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DECISION

IN THE MATTER OF

KEVIN KEMPT

W51449

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 16, 2016

DATE OF DECISION: May 23, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 the 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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 7, 1991, in Suffolk Superior Court, Kevin Kempt (whose true name is Jeffrey Hilton) pled guilty to the second degree murder of Calvin Reese.¹ Mr. Kempt was sentenced to life in prison with the possibility of parole. He was 18-years-old at the time of Mr. Reese's murder.

Kevin Kempt and Robert Littles (a co-defendant whose true name is Armand Coleman) were drug dealers involved in an on-going dispute with Mr. Reese. On the evening of November 2, 1990, Mr. Kempt and Mr. Littles attended a party in Roxbury where Mr. Reese was also present. At some point, there was a confrontation between Mr. Kempt and Mr. Reese.

¹ Kevin Kempt testified that his true name is Jeffrey Hilton and that he has never legally adopted the name "Kevin Kempt". Rather, "Kevin Kempt" was an alias used during his arrest and prosecution for the murder of Mr. Reese.

Later that night, Mr. Kempt initiated an argument with Mr. Reese outside the party, where Mr. Reese would not notice Mr. Littles approaching him. During the argument, Mr. Littles walked up behind Mr. Reese and shot him in the back of the head. Mr. Kempt and Mr. Littles were arrested later that day.

Mr. Kempt's criminal record includes a prior New York commitment for armed robbery. Mr. Kempt was on a New York parole "whereabouts unknown status," when he and Mr. Littles murdered Mr. Reese. Additionally, Mr. Kempt served a 168 month federal sentence for engaging in criminal enterprise, conspiracy to distribute cocaine, and distributing cocaine. This sentence was concurrent with the governing life sentence and expired in 2004. Currently, Mr. Kempt has an open criminal matter in New York for weapons charges, as well as a 5 year federal probation term to be served upon his release from custody.

II. PAROLE HEARING ON AUGUST 16, 2016

Mr. Kempt, now 45-years-old, appeared before the Parole Board on August 16, 2016, for a review hearing. Mr. Kempt's initial hearing in 2005 resulted in the denial of parole. Parole was also denied following review hearings in 2009 and 2011. In Mr. Kempt's opening statement to the Board, he apologized to the family of Mr. Reese and expressed remorse for his actions. Mr. Kempt discussed his childhood with the Board, stating that he grew up in a large family in New York City. He described both his parents as loving and supportive. According to Mr. Kempt, he became involved in criminal activity at a young age. He began selling crack cocaine and marijuana in New York City when he was 13-years-old and, subsequently, dropped out of high school. When asked why he was attracted to this lifestyle (despite what Mr. Kempt described as a strong and supportive home life), Mr. Kempt explained that he wanted things his parents could not afford to buy him. By age 15 or 16, he said that he committed an armed robbery of a taxi cab driver. He was paroled by the New York State authorities, after serving 1 year of a 4 year sentence. While on parole, Mr. Kempt was arrested with a firearm. At that point, he stated he had been carrying a firearm on a regular basis. Mr. Kempt also admitted to having used the gun in two prior shootings in New York, but claimed no one was injured in either incident.

Mr. Kempt told the Board he was released from custody in New York after making bail on the firearm charge. He subsequently fled to Boston, where he joined a large drug distribution network led by Daryl Whiting. On the night of Mr. Reese's murder, Mr. Kempt said he had been attending a birthday party for a fellow drug dealer. Both Mr. Reese and Mr. Whiting were present at that party. Earlier that night, however, Mr. Kempt and Mr. Littles had learned that Mr. Whiting was planning on having them killed, as it had become known that Mr. Kempt was looking to start a rival drug distribution group. After an argument broke out between Mr. Reese and Mr. Whiting, Mr. Kempt communicated his decision (to kill Mr. Reese) to Mr. Littles with nothing more than a glance. Mr. Littles then shot Mr. Reese, and both men fled the scene. Mr. Kempt said that he had been drinking champagne and smoking marijuana that night, which (he believed) played a role in his decision to kill Mr. Reese.

During his incarceration, Mr. Kempt earned his GED and his barber's license. According to Mr. Kempt, he is currently employed in the barbershop and has taken courses in culinary arts. In addition to his vocational skills, Mr. Kempt has also pursued his passion for restorative justice. According to Mr. Kempt, his experiences with restorative justice have been meaningful

to his rehabilitation, and he counts them as his biggest accomplishment during his incarceration. Mr. Kempt told the Board he also mentors younger inmates and encourages them to take responsibility for the actions that led to incarceration.

During the hearing, Mr. Kempt addressed his institutional behavior with the Board. Mr. Kempt has received numerous disciplinary reports over the course of his incarceration. Most significantly, Mr. Kempt was charged with the murder of another inmate in 1993. Mr. Little, the same co-defendant in Mr. Reese's homicide, was also charged in that same murder. According to Mr. Kempt, however, they were not involved in the death of the inmate. The Board notes that prosecution against Mr. Kempt was never pursued.

The Board considered testimony from the victim's mother and aunt, who expressed their opposition to parole. Both the victim's mother and aunt also relayed statements in opposition to parole from the victim's father (who is deceased) and from the victim's uncle (who could not appear at the hearing). Suffolk County Assistant District Attorney Charles Bartoloni also expressed his opposition to parole.

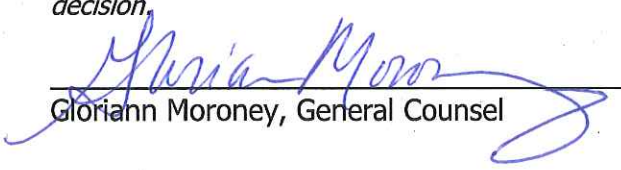
III. DECISION

Although progress has been made, the Board is of the opinion that Kevin Kempt has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Kempt was a violent drug dealer who committed murder while on parole for a violent offense. The Board believes that a longer period of positive institutional adjustment, as well as continued program participation, would be beneficial to Mr. Kempt's rehabilitation.

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. Kempt'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. Kempt's risk of recidivism. After applying this standard to the circumstances of Mr. Kempt's case, the Board is of the unanimous opinion that Mr. Kempt is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Kempt's next appearance before the Board will take place in five years from the date of this hearing. During the interim, Mr. Kempt should continue working toward 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.


Gloriann Moroney, General Counsel

5/25/17
Date