



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: February 2, 2021
DATE OF DECISION: November 15, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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, 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 not a suitable candidate for parole.¹ Parole is denied with a review in two years from the date of the hearing.

I. 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 unsuccessfully appealed these convictions.²

On September 4, 2000, 27-year-old Marcus Perry attended a cookout at the Brockton home of the male victim (age 40). After an altercation with the victim, Mr. Perry left. He returned, however, a short time later and entered the victim’s home. Mr. Perry stabbed him

¹ Three Board Members voted to grant parole to a long-term residential program after one year in lower security.

² Commonwealth v. Marcus Perry, 65 Mass. App. Ct. 624 (2006), cert. denied 446 Mass. 1108 (2006)

with a knife and then fled. The victim survived the assault, but suffered three stab wounds to the face and one stab wound to the abdomen.

II. PAROLE HEARING ON FEBRUARY 2, 2021

Marcus Perry, now 48-years-old, appeared before the Parole Board on February 2, 2021, for a review hearing. He was represented by Attorney Jason Benzaken. Mr. Perry was denied parole after his initial hearing in 2017. In his opening statement to the Board, Mr. Perry apologized to the victim and his son, who was only a teenager when he witnessed the assault on his father. Mr. Perry stated that parole is a "privilege" that he does not take lightly. Mr. Perry explained that his childhood was chaotic, as he spent most of his life "in and out" of foster homes, group homes, and jail from the age of two. He developed significant abandonment issues that presented as anger and rage, which he self-medicated with drugs, namely heroin.

Leading up to the governing offense, Mr. Perry had committed (or had been a part of) violent crimes, including an armed street robbery of a stranger and armed assault to murder while participating in a security threat group motivated shooting. Mr. Perry claimed he had no issues with the victim, acknowledging that he was an "invited guest at his home" on the day of the assault. However, due to his "unhealthy" emotional dependence on his girlfriend, Mr. Perry developed "suspicions" that she was somehow involved with the victim, which motivated the assault. Mr. Perry told the Board that the victim "did not deserve" what he did to him, nor did the victim "provoke" him in any way.

The Board noted that Mr. Perry has been program-involved and employed, while incarcerated. He completed the Graduate Maintenance Program in 2019, and credited Cognitive Behavioral Treatment as raising his awareness of his causative factors. He remains on the list for GED classes and other educational training despite his past learning issues. Mr. Perry told the Board that he has benefited from substance abuse programming, but "wish[es] there were more," as he continues to struggle with controlling his addiction. The Board discussed with Mr. Perry how his relapses over the years have directly contributed to his accrual of disciplinary infractions. Most recently, Mr. Perry has incurred several disciplinary infractions since his last hearing in 2017 to include possession of marijuana, possession of home brew, positive drug screens and tampering with a urine sample. Mr. Perry said that he understands that he needs to address his mental health and emotional issues, alongside his substance abuse issues, in order to succeed in his rehabilitation. Mr. Perry is currently enrolled in the MAT program. The Board noted that Mr. Perry is in contact with his children and their mother, all of whom are supportive.

The Board considered testimony in support of parole from Mr. Perry's friend. The Board considered testimony, and a letter in opposition to parole, from Plymouth County Assistant District Attorney Keara Kelley.

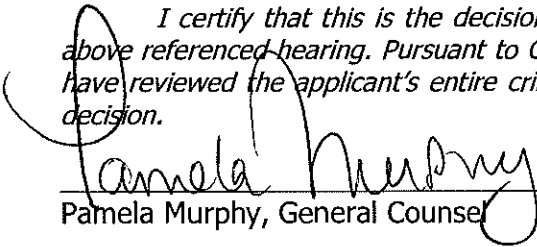
III. DECISION

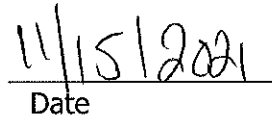
The Board is of the opinion that Mr. Perry has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Perry has served approximately 20 years for the stabbing of [the victim]. Since his last hearing, he has completed the Correctional Recovery Academy and Criminal Thinking. He has remained active in GMP and NA/AA. He appears to be remorseful and has gained insight as to his causative factors. He has ongoing struggles with his addictions up until recently. Mr. Perry recently began to use methadone to help him maintain his sobriety. Mr. Perry should continue to participate in substance abuse treatment/programming and refrain from incurring any additional disciplinary infractions. He incurred several infractions for substance use since his last hearing.

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. After applying this standard to the circumstances of Mr. Perry's case, the Board is of the opinion that Marcus Perry is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Perry's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Perry to continue working toward 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


Date