



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

KENNETH FAULK

W97542

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: March 10, 2022

DATE OF DECISION: October 19, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 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 three years from the date of the hearing.¹

I. STATEMENT OF THE CASE²

On November 18, 2010, after a jury trial in Plymouth Superior Court, Kenneth Faulk was convicted of the lesser included offense of second-degree murder in the shooting death of 25-year-old Derrick Wilson. Mr. Faulk was sentenced to life in prison with the possibility of parole.

On April 30, 2007, Kenneth Faulk entered a Brockton apartment building with Derrick Wilson right behind him, which was captured on surveillance footage. The video showed Mr. Faulk appear to speak to Mr. Wilson, after which Mr. Wilson followed him up a set of stairs. Two minutes later, Mr. Wilson slid feet first down the stairs, where he lay struggling. Within seconds, Mr. Faulk came down the stairs, stepped over Mr. Wilson, and left the building. A few

¹ Two Board Members voted to deny parole with a review in two years.

² Taken in part from *Commonwealth v. Faulk*, 46 N.E.3d 115 (2016).

minutes later, Mr. Faulk returned and kicked Mr. Wilson in the foot and head. It was determined that Mr. Wilson died from a gunshot wound to the chest.

Mr. Faulk initially denied entering the building with Mr. Wilson. After being shown still images from the video, Mr. Faulk acknowledged his presence, but claimed not to know if he heard gunshots or if there was any kind of fight or struggle on the stairs. He stated that he kicked Mr. Wilson to wake him up. DNA subsequently connected Mr. Faulk to a cigarette butt at the second-floor landing. DNA evidence also linked a projectile found in the wall at the top of the second-floor landing to Mr. Wilson. No weapon was recovered. Strands of beads worn by Mr. Wilson were found scattered, including one at the top of the landing, which suggested a struggle.

II. PAROLE HEARING ON MARCH 10, 2022³

Kenneth Faulk, now 34-years-old, appeared before the Parole Board for an initial hearing on March 10, 2022. He was represented by student attorneys from Harvard Law School's Prison Legal Assistance Project. Mr. Faulk told the Board that he was exposed to violence from a young age, namely witnessing his father abuse his mother. He was shot at age 14. As an adolescent, Mr. Faulk sold marijuana and cocaine (which he also used) to support his family's needs. All he knew was "flight or fight" and responded negatively to situations where he felt threatened, harmed, or in danger. Mr. Faulk felt that "[he] was in danger, so [he] immediately reacted" when he murdered Mr. Wilson over a disagreement about marijuana. Board Members noted, however, that Mr. Faulk did not admit responsibility for the murder for 11 years. Mr. Faulk stated that he lives with guilt and regret for what he did to Mr. Wilson and his family.

The Board recognized Mr. Faulk's educational achievements, while incarcerated, as well as the completion of several programs to include Restorative Justice, Emotional Awareness, and Violence Reduction. Despite his engagement in programming, Mr. Faulk has demonstrated a problematic adjustment as evidenced by the accrual of 51 disciplinary reports. He shared that he is learning to accept the recent diagnoses of depression and post-traumatic stress disorder as part of his rehabilitation.

Mr. Faulk's mother, daughter, and cousin testified in support of parole. The Board considered the testimony and letter in opposition to parole from the Plymouth County District Attorney's Office.

III. DECISION

The Board is of the opinion that Kenneth Faulk has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Faulk committed the murder of Derrick Wilson when he was 19-years-old. The Board notes that he takes full responsibility for the murder, although he acknowledged this for the first time in 2018. He has had a poor adjustment as evidenced by the accrual of 51 disciplinary reports, 28 of which were sanctioned. He is encouraged to refrain from incurring additional disciplinary reports and to engage in all available and educational programming. The Board would like to see Mr. Faulk apply what he has learned in programming to his rehabilitative progress. The Board is hopeful that he will continue to benefit from mental health counseling and treatment.

³ The entire video recording of Mr. Faulk's March 10, 2022 hearing is fully incorporated by reference to 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 forming this opinion, the Board has taken into consideration Mr. Faulk'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. Faulk's risk of recidivism. After applying this standard to the circumstances of Mr. Faulk's case, the Board is of the unanimous opinion that Kenneth Faulk is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Faulk's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Faulk 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.



Ramela Murphy, General Counsel

10/19/22
Date