



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

KENNETH PADGETT

W58696

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 26, 2023

DATE OF DECISION: April 10, 2023

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On May 26, 1995, in Worcester Superior Court, Kenneth Padgett was convicted of the second-degree murder of Paxton Police Chief Robert Mortell and was sentenced to life in prison with the possibility of parole. On June 16, 1995, Mr. Padgett received a concurrent sentence of 18 to 25 years¹ for armed robbery, three concurrent sentences of 4 to 5 years for assault by means of a dangerous weapon, and two concurrent sentences of 9 to 10 years for breaking and entering (daytime). Charges of breaking and entering with intent to commit a misdemeanor and larceny of a motor vehicle were filed. That same day, Mr. Padgett received a consecutive sentence of 4 ½ to 5 years for larceny and a consecutive sentence of an additional 4 ½ to 5 years for larceny. These sentences are currently lodged.

Mr. Padgett appeared before the Parole Board for a review hearing on January 26, 2023. He was represented by student attorneys from Harvard University Law School. Mr. Padgett was denied parole after his initial hearing in 2009, and after his review hearings in 2015 and 2019. The entire video recording of Mr. Padgett's January 26, 2023, hearing is fully incorporated by reference to the Board's decision.

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

¹ This sentence was later vacated upon appeal.

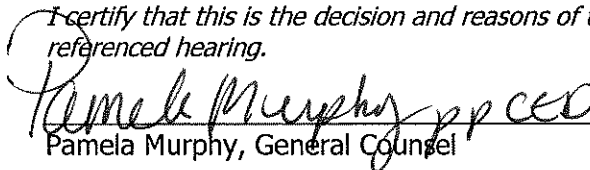
expressed at the hearing or in written submissions to the Board, we conclude that the inmate is a suitable candidate for parole.²

The Board is of the opinion that Kenneth Padgett has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Reserve to Interstate Compact-Florida, but not before 18 months in lower security. [Mr. Padgett] has served 29 years for his participation in the series of crimes that led to the murder of Chief Robert Mortell by his co-defendant during an attempt to evade capture. During his 29 years, Mr. Padgett has engaged in extensive rehabilitative programming to address the issues that led to his involvement in the crime. [He] has remained sober for nearly 25 years and has been consistently involved with AA meetings. He presents as having benefited from programming that has addressed violence, criminal thinking, and substance abuse. In addition, he has engaged in education and occupational skills training. He remains committed to the NEADS service dog program. He has a strong support system that will assist with his re-entry and an employment opportunity in Florida.

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. Padgett'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. Padgett's risk of recidivism. After applying this standard to the circumstances of Mr. Padgett's case, the Board is of the opinion that Kenneth Padgett is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to Interstate Compact - Florida; Waive work for two weeks; Not to enter Massachusetts unless approved by assigned Parole Officer in Florida; Curfew – Must be at home between 10pm and 6am; ELMO-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 victim's family; Mental health counseling for adjustment counseling; AA/NA at least 3 times/week.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Pamela Murphy, General Counsel

April 10, 2023
Date

² Four Board members voted to grant parole and two Board members voted to deny parole.