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Executive Director

**RECORD OF DECISION**

**IN THE MATTER OF**

**KEVIN COSTA**  
**W44691**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** February 20, 2025

**DATE OF DECISION:** June 24, 2025

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander,<sup>1</sup> Dr. Charlene Bonner, Tonomey Coleman,<sup>2</sup> Sarah B. Coughlin, Tina M. Hurley,<sup>3</sup> James Kelcourse, Rafael Ortiz

**VOTE:** Parole is granted after 6 months in lower security to an approved home plan.

**PROCEDURAL HISTORY:** On March 26, 1988, following a jury trial in Bristol Superior Court, Kevin Costa was convicted of murder in the first-degree in the death of Edward Cereto. He was sentenced to life in prison without the possibility of parole. On that same date, he was also convicted of kidnapping and received a sentence of 8-10 years to be served concurrently.

Kevin Costa became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision- regarding Mr. Costa's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after 15 years.

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<sup>1</sup> Board Member Alexander was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

<sup>2</sup> Board Member Coleman was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

<sup>3</sup> Chair Hurley participated in the vote on this matter prior to her departure from the Board.

On February 20, 2025, Mr. Costa appeared before the Board for an initial hearing. He was represented by Attorney Elizabeth Caddick. The Board's decision fully incorporates by reference the entire video recording of Kevin Costa's February 20, 2025, hearing.

**STATEMENT OF THE CASE:** On or about October 2, 1987, in Freetown, 19-year-old Kevin Costa and his three co-defendants, shot and killed, 37-year-old Edward Cereto. On the morning of October 2, 1987, a man running with his dogs in the Freetown State Forest discovered the body of a male, who was later identified as Edward Cereto. The victim had sustained gunshot wounds to his head, groin, and chest. A Fall River resident, who had hired Mr. Cereto to do odd jobs, reported the man missing when he did not show up for work. The investigation focused on Kevin Costa's 18-year-old cousin, Steven Costa,<sup>4</sup> who was questioned by police. During this questioning, Steven provided a verbal and written statement implicating himself, Bruce Frank, and his cousins Michael and Kevin Costa in the murder. When police confronted Kevin with portions of Steven's statements, Kevin also gave verbal statements implicating himself, and the rest of the men, in the murder.<sup>5</sup>

Before the murder, Kevin, Mr. Frank, Steven and Michael, drank at a local bar. Then, Steven, Michael, and Kevin ate and drank at China Royal. When the group returned to Steven's car, which was parked outside of Mr. Frank's house, the men noticed that the left rear tire was flat. After changing the tire, the men walked to where Edward Cereto lived "to give him a hard time." The men beat Mr. Cereto and accused him of being a cooperating informant. The men eventually put Mr. Cereto into the trunk of Steven's car, drove to Mr. Frank's house to retrieve a shotgun, and then drove to Freetown State Forest. After they arrived at the forest, the men removed Mr. Cereto from the trunk, and Mr. Frank fired several shots at him. Mr. Frank reloaded the shotgun, handed the shotgun to Kevin, and instructed him to shoot him, as well. Kevin shot the victim. Mr. Frank handed Michael the shotgun and instructed Michael to shoot the victim, but Michael refused. Mr. Frank took the shotgun from Michael, handed the shotgun to Steven, and instructed him to "do it." Steven shot the victim in the chest.

**APPLICABLE STANDARD:** Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

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<sup>4</sup> Three of the individuals in this case share the surname Costa. In order to distinguish between the men, their first names will be used in this statement of the facts.

<sup>5</sup> Steven and Mr. Frank were convicted of kidnapping and murder in separate trials, and Michael pleaded guilty to second degree murder.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

**DECISION OF THE BOARD:** Mr. Costa was 19-years-old at the time of the offense and has been incarcerated for 37 years. He is currently housed in minimum security. While incarcerated, Mr. Costa earned his GED in 1988, and his bachelor's degree from Boston University in 2005. He has maintained consistent employment, has been sober for 34 years, and has been disciplinary report free for 25 years. Mr. Costa has a strong support system in the community and has developed a release plan to meet his needs at re-entry. In making its decision, the Board considered the forensic evaluation of Dr. Laura Gidry. Mr. Costa was rated at a low risk of recidivism on the LSCMI risk assessment tool. At the hearing, Mr. Costa's sister, and a friend of the Costa family, both testified in support of parole. The Board concludes by unanimous decision that Kevin Costa has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

**SPECIAL CONDITIONS:** Approve home plan before release; Waive work for 2 weeks; Curfew-must be home between 10 PM and 6 AM for first 90 days; Electronic monitoring for first 90 days; 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; Counseling for adjustment issues; Mandatory - allow association with family members - brother and cousin.

*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.*

  
Tonomey A. Coleman, Acting Chair

6/24/25  
Date