



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF
KENYATTI JORDAN
W66096

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 8, 2019

DATE OF DECISION: March 26, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On February 8, 1999, after a jury trial in Suffolk County Superior Court, Kenyatti Jordan was found guilty of first-degree murder of Joseph Dozier. He was sentenced to a term of life in prison without the possibility of parole. As well as, a concurrent term of four to five years in prison on the firearm conviction. Mr. Jordan was 17-years-old at the time of the murder.

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 *Diatchenko* (and others similarly situated) must be given a parole hearing. Accordingly, Mr. Kenyatti was afforded parole eligibility.

Mr. Jordan, now 43-years-old, appeared before the Parole Board for a review hearing on October 8, 2019 and was represented by Attorney Harris Krinsky. Mr. Jordan was denied parole after his initial hearing in 2015. The entire video recording of Mr. Jordan's October 8, 2019 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 expressed at the hearing or in written submissions to the Board, we conclude by unanimous decision that the inmate is a suitable candidate for parole. Reserve to Maryland through

Interstate Compact. Mr. Jordan has served 22 years for the murder of Mr. Dozier. During this commitment he has availed himself to treatment/programming and has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society. He was 17-years-old at the time of offense.

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.*

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

Special Conditions: Reserve to Maryland through Interstate Compact; Waive work for 2 weeks; Must be at home between 10 p.m. and 6 a.m. at PO discretion; ELMO-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 with victim's family; Must have substance abuse evaluation - adhere to plan; Must have mental health counseling for adjustment/transition; Druid Height for transition assistance i.e. employment, housing, etc.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Jordan, through counsel, has waived his right to a full administrative decision.

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


Pamela Murphy, General Counsel


Date