

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

MAC HUDSON

W48494

TYPE OF HEARING: Mac Hudson

DATE OF HEARING: May 18, 2021

DATE OF DECISION: November 9, 2021

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

STATEMENT OF THE CASE: On May 25, 1990, after a jury trial in Suffolk Superior Court, Mac Hudson was found guilty of second-degree murder for the death of 19-year-old Derek Twitty. He was sentenced to life in prison with the possibility of parole. Mr. Hudson was convicted of additional charges, which were later re-tried. After re-trial, on January 29, 1997, Mr. Hudson was convicted again of the murder charge, as well as the following crimes: armed assault with intent to murder (10- 15 years to be served concurrently), armed assault with intent to rob (four to five years to be served concurrently), carrying a firearm (four to five years to be served concurrently), and assault and battery with a dangerous weapon (8-10 years to be served from and after the life sentence). In addition, on June 7, 1991, Mr. Hudson pleaded guilty to manslaughter for the death of George Magazine and received 10 to 12 years, which ran concurrent to his life sentence. Mr. Hudson was 17-years-old at the time of the offense.

Mr. Hudson appeared before the Parole Board for a review hearing on May 18, 2021 and was represented by Attorney Richard Goldman. This was Mr. Hudson's fourth appearance before the Board, having been denied in 2004, 2009 and 2018. Mr. Hudson postponed his 2014 hearing. The entire video recording of Mr. Hudson's May 18, 2021 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 recused.

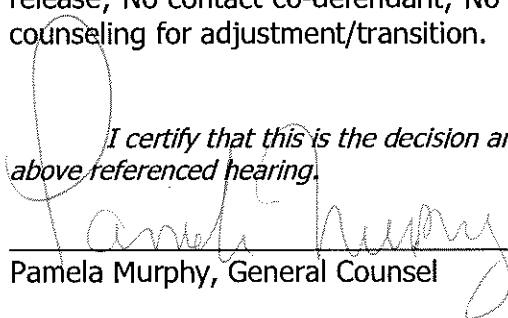
expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Reserve to Community Resources for Justice – Transitional Housing – Brooke House for six months after nine months in lower security. Mr. Hudson is serving a second-degree murder sentence for the murder of Derek Twitty. Mr. Hudson was 17 years-old at the time of the offense and he has been incarcerated for 32 years. During that time, he has been consistently involved in programming and is in his third year of course work with Emerson College. Has a strong support network as well as community resources. The Board considered the expert testimony of Dr. Kinscherff. Given years of incarceration and age at the time of the offense, the Board feels a period in lower security will assist in a positive reentry into the community.

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-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 also has taken into consideration Mr. Hudson'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. Hudson's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Hudson's case, the Board is of the opinion that Mr. Hudson is rehabilitated and merits parole at this time after nine months in lower security, subject to special conditions.

Special Conditions: Reserve to Community Resources for Justice – Transitional Housing – Brooke House (CRJ-TH-TH) for six months after nine months in lower security; Waive work for two weeks; 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 co-defendant; No contact with the victim's family; 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.



Pamela Murphy, General Counsel



Date