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**PAROLE BOARD**

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**Tina M. Hurley**  
*Chair*

**Lian Hogan**  
*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**KULUWN ASAR**  
**(AKA GERARD McCRA III)**  
**W59468**

**TYPE OF HEARING:** **Review Hearing**

**DATE OF HEARING:** **May 16, 2024**

**DATE OF DECISION:** **October 15, 2024**

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

**VOTE:** Parole is denied with a review in two years from the date of the hearing.<sup>1</sup>

**PROCEDURAL HISTORY:** On October 23, 1995, after a jury trial in Plymouth County Superior Court, Kuluwn 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. After the Supreme Judicial Court's decision in *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013), Mr. Asar became eligible for parole.

Mr. Asar was denied parole in 2020, after his initial hearing. Mr. Asar appeared before the Parole Board for a review hearing on May 16, 2024. He was represented by Attorney Luke Rosseel. The entire video recording of Mr. Asar's May 16, 2024, hearing is hereby incorporated by reference to this decision.

**STATEMENT OF THE CASE:** On October 9, 1993, after arguing with his parents, 15-year-old Kuluwn Asar, who was known as Gerald McCra at the time, decided to kill them. He broke into

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<sup>1</sup> The Board's vote was unanimous to deny parole. Three Board Members voted to deny parole with a review in two years. Two Board Members voted to deny parole with a review in three years. Two Board Members voted to deny parole with a review in four years.

his grandfather's apartment in the house that they shared and took a loaded gun. Later in the day, while his father and his sister were about to leave in the family automobile, he asked to accompany them. He then went inside the house, shot his mother in the back of the head, returned to the waiting automobile, and shot both his sister and his father in the back of the head. He drove the car with his sister's body and his father's body to a less visible area behind the house. He moved his mother's body into his sister's room, locked the door, attempted to clean the bloodied areas, showered, and changed. With the bodies out of view, he invited a female friend to visit him, and they spent the night together in his room.

The next day he, 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 and numerous red stains throughout the house. Mr. Asar explained that this was caused by his sister's painting birdhouses red. After several hours, police found the victims' bodies and, soon thereafter, Mr. Asar admitted to being involved in the killing of his family and was placed under arrest.

**APPLICABLE STANDARD:** Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

In the context of an offender who was sentenced to life in prison, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed the offense, 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); *Rodriguez v. Massachusetts Parole Board*, 490 Mass. 596 (2022).

The factors considered by the Board in the case of a juvenile offender 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.

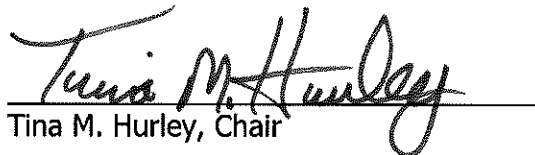
**DECISION OF THE BOARD:** This was Kuluwn Asar's second appearance before the Board. He has been incarcerated for 31 years. Mr. Asar was 15 years old at the time of the offense. The

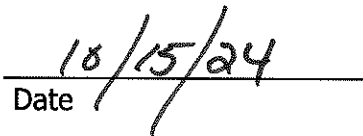
Board has considered factors relevant to his age and maturity, as well as his rehabilitative progress. The Board also has considered Dr. Kinscherff's evaluation, and the proposed re-entry plan submitted by Kimberly Mortimer MS, LMHC. The Board acknowledges the progress Mr. Asar has made toward rehabilitation. However, he has further work to do in the areas of healthy relationships, Restorative Justice, victim empathy, and emotional awareness, including completion of VOEG. He is also encouraged to remain disciplinary report free.

District Attorney Timothy Cruz and Assistant District Attorney Karen Palumbo provided opposition to parole. Both a friend and a family member of the victims testified in opposition to parole.

The Board concludes that Kuluwn Asar has not demonstrated a level of rehabilitation that would make his release compatible with the welfare of society. Mr. Asar's next hearing will take place two years from the date of this hearing. 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.*

  
Tina M. Hurley, Chair

  
Date