



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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DECISION

IN THE MATTER OF

KARL MOORE

W55201

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 27, 2018

DATE OF DECISION: March 25, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

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. Parole is granted to a long term residential program upon completion of 2 years in lower security with special conditions.¹

I. STATEMENT OF THE CASE

On October 12, 1993, in Plymouth Superior Court, Karl Moore was found guilty by a jury of second-degree murder for the shooting death of 18-year-old Christopher Bender. He was sentenced to life in prison with the possibility of parole.

Karl Moore (age 17), along with several co-defendants, shot and killed Christopher Bender at 2:30 a.m., on November 3, 1991, in the Crescent Court housing development in Brockton. Mr. Bender was seated in his car with his cousin when the individuals opened fire. Mr. Moore was one of several shooters. Mr. Bender was hit four times with bullets amid a barrage of 20 gunshots to his car.

¹ Four Board Members voted to parole Mr. Moore. Three Board Members voted to deny parole with a two year review.

II. PAROLE HEARING ON MARCH 27, 2018

Karl Moore, now 43-years-old, appeared before the Parole Board on March 27, 2018, for a review hearing. He was represented by Attorney Robert Hennessey. Mr. Moore was paroled after his initial parole hearing in 2007. The vote required that he successfully complete six months in pre-release, which he was unable to do. He violated pre-release rules and was returned to higher security. The Parole Board initiated rescission proceedings, but, after a hearing, voted not to rescind parole. Mr. Moore was released in 2009. Mr. Moore tested positive for opiates, however, on March 24, 2010, and was returned to custody. After a revocation hearing on June 15, 2010, parole was revoked. Parole was denied after Mr. Moore's 2011 review hearing. In 2016, Mr. Moore's review hearing was postponed.

In Mr. Moore's opening statement to the Board, he said that there are no excuses to justify his actions in taking Mr. Bender's life. He understands that he caused terrible pain to the Bender family, as well as the community. Mr. Moore explained that the memory of what he did will always be with him, and he apologized to the Bender family. He stated that he has been incarcerated for 26 years. In discussing the governing offense, Mr. Moore acknowledged that he was the youngest individual involved and admitted that he had a firearm at the time of the murder. He stated that he knew Mr. Bender prior to the murder, as they had grown up in the same housing project.

Since his return to custody, Mr. Moore received a disciplinary report (in 2015) for possession of Suboxone. He stated that he was dealing with pain at the time and did not seek medical treatment. Mr. Moore admitted that he took Suboxone to deal with the pain, which started in 2013. He stated that he has multiple sclerosis, high blood pressure, and asthma. Mr. Moore explained, however, that the last time he used any illegal substance was in 2015. He told the Board that, if released, he would have structure in place and would go to his parole officer if he needed help.

Mr. Moore indicated that he completed the Correctional Recovery Academy (CRA) and Alternative to Violence programs. He told the Board that he participates in the Graduate Maintenance Program (GMP), Lifer's Group, and Cognitive Behavior Therapy. Previously, he participated in the Project Youth program. He indicated that he attends one-on-one counseling once a month and finds it helpful. Mr. Moore stated that he is currently employed as a librarian. In addition, a Board Member noted that he obtained his GED in 2001. If paroled, Mr. Moore stated that he would need a long term residential treatment program. He would also like to go back to school to become a radiology technician. Mr. Moore explained that he obtains support from his family and a friend.

The Board considered oral testimony in support of parole from Mr. Moore's aunt, uncle, cousin, brother, and mother. The Board considered testimony in opposition to parole from Plymouth County Assistant District Attorney Stacey Gauthier.

III. DECISION

The Board is of the opinion that Mr. Moore has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Moore completed additional programming, including Alternatives to Violence Phases I and II (AVP) and

has been a facilitator. Mr. Moore has completed Correctional Recovery Academy (CRA), Graduate Maintenance Program (GMP), Anger Management, and Criminal Thinking. It appears he has gained insight into his criminal behavior and parole violations. Mr. Moore needs to obtain a sponsor and mentor. In addition, he would benefit from mental health counseling.

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 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. The Board has also considered whether risk reduction programs could effectively minimize Mr. Moore's risk of recidivism. After applying this standard to the circumstances of Mr. Moore's case, the Board is of the opinion that Karl Moore is rehabilitated, and his release is compatible with the welfare of society. Mr. Moore, therefore, merits parole at this time. Parole is granted to a long term residential program upon completion of 2 years in lower security with special conditions.

SPECIAL CONDITIONS: Waive work for LTRP; Must be at home between 10:00 pm and 6:00 am or PO's discretion; Electronic monitoring at PO 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 or association with co-defendants; No contact w/victim's family; Must have mental health evaluation and adhere to treatment program; Long Term Residential Treatment – must complete; AA at least 3 times/week; Must obtain 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.



Shara Benedetti, Acting General Counsel

3/25/19

Date