.

The Board considered testimony in support of parole from Mr. Thebaud's mother, father, stepfather, and two friends. The Board also considered testimony, and a letter, in opposition to parole from Norfolk County Assistant District Attorney Michael McGee.

III. DECISION

The Board is of the opinion that Jean-Marie Thebaud has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On July 4, 2007, Jean-Marie Thebaud, then 16, shot and killed John Lubin. Mr. Thebaud appeared before the Board for his initial hearing and presented a version of facts that was inconsistent with information provided to the Board. The Board has concerns that he lacks insight into his crime and encourages him to seek help in this area and to continue with programming and maintaining a positive adjustment. Additional time in a lower security setting will benefit [him] and ensure a successful reentry in the future. The Board is concerned that he continues to deny the relationship with a STG (Security Threat Group) and motivation for the crime.

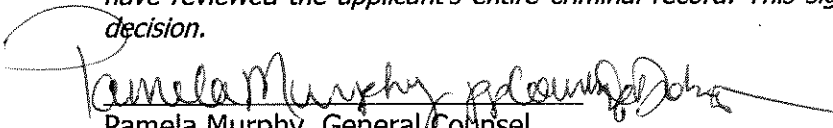
¹ The entire video recording of Mr. Thebaud's June 7, 2022 hearing is fully incorporated by reference into the Board's decision.

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 of the offense, 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 also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. In forming this opinion, the Board has taken into consideration Mr. Thebaud's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Thebaud's risk of recidivism. After applying this standard to the circumstances of Mr. Thebaud's case, the Board is of the opinion that Jean-Marie Thebaud is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Thebaud's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Thebaud to continue working toward 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

9/28/22
Date