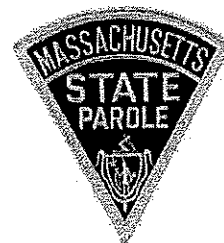


*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

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**Gloriann Moroney**  
*Chair*

**Kevin Keefe**  
*Executive Director*

**DECISION**

**IN THE MATTER OF**

**KASHMONI MURPHY**

**W81625**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** November 19, 2020

**DATE OF DECISION:** August 26, 2021

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy<sup>1</sup>

**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 not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of this hearing.<sup>2</sup>

**I. STATEMENT OF THE CASE**

On June 9, 1998, in Essex Superior Court, Kashmoni Murphy pleaded guilty to one count of home invasion, five counts of armed assault in a dwelling, two counts of armed robbery, and one count of assault and battery by means of a dangerous weapon. Mr. Murphy was sentenced to concurrent prison terms of 3 years to 3 years and 1 day on the (two) armed robbery offenses, after which he would serve a 3-year probationary term on the remaining seven offenses. On July 18, 2002, Mr. Murphy was found to be in violation of his probation and his probation was continued until May 9, 2004. Then, on October 18 and November 6, 2002, a Suffolk County grand jury returned a total of three indictments against Mr. Murphy charging him with 23 offenses. On March 28, 2003, following a final surrender hearing, Mr. Murphy was again found in violation of his probation and was sentenced to the mandatory minimum sentence of 20 years to 20 years and 1 day on the home invasion charge and 5 concurrent life

<sup>1</sup> Chair Gloriann Moroney was recused from this hearing and Board Member Santa was unavailable.

<sup>2</sup> One Board Member voted to deny parole with a review in three years.

sentences for the five offenses of armed assault in a dwelling. Mr. Murphy attempted to appeal his convictions in 2003, 2006, 2010, 2013, and 2019. All appeals were denied, and his convictions were affirmed.

On September 5, 1997, at approximately 11:40 p.m., four women were inside an apartment in Lynn. A woman's one-year-old daughter was present, as well. When the women heard a knock at the door and opened it, Kashmoni Murphy and another individual entered the apartment. The men wore hooded sweatshirts, and Mr. Murphy's accomplice carried a firearm. When one of the women resisted their entry, the other individual struck her in the face with the gun. Mr. Murphy instructed his accomplice to "get the money, get the jewels from the big one." The men took the women's jewelry, but discarded it when they realized it was of little value. They eventually found a safe located in a bedroom, which had 400 dollars inside. The men took the money and left the apartment.

Several of the victims went to the Lynn Police Department and attempted to identify the men; however, they were unsuccessful. A week later, one of the victims was driving by the Academy Projects in Boston when she saw Mr. Murphy. She contacted the police and identified him as one of her assailants. Mr. Murphy was arrested shortly thereafter.

## **II. PAROLE HEARING ON NOVEMBER 19, 2020**

Kashmoni Murphy, now 42-years-old, appeared before the Parole Board for an initial hearing on November 19, 2020. He was not represented by counsel. In Mr. Murphy's opening statement to the Board, he apologized to his victims and their families for the harm he caused, stating, "I shattered their sense of safety." Mr. Murphy expressed regret for his actions and admitted that it was "the worst decision of his life." He specifically noted that a child was present at the time of his crime. Mr. Murphy characterized his behavior as "selfish" and "reckless." He also admitted to being a "detriment" both to his community and to law enforcement.

Board Members discussed Mr. Murphy's social history prior to the governing offense. Mr. Murphy explained that he grew up in high crime areas, including the Academy Homes Projects in Roxbury. His parents and siblings all struggled with substance abuse issues. He did well in school, but due to a "lack of guidance," he began selling drugs and committing other crimes at age nine. When questioned as to his extensive criminal history, Mr. Murphy told Board Members that he was "living a reckless lifestyle in the streets." He also indicated that his perception of right and wrong was skewed. Moreover, he admitted to being "easily influenced" by older men in the area, which significantly contributed to his criminal activity. He believed that he had "nothing to live for" and lacked pro-social adult influences. When the Board inquired as to his gang affiliation, Mr. Murphy denied being a member. However, he admitted to "hanging around" validated members in his neighborhood. He is currently in the process of STG (Security Threat Group) renunciation.

The Board questioned Mr. Murphy as to the details surrounding the governing offense, noting it took place approximately three days after he was released on bail for an unrelated matter. Mr. Murphy explained that one of the victims had been "holding" money for him while he was in custody, but she refused to return it upon his release. Mr. Murphy notified his accomplice, and they proceeded to rob her. When the Board confronted Mr. Murphy as to his lack of judgment at the time, he admitted to "gravitating" towards negative influences. When

Board Members raised concern as to his criminal thinking and behavior, Mr. Murphy stated, "I didn't know any better."

Board Members also discussed Mr. Murphy's problematic institutional adjustment, noting a significant number of disciplinary infractions. When questioned about his progress, Mr. Murphy stated that he "has come a long way" and has participated in as many programs as he was allowed. Although Board Members acknowledged his participation in rehabilitative programs, they pointed out that Mr. Murphy is not utilizing the skills he learned, as he continues to incur concerning disciplinary reports. Specifically, Board Members inquired as to his most recent report (August 2020) that resulted in restrictive housing. Mr. Murphy told the Board that he relapsed on synthetic marijuana ("K2") because he had a "lapse in judgment." At the time, he was enrolled in the Correctional Recovery Academy (CRA), which he has completed multiple times. Mr. Murphy admitted that he struggles with substance abuse issues and stated that his addiction "spiraled out of control" when he arrived in Norfolk in 2012. Although Mr. Murphy acknowledged the severity of his substance abuse issues, he told the Board that he does not believe the CRA will give him the help he needs. He explained that the program is not taken seriously, and that many inmates enroll with ill intent. When Board Members inquired as to what causes him to break his sobriety, Mr. Murphy cited incarceration as the main reason he continues to use. He also expressed frustration that his drug use began in prison, claiming that he never struggled with substances in society. Board Members raised concern as to whether Mr. Murphy has truly committed himself to rehabilitation, as his disciplinary records indicate otherwise. The Board encouraged him to put forth a greater effort towards rehabilitation.

The Board considered testimony in support of parole from Lisa Murphy (Mr. Murphy's wife) and Frank Farrow, Executive Director of Elevate Boston. The Board considered testimony and letter in opposition to parole from Essex County Assistant District Attorney Kayla Johnson. The Board also considered a letter of opposition from Acting Chief Leonard Desmarais of the Lynn Police Department.

### **III. DECISION**

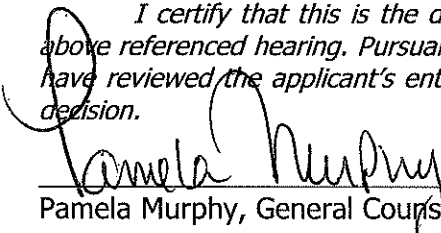
The Board is of the opinion that Kashmoni Murphy has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Murphy is incarcerated for an armed home invasion where they assaulted, battered, and robbed the victims. Mr. Murphy's criminal history and institutional adjustment are a concern for the Board. The Board recognizes his involvement in rehabilitative treatment and programming to include his involvement in the BU program, Cognitive Skills, Restorative Justice, and the CRA. Despite his involvement in programming, he continues to incur concerning disciplinary infractions. In August 2020, he pleaded guilty to attempting to introduce narcotics into a correctional facility. Mr. Murphy is encouraged to engage in recommended programming, refrain from incurring any additional disciplinary infractions, and continue to pursue STG renunciation.

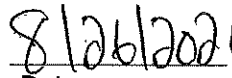
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration

Mr. Murphy'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. Murphy's risk of recidivism. After applying this standard to the circumstances of Mr. Murphy's case, the Board is of the opinion that Kashmoni Murphy does not merit parole at this time.

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

  
\_\_\_\_\_  
Date