

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



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

NATHANIEL MIKSCH

W87261

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: November 19, 2019

DATE OF DECISION: May 14, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On March 8, 2006, after a jury trial in Barnstable Superior Court, Nathaniel Miksch was found guilty of second-degree murder for the death of Timothy Maguire, age 36. He was sentenced to life with the possibility of parole.

Mr. Miksch appeared before the Parole Board for an initial hearing on November 19, 2019 and was represented by Attorney Jason Benzaken. Mr. Miksch postponed his hearing in 2018. The entire video recording of Mr. Miksch's November 19, 2019 hearing is fully incorporated by reference to the Board's decision.

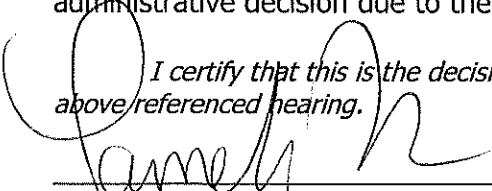
DECISION OF THE BOARD: Parole is denied with a review in three years from the date of the hearing. Mr. Miksch has served over 15 years for the brutal murder of Timothy Maguire. Although, he has made strides in his rehabilitation, it is the opinion of the Board that he has yet to address his substance abuse issues. He was under the influence at the time of the offense.

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

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision. This was issued at the request of counsel and in response to his waiver of rights to a full administrative decision due to the COVID-19 pandemic.

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



Pamela Murphy, General Counsel


Date