



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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RECORD OF DECISION

IN THE MATTER OF

MILTON WALKER
W40248

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: December 12, 2024

DATE OF DECISION: April 30, 2025

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

VOTE: Parole is granted on/after 6 months in lower security to CRJ or Long-Term Residential Program.

PROCEDURAL HISTORY: On February 2, 1984, following a jury trial in Suffolk Superior Court, Milton Walker was convicted of murder in the first degree for the death of Thomas O'Donnell. He was sentenced to life in prison without the possibility of parole.¹²³ On December 12, 2024, Milton Walker appeared before the Board for an initial hearing. He was represented by Attorney Kelly Auer. The Board's decision fully incorporates by reference the entire video recording of Milton Walker's December 12, 2024, hearing.

STATEMENT OF THE CASE: On November 2, 1982, in Jamaica Plain, Milton Walker shot and killed Thomas O'Donnell. A married couple that lived near the scene of the shooting noticed a vehicle parked on the street with two black males in the front and one white male in rear passenger seat. The Commonwealth's theory was that Mr. Walker was in the front passenger's seat. The white male was Mr. O'Donnell. The couple did not see what transpired inside of the

¹ In January 2024, the Supreme Judicial Court ruled in *Commonwealth v. Mattis*, 493 Mass. 216 (2024) that a sentence of life without the possibility of parole is unconstitutional for emerging adults aged 18-20 at the time of the offense. Because Mr. Walker was 19 years old at the time of the offense, he has now become parole eligible pursuant to *Mattis*.

² Milton Walker was acquitted of armed robbery and unlawfully carrying a firearm.

³ Mr. Walker filed eight motions for new trial: 2/28/84, 3/28/89, 9/14/1994, 3/6/1995, 1/24/07, 5/1/2008, 3/22/10, 2/7/2019. Each motion was denied.

car, but heard gunshots followed five seconds later by the sound of glass breaking. The couple saw the victim stagger away from the car and fall to the ground twice. One of the witnesses covered Mr. O'Donnell with blankets. The witness saw a knife on the ground near Mr. O'Donnell and shattered glass where the car was parked. The couple could not identify the two men inside of the car; however, the vehicle belonged to the mother of Mr. Walker's friend, Daryl Diamond. The medical examiner testified that Mr. O'Donnell's cause of death was a gunshot wound to the abdomen which traveled through his body in a straight line. The Commonwealth contended that, based on the bullet trajectory through Mr. O'Donnell's body and holes in the backseat of the car, Mr. O'Donnell was shot while seated in the car.

The Commonwealth introduced, by stipulation, that Mr. Walker and Mr. Diamond take the car to a glass repair shop on the afternoon of the murder. Officers noted a hole in the back cushion of the seat where Mr. O'Donnell was seated in the car. A witness testified about her interactions with Mr. Walker within one hour following the shooting. The woman spoke with Mr. Walker in Mr. Diamond's mother's kitchen. She noticed blood on Mr. Walker's left sleeve. The woman questioned Mr. Walker about the source of the blood. Mr. Walker replied that he shot a white man, who threatened him with a knife during a drug deal inside the car. She noticed a gun and a bag of marijuana on the kitchen table. Later, the woman peered out of the kitchen window and saw Mr. Walker wiping the backseat of the car.

Mr. Walker testified that he acted in self-defense. Mr. Walker acknowledged that he lied to officers in his pretrial statements. At trial, Mr. Walker claimed he shot Mr. O'Donnell in self-defense after Mr. O'Donnell broke the passenger's side window, shoved a knife into Mr. Walker's neck, and demanded to be let out of the car.

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 (if applicable).

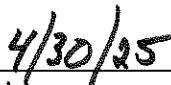
DECISION OF THE BOARD: This was Mr. Walker's first hearing before the Parole Board. He is currently 61-years-old. He has been incarcerated for 41 years. Mr. Walker was 19-years-old when he committed the offense. Mr. Walker began to engage in self-development prior to the Mattis decision. Mr. Walker was insightful about the relationship between his adverse childhood experience and his criminal history. Mr. Walker has invested in specific programs to address Conflict Resolution, Victim Empathy, Restorative Justice and Dog Training. Despite his learning disabilities, he has acquired job skills and works as a cleaner. Mr. Walker has engaged in education; however, he is in need of specific services to progress. The Board considered the expert testimony and forensic evaluation of Dr. Tina Adams and a release plan by Grace Randall LICSW, as well as a letter submitted by Mr. Walker's sister. Mr. Walker has a support system to

assist him with re-entry. The Board considered public testimony in rendering its decision. The Board recommends that Mr. Walker apply for DDS services in the community. Suffolk County ADA Brynn Morse and the victim's brother spoke in opposition. The Board concludes by unanimous decision that Milton Walker has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Release to a Long-Term Residential Program or CRJ; Waive work for 2 weeks when program allows; Electronic Monitoring for 6 months; Supervise for Liquor abstinence; Testing in accordance with Agency policy; Supervise for Drugs; Testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and must comply with recommended treatment plan; Must have mental health counseling for adjustment and depression; May have contact with staff from TPP and Teen Empowerment.

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