The Commonwealth of Massachusetts
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RECORD OF DECISION

IN THE MATTER OF

KENTEL WEAVER
W87567

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 9, 2022**

DATE OF DECISION: **October 19, 2022**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre[1], Tina Hurley, Colette Santa[2]

STATEMENT OF THE CASE: On May 1, 2006, after a jury trial in Suffolk Superior Court, Kentel Weaver was convicted of first-degree murder in the death of 15-year-old Germaine Rucker and was sentenced to life in prison without the possibility of parole. On that same date, he was convicted of unlawful possession of a firearm and received a concurrent sentence of one year to one year and one day. Mr. Weaver was 16 years old at the time of the offense.

On December 24, 2013, the Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013), in which the Court determined 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 such juvenile offenders must be given a parole hearing. Accordingly, Mr. Weaver became eligible for parole.

Mr. Weaver appeared before the Parole Board for a review hearing on June 16, 2022. He was represented by Attorney Rebecca Rose. This was Mr. Weaver's second appearance before the Board having been denied following his initial hearing in 2019. The entire video recording of Mr. Weaver's June 9, 2022, 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] Board Member Dupre participated in the hearing but was no longer a board member at the time of the vote.
[2] Chair Moroney was recused.

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

Reserve to a Long-Term Residential Treatment Program. On August 10, 2003, 16-year-old Mr. Weaver shot and killed 15-year-old Germaine Rucker in Boston. Mr. Weaver accepts responsibility for the offense. The Board recognizes the obstacles his childhood presented that contributed to the commission of the offense, namely his involvement in a gang. Mr. Weaver was exposed to the criminal lifestyle from a young age. He was exposed to violence and crime within his own family. He has invested fully in his rehabilitation, completing Violence Reduction, Restorative Justice reading group, and GPMP. He also has obtained his GED and associates degree and completed vocational training. The Board notes that he has benefited from the programming to fully address his need areas. He has been in minimum security since November 2021 without issue. Mr. Weaver is enrolled in the Emerson College Program. The Board notes that he has significant family support. Mr. Weaver requested release to an LTRP to aid in his gradual transition in the community. He scores low on the LS/CMI. The Board considered the expert evaluation of Dr. DiCataldo.

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-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 the 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).

In forming this opinion, the Board has taken into consideration Mr. Weaver'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. Weaver's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Weaver's case, the Board is of the opinion that Mr. Weaver is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program – must complete; Waive work for program; Curfew at PO's discretion; ELMO-electronic monitoring at PO's 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 with STG associates and/or known gang members; No contact with victim's family; Must have substance abuse evaluation and follow all recommendations; Must have counseling for adjustment/transition.

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

Pamela Murphy, General Counsel

10/19/22
Date