



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**  
**IN THE MATTER OF**  
**KIM ANDREWS**

**W60418**

**TYPE OF HEARING:** Initial Hearing  
**DATE OF HEARING:** September 17, 2015  
**DATE OF DECISION:** January 13, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 offense, Dr. Eric L. Brown's psychological evaluation, 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 a not suitable candidate for parole. Parole is denied with a review in four years from the date of the hearing.<sup>1</sup>

**I. STATEMENT OF THE CASE**

On April 5, 1996 in Suffolk Superior Court, Kim Andrews was found guilty of first degree murder in the shooting death of Jimmy Hinson. Mr. Andrews was sentenced to life in prison without the possibility of parole. Mr. Andrews was 17-years-old on the date of the murder. The jury also found Mr. Andrews guilty of unlawful possession of a firearm, for which he was sentenced to 4 to 5 years to run concurrent with his life sentence.

In the afternoon of December 1, 1994, in Roxbury, MA on Ditus Court, Kim Andrews shot and killed 24-year-old Jimmy Hinson, who was unarmed. Two privately employed security guards who were working in the area witnessed the shooting. The two security guards came upon Mr. Andrews, who had his gun pointed at the victim. Mr. Hinson was unarmed and backing away from Mr. Andrews with his hands raised in a defensive manner. Mr. Hinson

<sup>1</sup> Six Board members voted to deny parole with a review in four years, while one Board member voted to deny parole with a review in three years.

tripped on the steps behind him and fell to the ground. Once on the ground, Mr. Andrews shot Mr. Hinson four times. Mr. Hinson died at a hospital three days later from massive internal injuries caused by the gunshot wounds.

On December 24, 2013, the Massachusetts Supreme Judicial Court (SJC) issued a decision in *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013) in which the Court determined that the statutory provisions mandating life without the possibility of parole were invalid as applied to those, like Kim Andrews, who were juveniles when they committed first degree murder. The SJC ordered that affected inmates receive a parole hearing after serving 15 years. Accordingly, Mr. Andrews (who has served 20 years) became eligible for parole and is now before the Board for an initial hearing.

## **II. PAROLE HEARING ON SEPTEMBER 17, 2015**

Kim Andrews, now 38-years-old, appeared for his initial parole hearing represented by Attorney Michael Doolin. Mr. Andrews has been incarcerated for almost 21 years. During his incarceration, his rehabilitative programming to address his violent history has been minimal. He engaged in no rehabilitative programming for 18 years, and only began to seek out such programs over the past two years. He has recently completed Alternatives to Violence and Jericho Circle, and maintains employment with MASSCOR as a machine operator.

In his opening remarks, Mr. Andrews apologized for his criminal conduct, indicating that he was "taking complete responsibility" for his actions. He initially told the Board that he shot Mr. Hinson because he feared that Mr. Hinson was going to harm him in retaliation for an earlier argument. After hearing this account, Parole Board Members questioned Mr. Andrews extensively about the true motives for shooting James Hinson. Mr. Andrews eventually admitted to the Board, for the first time, that he shot Mr. Hinson because Mr. Hinson was a member of a rival gang, and Mr. Andrews had orders from his gang leaders to "shoot anyone who came into their gang territory." Mr. Andrews told the Board that one of his gang leaders gave him a gun earlier in the day with the mission to "protect" the gang territory. Thus, Mr. Andrews' original testimony that he shot Mr. Hinson because he was "in fear" was untruthful. With further questions from the Board, Mr. Andrews ultimately admitted that this shooting was the "first mission" he participated in and that his prior involvement with the gang consisted of him "holding guns" and making sure rival gang members did not enter their territory.

The Parole Board reviewed pertinent information with Mr. Andrews regarding his childhood. As Mr. Andrews was 17-years-old at the time he committed this offense, the Parole Board inquired about any developmental or social issues that may have played a role in the commission of such a senseless and violent crime. Mr. Andrews described in detail his childhood in the Lenox Street Housing Development which led to his participation in gang activities. He said both his parents struggled with drug addiction and he turned to the streets for comfort and belonging at the very young age of 9-years-old. He got his first gun at age 14, and described the gang leaders as "brothers" whom he looked to for guidance. Mr. Andrews denied any mental health issues or issues with substances.

Mr. Andrews' grandmother testified before the Board in support of parole, and several other family members attended the hearing in support. The victim's brother and aunt testified

in strong opposition to parole. Suffolk County Assistant District Attorney Paul Linn also testified in opposition.

### **III. DECISION**

Mr. Andrews has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. James Hinson was unarmed and shot four times by Mr. Andrews, an armed gang member who was on a mission to shoot anyone that did not belong in the housing development. The Parole Board questioned Mr. Andrews at length regarding his role, his intent, and the precipitating factors that led to his participation in such a brutal and senseless crime. The Board considered Mr. Andrews' age at the time of the murder and the evaluation submitted by Dr. Brown. The Board also considered a risk and needs assessment, and Mr. Andrews' participation in risk recidivism programs.

While Mr. Andrews' age and development at the time of the crime, by itself, does not excuse his behavior, the SJC's decision in *Diatchenko* makes clear that these are important factors to consider in assessing his parole suitability. Nevertheless, the most important criteria in the analysis of parole suitability concerns whether Mr. Andrews meets the legal standard. Mr. Andrews has only recently begun to participate in programs to address the causative factors of his violent behavior and admits, "I could have done more programming." While his overall institutional adjustment has been positive, Mr. Andrews did not participate in any rehabilitative programming during his first 18 years of incarceration. The Board feels Mr. Andrews needs a longer period of meaningful participation in rehabilitative programming and continued positive institutional adjustment.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Mr. Andrews does not merit parole at this time because he is not fully rehabilitated. The review will be in four years, during which time Mr. Andrews should engage in substantive rehabilitative programming to address anger, violence, and victim empathy.

*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.*

  
Michael J. Callahan, Executive Director

  
Date