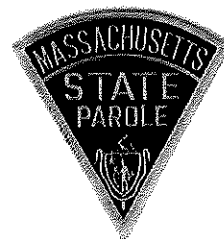


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Gloriann Moroney
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DECISION

IN THE MATTER OF

MARCUS PERRY

W81326

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: December 14, 2017

DATE OF DECISION: October 17, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 scheduled in three 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/habitual offender. Additionally, he was sentenced to 20 years for armed assault with intent to murder/habitual offender, and 10 years for assault and battery by means of a dangerous weapon/habitual offender. Mr. Perry unsuccessfully appealed these convictions.²

¹ One Board Member voted to deny parole with a review in four years

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

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 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 DECEMBER 14, 2017

Marcus Perry, now 45-years-old, appeared before the Parole Board on December 14, 2017, for his initial parole hearing. He was represented by Attorney Jason Benzaken. In his opening statement to the Board, Mr. Perry apologized to the victim and his family. Mr. Perry explained that he was placed with the Department of Children and Families when he was 2-years-old, growing up in institutions and foster care homes. He started using heroin at age 12, and he started abusing alcohol when he was even younger. Mr. Perry said he met his girlfriend shortly after being released from the Department of Youth Services. He was 17-years-old at the time and had a daughter with her soon after that.

The Board asked Mr. Perry about his altercation on September 4, 2000. Mr. Perry said that when he found out his girlfriend had an affair with the victim, he felt betrayed and acted out of anger when he stabbed him. When questioned by the Board as to how he has addressed his violence issues, Mr. Perry said that he completed the Violence Reduction program. Mr. Perry explained that his violence and substance abuse issues relate to his mental health problems. He stated that he is now getting help through medication and counseling.

The Board noted that Mr. Perry has acquired quite a few disciplinary reports and returns to higher custody, primarily due to his drug addiction issues. When asked about his 2014 attempt to smuggle a large shipment of drugs into prison, Mr. Perry stated that he owed a lot of money to his drug suppliers in prison. Mr. Perry told the Board that he was transferred to MCI-Shirley Medium Security Prison in 2016 and completed the Correctional Recovery Academy in 2017, which was the first time he had received any treatment for his addiction issues. Mr. Perry stated that the last time he used drugs or alcohol was March 2017. He asked the Board to parole him to a long term dual diagnosis program, so that he can address both his substance abuse and mental health issues.

Dr. Montgomery Brower, a forensic psychiatrist, conducted a mental health evaluation of Mr. Perry and discussed his findings. Plymouth County Assistant District Attorney Stacey Gauthier testified and submitted a letter in opposition to parole.

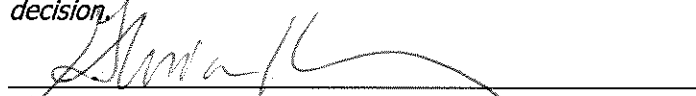
III. DECISION

The Board is of the opinion that Marcus Perry has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Perry has yet to fully invest in his rehabilitation. Mr. Perry accrued numerous disciplinary infractions, has engaged in minimal programming, and has had limited employment in the past 14 and a half years. Mr. Perry should avail himself of all available programming to address his causative factors and maintain a positive adjustment.

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 yet rehabilitated and, therefore, does not merit parole at this time.

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



Gloriann Moroney, General Counsel/Executive Director

10/17/18
Date