

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**KULUWM ASAR**

**(A/K/A GERARD MCCRA III)**

**W59468**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** May 30, 2019

**DATE OF DECISION:** March 10, 2020

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, 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, the criminal record, the 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 five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On October 23, 1995, after a jury trial in Plymouth County Superior Court, Kuluwm Asar (a/k/a Gerard McCra) was found guilty of three counts of first-degree murder in the death of his 36-year-old mother Merle McCra, 34-year-old father Gerard McCra, Jr., and 11-year-old sister Melanie McCra. He was sentenced to three concurrent life sentences without the possibility of parole.

On October 9, 1993, 15-year-old Kuluwm Asar was arguing with his parents in Rochester. He became angry and decided to kill them. At one point, he was in possession of a firearm. Later that day, while his father and sister were about to leave in the family car, Mr. Asar asked to accompany them. He then went inside the house and shot his mother in the back of the head, killing her. He returned to the waiting car, and shot both his sister and father in the back of the head, killing them, as well. He drove the car to an area behind the house

and moved his mother's body. After he attempted to clean the bloodied areas, he showered and changed. With the bodies out of view, he invited a female friend to visit him, and they proceeded to spend the night together in his room.

The next day, Mr. Asar, his two aunts, and several cousins went to the Rochester Police Department to report the missing family members. Two hours later, police went to the family's house and noticed a broken window, as well as numerous red stains throughout the house, which Mr. Asar explained as being caused by his sister painting birdhouses red. After several hours, police found the victims' bodies. Soon thereafter, Mr. Asar admitted to being involved in the killing of his family and was placed under arrest.

## **II. PAROLE HEARING ON MAY 30, 2019**

On December 24, 2013, the Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for Suffolk District & 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 *Diatchenko* (and others similarly situated) must be given a parole hearing. Following the *Diatchenko* decision, Mr. Asar became eligible for parole.

Kuluwm Asar, now 41-years-old, appeared before the Parole Board for an initial hearing on May 30, 2019. He was represented by Attorney James Rosseel. In his opening statement to the Board, Mr. Asar explained that the "change in the law" has now given him a second chance and an opportunity to be paroled. He indicated that he is no longer the 15-year-old boy who committed this crime; rather, he has grown and matured over the past 26 years. When speaking about his childhood, Mr. Asar explained that his family life was very complicated. Although he was provided a stable home, family matters were kept private. He spoke about sexual and physical abuse he sustained as a child, stating that his father was "aggressive." Mr. Asar told the Board that he developed a "jealous hatred" for his sister, and that he expressed this sentiment to his friends. He denied, however, being violent towards her prior to the murder. At that time, Mr. Asar indicated that he had a "mixed up set of emotions." He spoke of an incident when he brought a knife to school and brandished it. He also described taking his father's gun to school, at which point, he was expelled. Mr. Asar added that he was bullied at school.

As to the governing offense, Mr. Asar admitted to shooting his mother, sister, and father. He explained how he was behind his mother when he shot her in the back of the head, so she did not know he was there. Then, he went out to the car, where his father and sister were waiting. Board Members noted how Mr. Asar could have run out of the house and left, but instead, chose to go to the back seat of the car and shoot his sister. He then fired approximately three shots at his father. When Board Members asked why he shot his family, Mr. Asar stated that there was "no one particular thing as to why." He acknowledged, however, that he pretended not to know what happened to his parents after the murders and that he confessed, only after police found the bodies.

Mr. Asar spoke of a disciplinary report incurred in 1998 for stabbing another inmate 17 times with a weapon. He indicated that his last disciplinary report, a few years ago, was

incurred for possession of a small bottle of oil, but that his last disciplinary report for violence was in 2001 or 2002. He has participated in Criminal Thinking, Violence Reduction, Culinary Arts, and other programs. Currently, he attends the Menswork Program and is employed. Mr. Asar told the Board that he has not received "traditional therapy," but utilizes spiritual counseling and practices the religion of Islam.

Mr. Asar stated that he has family support from his grandparents and his aunt. As well, he is in a long-term relationship. When the Board questioned him as to why he should be paroled, Mr. Asar responded that over the past 15 years, he has matured to the point where he could be a successful member of society. Board Members questioned Mr. Asar as to the challenges he would face in the community, if paroled. He responded that there would be "a lot of challenges" and that it would be a "struggle," but maintained that he could be successful.

The Board considered testimony in support of parole from Mr. Asar's grandmother. Dr. Robert Kinscherff testified to his "Report of Evaluation for Parole Board Hearing." The Board considered testimony in opposition to parole from Mrs. McCra's brother. Both Plymouth County District Attorney Timothy Cruz and First Assistant District Attorney Richard Savignano spoke in opposition to parole.

### **III. DECISION**

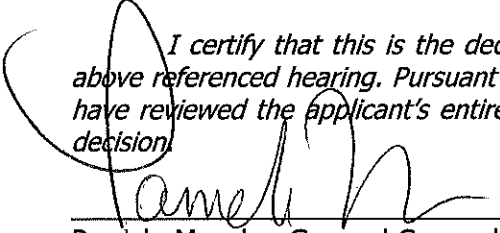
Kuluwm Asar brutally murdered his father, mother, and sister. He has yet to make enough rehabilitative progress that would make his release compatible with the welfare of society. It is a very concerning offense.

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.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk reduction programs could effectively minimize Mr. Asar's risk of recidivism. After applying this standard to the circumstances of Mr. Asar's case, the Board is of the opinion that Kuluwm Asar is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. Asar, therefore, does not merit parole at this time.

Mr. Asar's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Asar 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

3/10/2020  
Date