

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

KEVIN ROBINSON

W89597

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 9, 2020

DATE OF DECISION: February 25, 2021

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

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 vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in one year from the date of the hearing.

I. STATEMENT OF THE CASE

On March 26, 2007, after a jury trial in Middlesex County Superior Court, Kevin Robinson was convicted of two counts of murder in the second degree. He was sentenced to two concurrent terms of life in prison with the possibility of parole. On that same date, Mr. Robinson was convicted of arson of a dwelling house and causing injury to a firefighter, for which he received two concurrent terms of 5 to 10 years in prison to be served from and after his life sentences. The Appeals Court affirmed his convictions, and the Supreme Judicial Court denied Mr. Robinson's request for further appellate review.¹

¹ *Commonwealth v. Robinson*, 78 Mass. App. Ct. 714, 942 N.E.2d 980 (2011); *Commonwealth v. Robinson*, 459 Mass. 1111, 947 N.E.2d 43 (2011).

At around noon on August 6, 2005, a fire broke out on the second floor of a three-story apartment building located at 17 Warren Street in Cambridge. Although the fire was eventually extinguished, it claimed the lives of Regina and Benita Antoine, who lived on the third floor and were unable to escape the blaze. The building sustained heavy damage. A cause and origin expert determined that the fire was intentionally set, as gasoline residue was found on the floor where the fire started.

Kevin Robinson, who was in the vicinity when the fire broke out, told firefighters precisely where it had started. However, he gave police inconsistent statements regarding his whereabouts both before and during the fire. Laboratory tests found gasoline residue on the clothing he wore on the day of the fire. Mr. Robinson had an ongoing, bitter feud with the building's landlord and, in the days leading up to the fire, made several statements indicating that he planned to wreak some sort of havoc on the building. Just minutes before the fire broke out, Mr. Robinson took a piece of paper from his wallet and asked his girlfriend, who was a tenant in the building, for a lighter, which she provided. Ultimately, Mr. Robinson was arrested and charged with multiple offenses.

II. PAROLE HEARING ON JULY 9, 2020

Kevin Robinson, now 61-years-old, appeared before the Parole Board on July 9, 2020, for an initial hearing. He was not represented by counsel. Mr. Robinson agreed with the Board that he came from a good family, who raised him well. He explained that he became depressed, however, when his parents divorced. He was then exposed to drugs, at which time his criminal behavior began. When Board Members discussed his life around the time of the governing offense, Mr. Robinson acknowledged that he had just gotten out of jail for drug possession, as he had previously been a cocaine user. He stated that he had originally had a good relationship with his landlord, but they developed issues over payment to him (Mr. Robinson) for maintenance work and the condition of the building. Mr. Robinson denied threatening the landlord, or his family, leading up to the fire.

On the day of the offense, Mr. Robinson stated that he was sitting on the front steps, smoking a cigarette, when Regina Antoine arrived to visit her grandmother, Benita Antoine. He had seen both Benita and Regina before, but said that he did not know them. Mr. Robinson does not "agree" with his conviction on the governing offense, stating that he had nothing to do with the fire. He said that neither his DNA, nor his fingerprints, were found in the house, and that the electrician's report did not support his guilt. Further, Mr. Robinson stated that gasoline was only found on the back of one of his sneakers, which he attributed to car repairs he had recently made. Mr. Robinson explained that he saw another man run from the building on the day of the offense and told police that the man set the fire. He stated that the landlord "lied" when he told police that Mr. Robinson set the fire. When the Board questioned Mr. Robinson's understanding as to why he is in prison, he stated that he had "no understanding" as to why. He "feel[s] bad that [the victims] passed away," and he "thinks about them a lot." Mr. Robinson stated, however, that he "couldn't" kill a young girl or woman. When the Board asked him why he appeared for a parole hearing, as he did not seem willing to discuss the offense or his incarceration, Mr. Robinson claimed that the Board "did not want to listen" to what he had to say.

The Board noted that Mr. Robinson has accrued only a few minor disciplinary reports throughout his incarceration. Mr. Robinson completed some programs, including Alternatives to Violence, but explained that he is not currently enrolled in programming, as there are no programs

available to him at his institution. The Board recognized that Mr. Robinson sought a transfer for this reason in 2013, but that his request was denied. Mr. Robinson shared that he is not receiving mental health support at the institution, as it has not been requested for him. Mr. Robinson would like to be paroled, so that he could reconnect with his family. He admitted, however, that he feels "safer" in prison because life on the street presents many unknowns. Board Members told Mr. Robinson that his first step should be to connect with mental health support, to which he agreed.

Mr. Robinson's wife and mother-in-law testified in support of parole. Mr. Robinson's wife also submitted a letter in support of parole. The landlord's son testified in opposition to parole. Middlesex County Assistant District Attorney Adrienne Lynch testified and submitted a letter in opposition to parole.

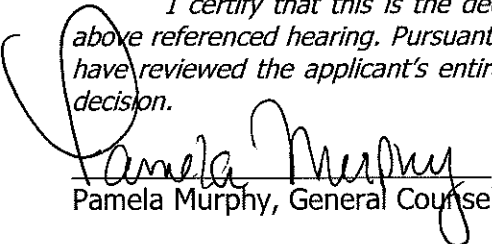
III. DECISION

Mr. Robinson has served 15 years for the murder of 77-year-old Benita Antoine and 8-year-old Regina Antoine. He is 61-years-old and appeared to be unable to advocate for himself or represent his own interest. It is the opinion of the Board that Mr. Robinson is in need of legal counsel to assist him in navigating parole, to include assisting Mr. Robinson obtain a forensic evaluation and developing a realistic parole plan. At his next hearing, Mr. Robinson, with the assistance of counsel, should be prepared to discuss parole suitability. In the interim, Mr. Robinson should engage in recommended treatment/programming, according to his personalized program plan.

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

Mr. Robinson's next appearance before the Board will take place in one year from the date of this hearing. During the interim, the Board encourages him to continue working towards 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.


Pamela Murphy, General Counsel

2/25/2021
Date