



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Susan Terrey
Interim Secretary

Telephone: (508)-650-4500

Facsimile: (508)-650-4599

Angelo Gomez, Jr.
Chair

Lian Hogan
Executive Director

RECORD OF DECISION

IN THE MATTER OF

NATHANIEL HARBIN
W63608

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 21, 2025

DATE OF DECISION: November 17, 2025

PARTICIPATING BOARD MEMBERS:¹ Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to a Long-Term Residential Program two weeks after the date of the Decision.²

PROCEDURAL HISTORY: On November 14, 1997, after a jury trial in Plymouth Superior Court, Nathaniel Harbin was found guilty of first-degree murder and sentenced to life in prison without the possibility of parole. During his sentencing on the same date, Mr. Harbin assaulted the Assistant District Attorney and was criminally charged, resulting in an additional 6 month sentence to be served concurrently with his life sentence on April 22, 1999.

On February 9, 1999, Mr. Harbin received a disciplinary report for stabbing (non-fatal) another incarcerated individual. On August 26, 1999, he was sentenced to 5 years to 5 years and 1 day to be served from and after his governing offense.

Mr. Harbin 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 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. Harbin's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after 15 years.

¹ Board Member Coughlin and Board Member Coleman were not present for the hearing, but both reviewed the video recording of the hearing and the entirety of the file prior to vote.

² Two Board Members voted to deny parole with a review in 2 years.

On May 21, 2025, Nathaniel Harbin appeared before the Board for an initial hearing. He was represented by Attorney Joshua Raisler Cohn. The Board's decision fully incorporates by reference the entire video recording of Mr. Harbin's May 21, 2025, hearing.

STATEMENT OF THE CASE: On November 22, 1992, 20-year-old Nathaniel Harbin went to a house in Brockton known for its drug activity. A witness saw him open a closet door, remove a gym bag, rummage through it, and then leave. Mr. Harbin soon returned, this time in the company of Terrance Hicks, his co-defendant. Mr. Harbin addressed 21-year-old Travis Powell, who had been running the house for less than one week. Pointing a double-barreled shotgun at Mr. Powell, Mr. Harbin asked, "What's up now, punk?" and "What's up now, sucker?" and then fired a blast into the wall over the victim's head. Seconds later, as the victim raised his arms in front of his head in a defensive posture, Mr. Harbin fired a second blast, striking him in his arm and hand, as well as his forehead. Mr. Harbin and his co-defendant then left the apartment. The victim died almost immediately. Nathaniel Harbin was apprehended almost two years later in New York state.

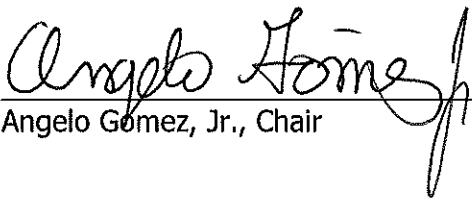
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain 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. Harbin presented for his initial hearing. He was 20-years-old at the time of the offense. He is now 53-years-old. He has been incarcerated for 30 years. Mr. Harbin began working toward self-development prior to the Mattis decision. He has completed numerous programs to address need areas. Mr. Harbin has been engaged in individual therapy since 2018. His therapist testified as to his remarkable psychological insight, growth and self-understanding, and his internalized pro-social concern for others. Mr. Harbin has acquired occupational skills that are transferable in the community. Mr. Harbin's LSCMI (risk/need assessment) is low. The Board considered the expert forensic evaluation and testimony from Dr. Laurie Guidry and a reentry plan developed by Kimberly Mortimer MS, LMHC in rendering its decision. The Board also considered additional public testimony from those who spoke in support of, and in opposition to, his parole. The Board notes Mr. Harbin has a strong support system. The Board concludes that Nathaniel Harbin has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for 2 weeks; Electronic monitoring for 6 months; Curfew – 10PM to 6AM at parole officer's discretion; 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; Must have mental health counseling for adjustment; Long Term Residential Program.

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.



Angelo Gomez, Jr., Chair

11-17-25

Date