

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

PATRICK MAYHEW

W94143

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 26, 2022

DATE OF DECISION: September 13, 2022

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Tina Hurley, Colette Santa¹

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 the 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two years from the date of the hearing.²

I. STATEMENT OF THE CASE

On April 1, 2009, in Suffolk Superior Court, Patrick Mayhew pleaded guilty to murder in the second degree for the June 21, 2007, shooting death of Joseph Smith. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Mayhew also pleaded guilty to possession of a sawed-off shotgun and received a concurrent 4-5-year prison sentence. This sentence has since been completed.

On the afternoon of June 21, 2007, Patrick Mayhew shot and killed 40-year-old Joseph Smith in Dorchester. The two men, who were friendly with one another, were talking in a neighbor's yard when Mr. Mayhew told Mr. Smith that he needed money. Mr. Smith only smirked

¹ Chair Moroney was recused.

² One Board Member voted to parole to a Long-Term Residential Program, but not before 18 months in lower security.

in response. Mr. Mayhew then went across the street to his home and retrieved a sawed-off shotgun. When he returned, Mr. Mayhew shot Mr. Smith twice, killing him. Mr. Mayhew then fled to Chicopee, where he was arrested the following day. Police executed a search warrant at his home and recovered a sawed-off shotgun from the basement.

II. PAROLE HEARING ON MAY 26, 2022³

Patrick Mayhew, now-35-years old, appeared for his initial hearing after serving served 15 years of his life sentence. He was represented by Attorneys Kim Jones and Cameron Casey. In his opening statement to the Board, Mr. Mayhew apologized to the victim's family, taking full responsibility for the death of Mr. Smith. He acknowledged the pain that his actions caused the Smith family, his own family, and the community at large. Mr. Mayhew explained that at the time of the murder, he was involved in a lifestyle that focused on retaliation. During his incarceration, however, he learned how to handle disputes without resorting to violence.

Upon Board Member questioning, Mr. Mayhew explained that he was a follower as a child. He wanted to be accepted by his peers, which contributed to his gang involvement as a teenager. Mr. Mayhew admitted to selling marijuana at around age 14 and cocaine at around age 17. Board Members acknowledged Mr. Mayhew's childhood trauma, along with his unstable living conditions at the time. Mr. Mayhew described Mr. Smith as a friend and father figure. On the day of the murder, he learned that approximately \$24,000 was missing from his house, and he suspected Mr. Smith of the theft. At a cookout, Mr. Smith arrived with something inside his sweatshirt that Mr. Mayhew believed to be a shotgun. Thinking that Mr. Smith planned to shoot him, Mr. Mayhew said that he went home to retrieve a shotgun. When he returned, he shot Mr. Smith once. When the victim started to get up, Mr. Mayhew shot him a second time, intending to kill him. He then stashed the gun at his home and went to Chicopee.

Mr. Mayhew stated that participation in the Correctional Recovery Academy (CRA) helped him become a leader. He told the Board about his participation in other programming efforts, including those designed to address violence reduction. Mr. Mayhew earned his GED and took courses in culinary arts, which he hopes to pursue as a career, if paroled. The Board expressed concerns, however, about Mr. Mayhew's multiple disciplinary reports for using and selling homebrew. When Mr. Mayhew was questioned about a 2018 disciplinary report involving possession of a knife, he cited the need for protection from an anticipated altercation between inmates. Board Members expressed concern that this incident could be indicative of a failure to fully cut ties with Security Threat Groups. Mr. Mayhew reported that his renunciation of any Security Threat Group involvement was accepted by the institution in 2020.

Mr. Mayhew's parole plan involves moving to Haverhill following a step-down to minimum security. He informed the Board that he has job opportunities available and hopes to participate in counseling. He reported having strong community support from family members. Although he denied any substance abuse issues, Mr. Mayhew stated that he would participate in AA if the Board required it.

The Board considered a letter of support from Mr. Mayhew's aunt, as well as testimony in support of parole from Mr. Mayhew's aunt and sister, the founder of Fair Foods, and the Executive

³ The entire video recording of Mr. Mayhew's May 26, 2022 hearing is fully incorporated by reference into the Board's decision.

Director and Founder of PACC Global. The Board considered a written submission in opposition to parole from the victim's sister, as well as testimony in opposition to parole from two of the victim's sisters. The Board considered testimony in opposition to parole from Suffolk County Assistant District Attorney Montez Haywood.

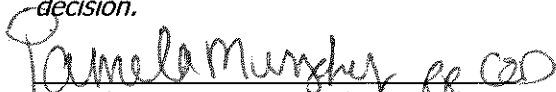
III. DECISION

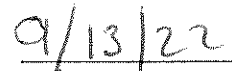
The Board is of the opinion that Patrick Mayhew has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On June 21, 2007, Mr. Mayhew shot and killed Joseph Smith. He was 20 years old at the time of the crime. The Board is concerned with his disciplinary history. He admitted to selling and consuming homebrew from 2009 to 2015. While he has done significant programming, Mr. Mayhew must demonstrate a longer period of positive adjustment. Mr. Mayhew is encouraged to continue with AA/NA and remain D-report free. Mr. Mayhew would benefit from participation in the Restorative Justice (VOEG) program.

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. Applying this standard to the circumstances of Mr. Mayhew's case, the Board is of the opinion that Patrick Mayhew is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Mayhew's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Mayhew 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