

Maura Healey
Governor

Kim Driscoll
Lieutenant Governor

Terrence Reidy
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Tina M. Hurley
Chair

RECORD OF DECISION

IN THE MATTER OF

NATHANIEL MIKSCH

W87261

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **November 15, 2022**

DATE OF DECISION: **January 18, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On March 8, 2006, after a jury trial in Barnstable Superior Court, Nathaniel Miksch was convicted of second-degree murder in the death of 36-year-old Timothy Maguire and was sentenced to life in prison with the possibility of parole.

Mr. Miksch appeared before the Parole Board for a review hearing on November 15, 2022. He was represented by Attorney Jason Benzaken. Mr. Miksch was denied parole at his 2019 initial hearing. The entire video recording of Mr. Miksch's November 15, 2022, hearing is fully incorporated by reference to the Board's decision.

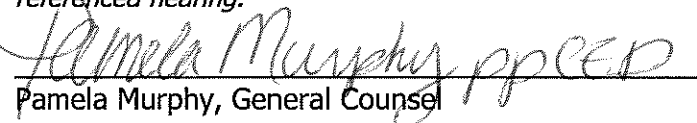
DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole.

Reserve to LTRP on or after June 1, 2023. On October 25, 2003, 28-year-old Mr. Miksch murdered 36-year-old Timothy Maguire. He has been incarcerated for nineteen years with an overall positive adjustment. He has been clean and sober for approximately fifteen years. He completed a correspondence course for drug and alcohol treatment which addresses the Board's concerns from his last hearing. He is currently enrolled in the Tufts Bachelor of Arts program, which he requested to complete prior to any parole release. The Board encourages him to pursue intensive counseling upon release to address his trauma history along with his adjustment and transition. The Board reconsidered the 2019 report of Dr. Mendoza.

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. Miksch'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. Miksch's risk of recidivism. Applying this standard to the circumstances of Mr. Miksch's case, the Board is of the unanimous opinion that Nathaniel Miksch is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to LTRP; Waive work for program; Curfew – Must be at home between 10pm and 6am; ELMO-electronic monitoring; 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 evaluation and follow recommendations; Must have mental health counseling for trauma/adjustment/transition.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Pamela Murphy, General Counsel

1/18/23
Date