



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**RECORD OF DECISION**

**IN THE MATTER OF**

**Markeese Mitchell**  
**W96526**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** July 20, 2023

**DATE OF DECISION:** December 13, 2023

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

**STATEMENT OF THE CASE:**

On May 22, 2007, Markeese Mitchell was socializing near the intersection of Wilcock Street and Blue Hill Avenue in Dorchester. Amongst the group were Terrance Pabon, Pedro Ortiz, and Paul Goode. At some point that evening, a decision was made that there would be a "one-on-one" fight and arrangements were made to get 16-year-old victim, Terrance Jacobs, to Wilcock Street so this fight could happen. The defendants, Mitchell, Pabon, Ortiz, and Goode wanted Jacobs to come to Wilcock Street so Jacobs could fight someone from Wilcock Street in order to "settle the score" for a stabbing that Jacobs had allegedly perpetrated on one of their friends several months earlier.

The victim, Jacobs, arrived on Wilcock Street along with multiple other people. The two groups became engaged in an argument that quickly escalated. The defendants began to punch the victim. One of Jacobs's friends brandished a firearm and fired multiple shots toward Wilcock Street. The shots did not strike anyone but caused both groups to disperse. Jacobs began running and the defendants chased after him. The defendants then stabbed Terrence Jacobs over twenty times before fleeing. An ambulance arrived and transported Jacobs to the hospital where he died a short time later.

**PAROLE HEARING:** Markeese Mitchell appeared before the parole board on July 20, 2023, and was represented by Attorney Amy Belger. The entire video recording of Mr. Mitchell'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. In the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); see also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24.

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 that the inmate is a suitable candidate for parole subject to special conditions. In forming this opinion, the Board has taken into consideration Mr. Mitchell'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. Mitchell's risk of recidivism. After applying this standard to the circumstances of Mr. Mitchell's case, the Board is of the opinion that Markeese Mitchell is rehabilitated and, therefore, merits parole at this time, subject to special conditions.<sup>1</sup>

The Board considered Mr. Mitchell's engagement with programming including violence reduction, CRJ, and restorative justice. He has also pursued his education and is in the process of getting a Bachelor's degree from Boston College. The Board encourages him to continue with his education and receive his degree. Mr. Mitchell has completed rehabilitative programs. He scores at low risk on the LSCMI. Mr. Mitchell had just turned 16 at the time of murder and admits to his role in the murder. The Board considered Diatchenko-Miller factors and believes those played a significant role in the murder. The Board also considered the forensic evaluation of Dr. DiCataldo and notes subject is at low risk of recidivism and committed to self-change. Mr. Mitchell has a significant support system. He could benefit from a period in lower security, preferably in a setting where he can continue with his education. The Board considered opposition testimony from the victim's mother and ADA Montez Haywood from the Suffolk County District Attorney's Office. The Board also considered the expert testimony of Dr. DiCataldo and three other supporters of Mr. Mitchell. Parole reserve to CRJ after 18 months stepdown to lower security.

**SPECIAL CONDITIONS:** CRJ program - duration to be determined by PO; Waive work for two weeks; Curfew - must be at home between 10PM and 6AM or PO's discretion; ELMO - electronic monitoring at PO's discretion; Must take prescribed medication; Supervise for drugs - testing in

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<sup>1</sup> One Board Member voted to deny parole with a review in 2 years.

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 or association with gangs/gang activities; No contact with victim's family; Must have substance abuse evaluation and comply with recommended treatment plan; counseling for transitional issues.

*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

  
Date