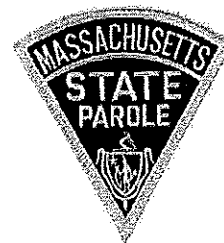


The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**MICHAEL JACKSON**

**W87306**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** December 16, 2021

**DATE OF DECISION:** August 24, 2022

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa<sup>1</sup>

**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.<sup>2</sup>

**I. STATEMENT OF THE CASE**

On March 6, 2006, after a jury trial in Suffolk Superior Court, Michael Jackson was convicted of first-degree murder in the shooting death of 24-year-old Jose Lane and was sentenced to life in prison without the possibility of parole. On that same date, he was also convicted of unlawful possession of a firearm and unlawful possession of ammunition. He was sentenced to 4 to 5 years in prison and 1 year in the House of Correction, respectively. Pursuant to *Miller v. Alabama*, 567 U.S. 460 (2012) and *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013), Mr. Jackson became eligible for parole in 2016.

<sup>1</sup> Chair Gloriann Moroney was recused.

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

On January 24, 2002, Boston police responded to a call for a person shot in Dorchester. Upon arrival, officers found Jose Lane lying face down in the first-floor hallway of 30 Creston Street. Officers attempted to render aid to Mr. Lane, who was bleeding from his face and suffering from (what appeared to be) a gunshot wound to the abdomen. Mr. Lane was transported to the hospital, where he was pronounced dead. The autopsy revealed that Mr. Lane was shot multiple times.

Investigators determined that 17-year-old Michael Jackson approached Mr. Lane and his friend on the street and, without warning, pulled a firearm and began shooting at Mr. Lane, striking him several times. The investigation revealed that Mr. Jackson was threatened to kill Mr. Lane in order to prove he was not talking to the police about a prior murder.

## **II. PAROLE HEARING ON DECEMBER 16, 2021<sup>3</sup>**

Michael Jackson, now 37-years-old, appeared before the Parole Board for an initial hearing on December 16, 2021. He was represented by Attorney Lisa Newman-Polk. Mr. Jackson had postponed his initial hearing in 2016. In his opening statement to the Board, Mr. Jackson stated that “[he] takes full responsibility and accountability for the worst mistake of [his] life.” He expressed remorse for his actions and apologized to Mr. Lane’s family. Mr. Jackson detailed for the Board a troubled childhood that contributed to poor decision making as an adolescent. Although he reported regular consumption of alcohol and drugs at the time of the murder, Mr. Jackson stated that neither alcohol, nor drugs, played any role in his decision to commit the governing offense.

During his incarceration, Mr. Jackson has accumulated 50 disciplinary infractions, five Special Management Unit Placements and one Disciplinary Detention Unit commitment. The Board noted its concern with several of his disciplinary infractions, including one incident where Mr. Jackson was involved in a group assault that caused serious bodily injury to two correctional officers. In addition, Mr. Jackson wrote several inappropriate letters in which he threatened to kill a nurse. When Mr. Jackson explained that he suffers from anxiety, but has not sought counseling or therapy, Board Members suggested that he pursue mental health counseling to address this issue. He has completed some programs, including Graduate Maintenance Program, Violence Reduction, and Correctional Recovery Academy.

Mr. Jackson’s brothers testified in support of parole. A representative from the Victim Services Unit read into the record a statement in opposition to parole from Mr. Lane’s family. The Board considered a letter in opposition to parole from the Boston Police Department.

## **III. DECISION**

The Board is of the opinion that Michael Jackson has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On January 24, 2002, 17-year-old Michael Jackson shot and killed 24-year-old Jose Lane. He has been incarcerated for almost 20 years. Mr. Jackson’s adjustment during his incarceration has been problematic at times. He has incurred approximately 50 disciplinary reports, resulting in placement in restrictive housing and DDU. He also committed a crime while incarcerated. The

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<sup>3</sup> The entire video recording of Mr. Jackson’s December 16, 2021 hearing is fully incorporated by reference to the Board’s decision.

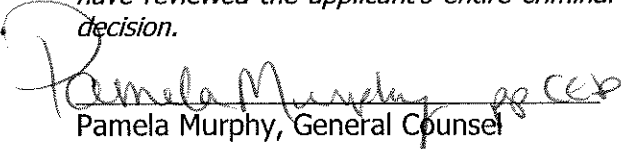
Board considered the *Miller* factors to include his age at the time of the offense and his social history. He was in a maximum security setting for most of his incarceration. He was only transferred to medium security less than three years ago. He is encouraged to remain d[isciplinary] report-free and comply with all program recommendations. He is encouraged to obtain a forensic evaluation prior to his review 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 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 in Mr. Jackson's case 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. In forming this opinion, the Board has taken into consideration Mr. Jackson'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. Jackson's risk of recidivism. After applying this standard to the circumstances of Mr. Jackson's case, the Board is of the unanimous opinion that Michael Jackson is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Jackson'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. Jackson 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