



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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RECORD OF DECISION

IN THE MATTER OF

RASHIDI SMITH
W95558

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 11, 2025

DATE OF DECISION: March 3, 2026

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted to Dismas House or Long-Term Residential Program 2 weeks from date of the decision.

PROCEDURAL HISTORY: On December 9, 2009, following a jury trial in Plymouth Superior Court, Rashidi Smith was found guilty of second-degree murder in the death of Marvin Constant and sentenced to life in prison with the possibility of parole. His conviction was affirmed by the Appeals Court in 2013.² In 2014, further appellate review was granted,³ and the Supreme Judicial Court affirmed his conviction in 2015.⁴ Parole was denied following an initial hearing in 2022.

On September 11, 2025, Mr. Smith appeared before the Board for a review hearing. He was represented by Attorney Jeffrey Harris. The Board's decision fully incorporates by reference the entire video recording of Mr. Smith's, September 11, 2025, hearing.

STATEMENT OF THE CASE: In June 2007, members of two gangs were gathered at a cookout on Crescent Street in Brockton. A fight broke out, and a window was broken. The following day,

¹ Board Member Coughlin was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to vote; Former Acting Chair Tonomey Coleman was present at hearing but did not participate in vote.

² *Commonwealth v. Rashidi Smith*, 84 Mass.App.Ct. 1116 (2013).

³ *Commonwealth v. Rashidi Smith*, 467 Mass. 1101 (2014).

⁴ *Commonwealth v. Rashidi Smith*, 471 Mass. 161 (2015).

Rashidi Smith (age 17) returned to the home and spoke with 14-year-old Marvin Constant. They left the home together. Mr. Smith was wearing a red sweatshirt with black sleeves. A few minutes later, witnesses heard three gunshots. One witness saw Mr. Constant lying on the street, while a person wearing a red sweatshirt rode off on a bicycle. Mr. Constant died as a result of two gunshot wounds.

Nearby police officers happened to see Mr. Smith drop a bicycle, run, and enter a passing vehicle, while clutching his waistband. Officers stopped the vehicle and located a gun on the floor, where Mr. Smith had been seated. The 10-bullet magazine contained 7 bullets, and the gun was jammed in a way that could only occur if it had been fired. Ballistics testing later matched the gun to the ballistics evidence from the victim and crime scene. Mr. Smith was subsequently arrested. He told police that while he had been present for the murder, another individual was the shooter.

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 incarcerated individual’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 incarcerated individual’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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual’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).

In the context of an incarcerated individual convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile’s “lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older.” *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the incarcerated individual’s right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

DECISION OF THE BOARD: Mr. Smith appeared before the Board for the second time. Mr. Smith was 17 years old at the time of offense. The Board considered the Miller/Diatchenko factors in its decision. Mr. Smith has been in minimum security since March 2025. He completed eight additional programs since his initial hearing in May 2022. Also, since his last hearing he has completed the disassociation process through the Department of Correction. Mr. Smith has engaged in vocational training. The Board considered the forensic evaluation of Dr. Michelle

Lockwood. Mr. Smith has strong family and community support. He presents with insight, remorse, and a solid re-entry plan. The Board considered opposition from Plymouth County ADA Melissa Johnsen. The Board concludes by unanimous decision that Rashidi Smith has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for 2 weeks or program; Must be home between 10 PM and 6 AM or PO's discretion; Electronic monitoring for 6 months; 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 (preferably Dismas House).

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

3-3-26
Date