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PAROLE BOARD

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Tina M. Hurley
Chair

RECORD OF DECISION

IN THE MATTER OF

KEVIN KEO

W95487

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: November 22, 2022

DATE OF DECISION: January 18, 2023

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

STATEMENT OF THE CASE: On November 24, 2009, after a jury trial in Essex County Superior Court, Kevin Keo was convicted of first-degree murder in the death of Christian Martinez and sentenced to life without the possibility of parole. Mr. Keo was a juvenile at the time of the offense, making him eligible for parole.¹

Mr. Keo appeared before the Parole Board for an initial hearing on November 22, 2022. He was represented by Attorney Catherine Hinton. The entire video recording of Mr. Keo's November 22, 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 expressed at the hearing or in written submissions to the Board, we conclude that the inmate is a suitable candidate for parole.²

Reserve to LTRP but not before eighteen months in lower security and completion of the renunciation process. On November 1, 2007, Mr. Keo, then sixteen years old, shot and killed 18-year-old Christian Martinez. The Board considered the expert evaluation of Dr. DiCataldo. Mr. Keo's first interaction with the criminal justice system was when he was fourteen years old. As a teenager, Mr. Keo became gang involved. He began the process of renunciation in 2020.

¹ *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass 655 (2013).

² Two board members voted to deny parole with a review in two years.

He is at low risk according to the LS/CMI. His progressive positive institutional adjustment is consistent with the age he was incarcerated and the natural consequence of his maturation. He obtained his bachelor's degree from Emerson and completed numerous rehabilitative programs to include GPMP, Toastmasters, Able Minds, and Health Awareness. The longer stepdown will allow Mr. Keo to complete the renunciation process which is imperative to a successful reentry.

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 in Mr. Keo's case 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.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. In forming this opinion, the Board has taken into consideration Mr. Keo'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. Keo's risk of recidivism. Applying this standard to the circumstances of Mr. Keo's case, the Board is of the unanimous opinion that Kevin Keo is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to LTRP; Waive work for program; Curfew at PO's discretion; 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 or association with gangs/gang activities; No contact with victim's family; Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for transition purposes.

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


Pamela Murphy, General Counsel

1/18/23
Date