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

**PAROLE BOARD**

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Gloriann Moroney  
Chair

Kevin Keefe  
Executive Director

**DECISION**

**IN THE MATTER OF**

**MATTHEW MCKINNON**

**W90924**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** June 9, 2020

**DATE OF DECISION:** December 8, 2020

**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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On November 7, 2007, after a jury trial in Plymouth Superior Court, Matthew McKinnon was convicted of second-degree murder in the shooting death of 24-year-old Claudy Jean-Piox. He was sentenced to life in prison with the possibility of parole.

On July 17, 2005, 20-year-old Matthew McKinnon arranged to buy drugs from Mr. Jean-Piox. When Mr. Jean-Piox arrived, however, Mr. McKinnon pulled out his firearm and attempted to rob him. Mr. Jean-Piox then reached for the firearm, which caused a struggle to ensue. Mr. McKinnon managed to regain control of the firearm and, subsequently, shot Mr. Jean-Piox, killing him with a gunshot wound to the chest. Mr. McKinnon was arrested shortly thereafter.

## **II. PAROLE HEARING ON JUNE 9, 2020**

Matthew McKinnon, now 35-years old, appeared before the Parole Board on June 9, 2020, for an initial hearing. He was not represented by counsel. In Mr. McKinnon's opening statement to the Board, he expressed his remorse and took full responsibility for the crime. Mr. McKinnon acknowledged the "pain, suffering, and grief" his actions caused the Jean-Piox family. Further, Mr. McKinnon stated that he is now "fully capable of grasping the magnitude of [his] crime." He also read a letter that he wrote to the family of Mr. Jean-Piox.

When Board Members questioned him about his childhood, Mr. McKinnon explained that he was separated from his siblings due to his mother's substance abuse issues. He went from living in foster homes, to living with his grandparents, to, ultimately, moving back in with his mother. Due to his mother's substance abuse problems, Mr. McKinnon indicated that he endured trauma as a child that involved promiscuity and violence. Despite such obstacles, Mr. McKinnon stated, "My life was not always doom and gloom. I had been given opportunities to succeed, but never took advantage of them." When asked whether he had gained insight into his poor decision making of the past, Mr. McKinnon explained that, although he had positive influences, such as his grandparents and uncles, he always "gravitated toward the negative" because the alternative was not "attractive" to him at the time. When Board Members inquired as to whether he knew right from wrong, Mr. McKinnon admitted to "consciously" making the wrong choices.

Board Members noted Mr. McKinnon's "reckless" lifestyle leading up to the governing offense. When asked to describe his daily activities at the time, Mr. McKinnon indicated that he had "no structure" and "did whatever and came and went wherever" he wanted. Upon questioning, Mr. McKinnon told the Board that, at age 15, he began engaging in criminal behavior, such as drug dealing and carrying a firearm. He continued this behavior until the time of the governing offense. When the Board inquired as to his previous firearm offenses, Mr. McKinnon explained that his gun was always on him due to his "street life" lifestyle. He mainly sold crack-cocaine, earning approximately \$300 a day, an amount that was considered "pennies" compared to what other drug dealers were making at the time. In addition, Mr. McKinnon admitted to gang involvement. When asked to explain, Mr. McKinnon told the Board that although he considered himself independent, he often hung around a certain group that engaged in criminal behavior. The Board pointed out that, prior to the murder of Mr. Jean-Piox, Mr. McKinnon had served time for possession of an illegal firearm and had been shot at multiple times. When asked if these incidents had deterred him, Mr. McKinnon stated, "Not at all." He described himself as an "instigator," stating that he was always looking for someone to "target." When Board Members noted his lifestyle showed a lack of regard for the lives of others, as well as his own, Mr. McKinnon agreed, stating that he "only cared about himself" at the time.

When Board Members inquired as to the details of the governing offense, Mr. McKinnon stated that, on the morning of the murder, he was "angry" and "broke." To alleviate those feelings, he decided to plan a robbery, although he did not have a particular victim in mind. When the Board asked if he had done this before, Mr. McKinnon said that there were approximately four other times that he had robbed drug dealers. During those crimes, however, the victim never fought back. Although he did not know him at the time of the murder, Mr. McKinnon was told that Mr. Jean-Piox sold drugs and tended to "flash money and nice things around," which persuaded Mr. McKinnon to rob him. Mr. McKinnon asked his

girlfriend and her friend to call Mr. Jean-Piox for drugs. Upon Mr. Jean-Piox's arrival, Mr. McKinnon pretended to go into his pocket for money, but pulled out his firearm to threaten Mr. Jean-Piox. Mr. McKinnon told the Board that he attempted to take a gold chain, as well as drugs and money, from Mr. Jean-Piox. At some point, a struggle for the gun ensued, which caused him to feel "enraged" and "disrespected." Although he did not plan on shooting him, Mr. McKinnon admitted to becoming angry when Mr. Jean-Piox attempted to defend himself. When the Board inquired as to whether Mr. McKinnon had gained control of the gun at the time of the shooting, he acknowledged that he had regained full control of the gun.

Board Members also questioned Mr. McKinnon as to the circumstances surrounding his appeals. Despite admitting to the Board that he accepted full responsibility for his crime in 2011, Mr. McKinnon admitted to exhausting all his appeals, as well. He explained to the Board that his appeals were not an attempt to minimize his culpability; rather, he was trying to reduce his sentence. The Board noted Mr. McKinnon's failure, at the time, to recognize the impact his appeals may have had on Mr. Jean-Piox's family. Mr. McKinnon admitted that he was "being selfish and inconsiderate." He now understands the pain he would have put the family through, had he prevailed on his appeals.

The Board discussed Mr. McKinnon's institutional adjustment. Specifically, Board Members focused on a recent disciplinary report that Mr. McKinnon received in March 2020, for synthetic marijuana ("K-2") use. In response to stress and anxiety regarding his upcoming parole hearing, Mr. McKinnon characterized the incident as a "moment of weakness." He expressed his regret and told the Board that he is "ashamed" and "embarrassed" for using. The Board noted that, despite his significant programming efforts, Mr. McKinnon did not utilize what he had learned and returned to anti-social behavior. When the Board inquired as to whether he needs to improve in certain areas, Mr. McKinnon stated, "Decision making, clearly." The Board acknowledged Mr. McKinnon's participation in programs, such as Emotional Awareness, Jericho Circle, and Correctional Recovery Academy ("CRA"). Mr. McKinnon told the Board that, through his participation in the Correctional Recovery Academy, he was able to "grow as a man" because he learned to be held "accountable." Through his participation in rehabilitative programming, he was able to make the connection between his mother's drug use and his drug sales as he got older. Mr. McKinnon also claims to understand the "ripple affect" his crime will have on future generations.

The Board considered written letters in support of parole from Mr. McKinnon's family members. The Board considered testimony in opposition to parole from Plymouth County Assistant District Attorney Keara Kelley. Plymouth County District Attorney Timothy Cruz provided a letter of opposition, as well.

### **III.DECISION**

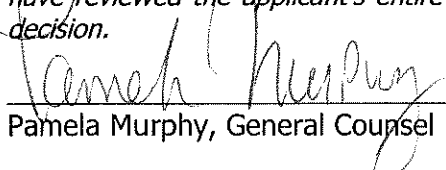
It is the opinion of the Board that Matthew McKinnon has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. McKinnon has served approximately 15 years for the murder of Claudy Jean-Piox. He is serving his first state and third overall commitment. His criminal history is a concern for the Board as it includes prior firearms violations. Although he has incurred only three sanctioned disciplinary infractions, the Board is troubled by his recent K-2 use. Mr. McKinnon informed the Board he had only used the substance a handful of times due to the stress and overwhelming feelings he was having related to his upcoming parole hearing. Mr. McKinnon is encouraged to

reinvest in substance abuse education treatment/programming and maintain a positive adjustment. He needs to demonstrate solid decision making and learn coping mechanisms to deal with stress. He would also benefit from participation in the Restorative Justice program to gain a great[er] understanding as to empathy and victim impact.

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. McKinnon'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. McKinnon's risk of recidivism. After applying this standard to the circumstances of Mr. McKinnon's case, the Board is of the opinion that Matthew McKinnon is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. McKinnon'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. McKinnon 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

12/18/2020  
Date