

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JEFFREY ROBERIO**

**W43885**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** June 23, 2020

**DATE OF DECISION:** September 22, 2020

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 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 that the inmate is a suitable candidate for parole.<sup>1</sup> Parole is granted to a long-term residential program with special conditions.

**I. STATEMENT OF THE CASE**

On August 11, 1987, after a jury trial in Plymouth County Superior Court, Jeffrey Roberio was found guilty of first-degree murder in the death of 79-year-old Lewis Jennings. He was sentenced to life without the possibility of parole. On that same date, Mr. Roberio was convicted of armed robbery and sentenced to a concurrent life sentence with the possibility of parole. In 1998, the Supreme Judicial Court reversed the conviction and remanded the case for retrial.<sup>2</sup> After a retrial in January 2000, Mr. Roberio was again convicted of first-degree murder and armed robbery. The same sentences were imposed. The convictions were subsequently affirmed on appeal.<sup>3</sup>

<sup>1</sup> One Board Member voted to deny parole with a review in two years.

<sup>2</sup> *Commonwealth v. Roberio*, 428 Mass. 278 (1998).

<sup>3</sup> *Commonwealth v. Roberio*, 440 Mass. 245 (2003).

On December 24, 2013, The Supreme Judicial Court issued a decision *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013) that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that Diatchenko (and others similarly situated) must be given a parole hearing. Accordingly, Mr. Roberio became eligible for parole.

On the evening of July 29, 1986, 17-year-old Jeffrey Roberio and his co-defendant, 20-year-old Michael Eagles,<sup>4</sup> entered the Middleborough trailer home of Lewis Jennings. Mr. Jennings lived alone and kept a large amount of cash in his trailer. The following day, Mr. Jennings' body was discovered savagely beaten with a blunt force object. Several bones, including his spine, were broken, and he had been strangled with his own pillowcase. Mr. Jennings had extensive injuries to his face and head, as well as numerous lacerations on his right hand that were indicative of defensive wounds. Cash, a shotgun, and miscellaneous personal property had been stolen from his home.

Several weeks prior to Mr. Jennings' death, Mr. Roberio had asked a friend to "do a break with him" to get money from "an old man who had a lot of money" and who "didn't believe in banks." On the evening of the murder, Mr. Roberio and Mr. Eagles were driven to an area near Mr. Jennings' trailer. Mr. Roberio said that he "was going to break into some man's house" and asked for a return ride about one hour later. On the return trip, Mr. Roberio was shirtless and wet (it had been raining), and Mr. Eagles was seen holding a roll of money. On the day after the murder, Mr. Roberio was observed with a \$50 bill and had revealed the brutal details of the murder to a friend. He also had the friend drive him back to the area near Mr. Jennings' trailer, where he retrieved Mr. Jennings' shotgun and a metal box. The police later found these items. Further investigation revealed that a fingerprint on a beer stein in Mr. Jennings' home belonged to Mr. Roberio.

## **II. PAROLE HEARING ON JUNE 23, 2020**

Jeffrey Roberio, now 51-years-old, appeared before the Parole Board for a review hearing on June 23, 2020. He was represented by Attorneys Dulcinea Goncalves and Benjamin Keehn. Mr. Roberio had been denied parole after his initial hearing in 2015. In his opening statement to the Board, Mr. Roberio apologized to the Jennings' family for the "continuing pain" he has caused them. He took "complete responsibility" for the death of Mr. Jennings. Mr. Roberio told the Board that, as a child, he developed unhealthy behaviors to cope with his inability to express his emotions and work through conflict. As he got older, he supplemented these behaviors with drugs and alcohol, which only "fed [his] rage." The Board noted that Mr. Roberio suffered from learning disabilities as a child and had experienced a "cluster of deficits" at the time of the governing offense. They also acknowledged that, at age 17, his brain was functioning at a "third-grade level." Mr. Roberio was arrested as a teenager for breaking and entering and other larcenous offenses. He worked odd jobs intermittently throughout his teen years. He spent much of his time, however, socializing and drinking with other young adults who had also left school, including his co-defendant Michael Eagles.

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<sup>4</sup> Michael Eagles was tried separately and convicted of murder in the first degree and armed robbery. His convictions were affirmed on appeal, *Commonwealth v. Eagles*, 419 Mass 825 (1995), and he is serving a life sentence without the possibility of parole.

Mr. Roberio stated that he has since learned that Mr. Jennings was a "humble, hardworking family man" with six children. He told the Board that Mr. Jennings was a neighbor with an acquaintance of his. Through this acquaintance, Mr. Roberio learned that Mr. Jennings had a large sum of cash in his trailer due to a car sale that had fallen through. He decided to rob Mr. Jennings and then brought Mr. Eagles in on the plan a couple of weeks later. Mr. Roberio spent most of the day leading up to the governing offense drinking alcohol. He explained that either he, or Mr. Eagles, cut the phonelines at Mr. Jennings' home, so that he could not call for help. The Board asked why he escalated a robbery into a violent murder of a man with whom he had no issues. Mr. Roberio stated that he grew "frustrated" when he could not find money in the trailer, and he did not know how to handle the situation when Mr. Jennings defended himself. He told the Board that he knew the injuries he inflicted on Mr. Jennings caused him to "die a horrible death."

The Board questioned Mr. Roberio about their decision (after his initial hearing) to review him in five years. Mr. Roberio responded that he initially believed the Board's decision was unfair. However, after watching his initial hearing, he was provided insight into how much work he had to do "internally." Mr. Roberio learned that he had significant work to do regarding compassion and empathy. Through his programming efforts, he developed empathy for his victims, as well as the knowledge of how his actions will always affect them. Board Members were impressed with Mr. Roberio's completion of numerous programs, as well as his overall positive institutional adjustment. The Board noted that Mr. Roberio has engaged in, or completed, dozens of programs, including Restorative Justice, Correctional Recovery Academy, Emotional Awareness, Jericho Circle, and the American Veteran Dog Program. Mr. Roberio told the Board that he has been sober since 1997 and credited his institutional success to sobriety through Alcoholics Anonymous. If released, Mr. Roberio hopes to transition to a long-term residential program for a length of time that the Board deems appropriate. He plans to locate to a sober community and procure mental health counseling to aid in his reentry. He acknowledged that the transition from prison to community will bring a unique set of challenges, requiring him to develop a strong support network to ensure success. The Board noted Mr. Roberio's strong family support.

Mr. Roberio's cousin testified in support of parole. The Board also considered the testimony and report of Jessica Edwards, LICSW, as well as the report of forensic psychiatrist Dr. Ileana Berman. Mr. Jennings' daughter, grandson, and two granddaughters testified in opposition to parole. Plymouth County District Attorney Timothy Cruz testified and submitted a letter in opposition to parole. The Board also considered additional letters of opposition.

### **III. DECISION**

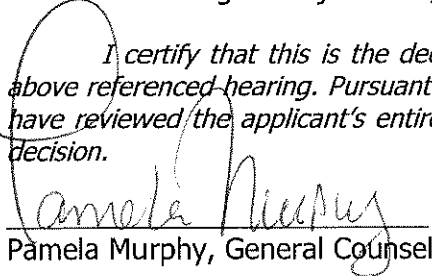
Mr. Roberio has served over 34 years for the murder of 79-year-old Lewis Jennings. Mr. Roberio was 17-years-old at the time of the offense. Since his last hearing, he has immersed himself in meaningful treatment and rehabilitation. He was transferred to a minimum-security facility in November 2018. In rendering their decision, the Board considered the Neurocognitive Assessment conducted by Dr. Berman. The assessment measured his intellectual ability and emotional and behavioral function. They also considered testimony from Jessica Edwards, LICSW. She conducted a Psychosocial Review during which she assessed his mental health and social wellbeing. Release is not incompatible with the welfare of society.

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 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 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 in Mr. Roberio's case 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. Roberio'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. Roberio's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Roberio's case, the Board is of the opinion that Jeffrey Roberio merits parole at this time. Parole is granted to a long-term residential program with special conditions.

**SPECIAL CONDITIONS:** Must complete long-term residential program; Waive work for long-term residential program; Curfew – Must be at home between 10pm and 6am; Electronic monitoring; 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 [named inmate]; No contact with victim's family; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week; Mandatory sponsor.

*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

  
Date