



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

KIM ANDREWS
W60418

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 22, 2022

DATE OF DECISION: July 5, 2022

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

STATEMENT OF THE CASE: On April 5, 1996, after a jury trial in Suffolk County Superior Court, Mr. Andrews was convicted of first-degree murder in the death of 24-year-old Jimmy Hinson on the grounds of deliberate premeditation and extreme atrocity or cruelty and was sentenced to life in prison without the possibility of parole. Mr. Andrews was also convicted of unlawful possession of a firearm and was sentenced to a concurrent term of four to five years.

On December 24, 2013, the Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for Suffolk County & Others*, 466 Mass. 655 (2013) in which the Court determined that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that such juvenile offenders are entitled to a parole hearing. Accordingly, Mr. Andrews became eligible for parole.

Mr. Andrews appeared before the Parole Board for a review hearing on March 22, 2022. He was represented by Attorney Michael Hussey. Mr. Andrews had been denied parole at his initial hearing in 2015 and at his review hearing in 2019. The entire video recording of Mr. Andrews' March 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

¹ Chair Moroney was recused.

expressed at the hearing or in written submissions to the Board, we conclude we conclude by a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to Interstate Compact – South Carolina but not before completion of the Culinary Arts program. Mr. Andrews became parole eligible in 2013 pursuant to the *Diatchenko* decision. At 17-years-old, Mr. Andrews murdered 24-year-old James Hinson and was convicted of first-degree murder. The Board considered the 2015 psychological assessment of Dr. Brown regarding the factors relevant to Mr. Andrews' status as a juvenile homicide offender. Mr. Andrews reports that he has a support network in South Carolina to include his family as well as counseling services and employment upon release. Mr. Andrews has been in lower security for two years without incident. The Board considered the *Diatchenko/Miller* factors in rendering its decision.

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 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.*

In forming this opinion, the Board has taken into consideration Mr. Andrews' 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. Andrews' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Andrews' case, the Board is of the opinion that Mr. Andrews is rehabilitated and merits parole at this time.

Special Conditions: Reserve to an approved home plan; Release to other authority – Interstate Compact, South Carolina; Waive work – two weeks; Curfew must be at home between 10 p.m. and 6 a.m.; 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 with victim(s) family; Must have substance abuse evaluation – adhere to plan; Must have mental health counseling for adjustment/transition.

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

/s/ Pamela Murphy p.p.
Pamela Murphy, General Counsel

7/5/22
Date