

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

MARK VAN WINKLE
W57362

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 13, 2025

DATE OF DECISION: October 7, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to CRJ or Keenan House after 6 months in lower security.

PROCEDURAL HISTORY: On October 25, 1994, following a jury trial in Norfolk County Superior Court, Mark Van Winkle (age 20) was convicted of the murder in the first degree of Israel Espino (age 21). He was sentenced to life in prison without the possibility of parole. On November 14, 1994, Mr. Van Winkle was also sentenced to terms of 12-20 years for one count of armed robbery, 12-20 years for two counts of armed assault with intent to rob, and 9-10 years for two counts of assault and battery by means of a dangerous weapon, all of which were ordered to be served concurrently with his life sentence. In addition, Mr. Van Winkle was sentenced to a term of 12-20 years for two counts of armed assault with intent to murder, which was ordered to be served from and after his life sentence.

Mr. Van Winkle became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision in regard to Mr. Van Winkle's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after 15 years.

On May 13, 2025, Mr. Van Winkle appeared before the Board for an initial hearing. He was represented by Attorney Stacey Gross Marmor. The Board's decision fully incorporates by reference the entire video recording of Mark Van Winkle's May 13, 2025, hearing.

STATEMENT OF THE CASE: On October 5, 1993, 20-year-old Mark Van Winkle set up a fake drug deal with the intent of robbing three men: Frank Espino (age 23); Israel Espino (age 21); and Juan Guerra (age 19). Mr. Van Winkle convinced the men that he had a large quantity of marijuana to sell them. At Mr. Van Winkle's direction, the three men drove with him to a remote wooded location, where (according to Mr. Van Winkle) the marijuana was hidden. As the three men pulled into the location, Mr. Van Winkle, who was riding in the back seat with Israel Espino, shot him in the head, killing him. Mr. Van Winkle then shot the other two men in the front seats, wounding Frank Espino in the left shoulder and grazing Mr. Guerra in the head, face, and left arm, rendering him unconscious. Frank Espino fled the car into the woods, and Mr. Guerra regained consciousness to find Mr. Van Winkle dragging Israel Espino's body into the woods. Mr. Guerra was able to drive the car away from the scene and summons police.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the 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 and/or in written submissions to the Board.

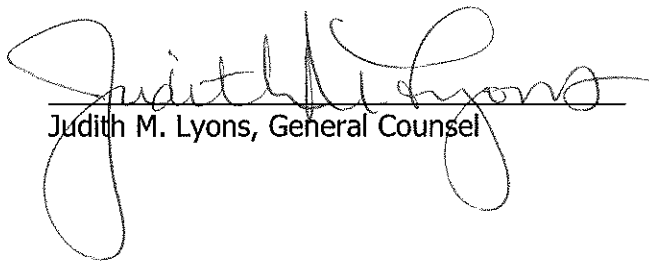
Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Van Winkle has been incarcerated for 31 years. He scores as low risk on the LS/CMI risk assessment tool. He has been engaged in rehabilitative programming since prior to the Mattis decision, having completed 60 programs. He has been engaged in Restorative Justice programming. He has had no disciplinary reports in 6 years, and he has held

trusted positions of employment at the Department of Correction. The Board considered the facts of the underlying crime and the application of Mattis factors. The Board considered testimony in support of parole from Dr. Laurie Guidry, PsyD. Family and community members also spoke in support of parole. The Board heard testimony in opposition to parole from the victim's family and Norfolk County ADA Michael McGee. The Board concludes by unanimous decision that Mr. Van Winkle has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for 2 weeks or program; Electronic monitoring for 6 months, then at PO's request for extension; 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; Mental health counseling for adjustment; AA at least three times per week; Long Term Residential Treatment; CRJ or Keenan House

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.



Judith M. Lyons, General Counsel

10/7/25
Date