



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

MARCUS PERRY

W81326

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 8, 2022

DATE OF DECISION: January 25, 2023

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On January 29, 2003, after a jury trial in Plymouth Superior Court, Marcus Perry was convicted of armed burglary, armed assault with intent to murder, and assault and battery by means of a dangerous weapon. Following these guilty verdicts and after a jury-waived trial, Mr. Perry was convicted of being a habitual offender and sentenced to life in prison with the possibility of parole for armed burglary as a habitual offender. Additionally, he was sentenced to 20 years for armed assault with intent to murder as a habitual offender and 10 years for assault and battery by means of a dangerous weapon as a habitual offender.

Mr. Perry appeared before the Parole Board for a review hearing on December 8, 2022. He was represented by Attorney Jason Benzaken. Mr. Perry was denied parole after his 2017 initial hearing and 2021 review hearing. The entire video recording of Mr. Perry's December 8, 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 expressed at the hearing or in written submissions to the Board, we conclude that the inmate is a suitable candidate for parole.¹

¹ One Board member voted to deny parole.

Reserve to Long-Term Residential Program after nine months in lower security. On September 4, 2000, 27-year-old Mr. Perry stabbed the 40-year-old victim who survived the assault. Mr. Perry accepts responsibility for the offense. The Board notes that Medication-Assisted Treatment (MAT) has assisted in Mr. Perry's stabilization regarding his substance use and mental health. Mr. Perry engaged in rehabilitative programming to include Restorative Justice and the Lifers Group. He is enrolled in the Tablet Program which include substance abuse and mental health programs. The Board notes that Mr. Perry suffers from a medical issue. Mr. Perry will benefit from the gradual transition through lower security. Mr. Perry should strengthen his relapse prevention plan before release.

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 forming this opinion, the Board has taken into consideration Mr. Perry'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. Perry's risk of recidivism. Applying this standard to the circumstances of Mr. Perry's case, the Board is of the opinion that Marcus Perry is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to Long-Term Residential Program; Waive work for program; Curfew – Must be at home between 10pm and 6am; ELMO-electronic monitoring; Must take prescribed medication; 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; No contact with victim(s); Must have mental health counseling for trauma history/ADHD/mood disorder; AA/NA at least 3 times/week; Sign releases.

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

/s/ Pamela Murphy p.p. Courtney E. Doherty
Pamela Murphy, General Counsel

1/25/23
Date