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Tina M. Hurley
Chair

Daniel Nakamoto
Acting Executive Director

RECORD OF DECISION

IN THE MATTER OF

Marcus Amos
W98282

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 25, 2023

DATE OF DECISION: December 12, 2023

PARTICIPATING BOARD MEMBERS: Tina M. Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse.

STATEMENT OF THE CASE:

On the night of September 1, 2008, the 28 year old victim, Keith McCoy, went to the Mystic Avenue projects to visit Dana Schanke and her daughter. The victim and Ms. Schanke had known each other for many years and had previously dated. However, at the time of the murder, Ms. Schanke was dating 20 year old Marcus Amos. Mr. Amos had made it clear that he didn't want the victim to become part of Ms. Schanke's life again. The day before the murder, Mr. Amos had found the victim at Ms. Schanke's house. On September 1, the victim again returned to Ms. Schanke's house. Mr. Amos and Ms. Schanke went outside to confront the victim. A verbal argument ensued.

Surveillance video captured the incident and depicts an at times heated conversation between Schanke, McCoy and Amos. During the majority of the conversation, Ms. Schanke and Mr. McCoy talked directly to each other and Mr. Amos was on the periphery. At one point, Mr. Amos walked away and placed his hand under the front of his shirt near the area of his waistband. At that moment, a woman walked down the hill with her dog. The defendant removed his hand from his waistband and circled back towards the victim and Ms. Schanke. A short time later, the woman and her dog walked back up the hill and disappeared. The defendant again walked away and moved his hand toward his waistband. As the victim took off his sweatshirt, Mr. Amos fired a shot. Mr. McCoy fell to the ground. Ms. Schanke pushed Mr. Amos away from Mr. McCoy. Mr. Amos then fired a second shot at Mr. McCoy who remained on the ground. Ms. Schanke continued to push Mr. Amos away from the victim. Mr. Amos again reached around Ms. Schanke and fired

another third shot at Mr. McCoy who was still on the ground before fleeing. Keith McCoy died as a result of multiple gunshot wounds.

In March 2011, Marcus Amos pled guilty to second-degree murder and received a sentence of life with the possibility of parole. He also pled guilty to firearms offenses and was sentenced to 3 years to 5 years in state prison to run concurrent with the life sentence.

PAROLE HEARING: Marcus Amos appeared before the Parole Board on July 25, 2023, and was represented by Attorney Ryan Schiff. The entire video recording of Mr. Amos's hearing is fully incorporated by reference in the Board's decision.

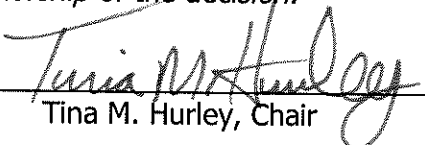
DECISION OF THE BOARD: The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04.

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. The Board will review in 2 years.

In forming this opinion, the Board has taken into consideration Mr. Amos'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. Amos's risk of recidivism. After applying this standard to the circumstances of Mr. Amos's case, the Board is of the unanimous opinion that Marcus Amos is not rehabilitated and, therefore, does not merit parole at this time.

The Board considered Mr. Amos's institutional adjustment and history of disciplinary reports. The Board recognizes his completion of CRA. However, the Board finds that a further period of rehabilitation is necessary, especially in light of Mr. Amos's stated history of substance abuse disorder. The Board considered the testimony and report of forensic psychologist Dr. Kinscherff as well as testimony from Mr. Amos's family members who testified in support. The Board also recognizes testimony from four family members of the victims in opposition to Mr. Amos's parole and the statements made from ADA Folger from the Middlesex District Attorney's Office. The Board recommends Mr. Amos continue towards his GED/Hi-Set and attend additional programming in particular restorative justice programming. Mr. Amos should remain disciplinary report free and continue to attend AA/NA meetings as part of his recovery.

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

12/12/23
Date