

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



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RECORD OF DECISION

IN THE MATTER OF

**ROBERT BENJAMIN
W40088**

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: December 10, 2024

DATE OF DECISION: April 7, 2025

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

VOTE: Parole is granted to Community Resources for Justice (CRJ).

PROCEDURAL HISTORY: On November 16, 1983, Robert Benjamin was convicted by a Suffolk County jury of murder in the first degree, armed robbery, and unlawfully carrying a firearm. Mr. Benjamin received the mandatory sentence of life in prison without the possibility of parole for his first-degree murder conviction. Mr. Benjamin was sentenced to 10-12 years for armed robbery and 3-5 years for the unlawful possession of a firearm; each sentence was ordered to run concurrently with Mr. Benjamin's life sentence.

Mr. Benjamin 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 who were 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, regarding his first-degree murder conviction, Mr. Benjamin was re-sentenced to life in prison with the possibility of parole after 15 years.

¹ Board Member Coleman was recused from the hearing and did not participate in the deliberations or vote.

On December 10, 2024, Mr. Benjamin appeared before the Board for an initial hearing. He was represented by Attorney Chetan Tiwari. The Board's decision fully incorporates by reference the entire video recording of Mr. Benjamin's December 10, 2024, hearing.

STATEMENT OF THE CASE: Monpoint Jacques was driving his taxicab on November 3, 1982, when he picked up 19-year-old Robert Benjamin, Royal Benjamin,² and Steven Henderson at the Egleston MBTA station. Prior to getting into Mr. Jacques' taxi, the three men discussed "doin' a stickup." When they got into the back seat of the cab, Mr. Benjamin was seated directly behind Mr. Jacques. Royal instructed Mr. Jacques to drive to Oldfield Road, a dead-end street in Dorchester. Royal handed Mr. Benjamin a firearm and instructed him to "get out and do somethin'" when the taxi stopped. Royal told Mr. Benjamin to jump out of the taxi and put the gun to Mr. Jacques' head. When the cab stopped, Mr. Benjamin did as Royal instructed. Mr. Benjamin jumped out of the taxi, put the gun to Mr. Jacques' head, and shot him. The bullet pierced Mr. Jacques' aorta, killing him.

Mr. Benjamin was arrested on November 7, 1982, four days after the shooting. On the day of his arrest, Mr. Benjamin confessed to shooting Mr. Jacques in an interrogation with Boston Homicide Detective Stephen Murphy. According to Mr. Benjamin, the firearm accidentally discharged while Mr. Jacques tried to roll up the driver's side window. Mr. Benjamin reported that he ran away immediately after the shooting. Mr. Henderson pulled Mr. Jacques' body from the cab and took seven dollars from Mr. Jacques. The men split the money three ways. Mr. Benjamin received three dollars.

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

² Royal is Mr. Benjamin's older brother. For clarity, Royal Benjamin will be referred to by his first name.

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.

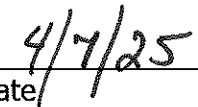
DECISION OF THE BOARD: Mr. Benjamin appeared before the Board after 42 years of incarceration because of the Supreme Judicial Court's decision in Commonwealth v. Mattis. He was 19-years-old at the time of the offense. The Board considered the Mattis factors of the emerging adult brain. Mr. Benjamin is now 61-years-old. During his incarceration, he completed approximately 20 programs, including (most recently) Violence Reduction. He has been employed in the MassCor clothing shop for a long time and has been a line leader. He also has his welder's license. His last disciplinary report was in 1993. He has been moved to minimum security since the Mattis decision. The Board considered the evaluation of Dr. Emily Brown in its decision. The Board also heard testimony from mitigation specialist Rebecca Cohen and three members of Mr. Benjamin's family in support of parole. The Board concludes by unanimous decision that Robert Benjamin has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: CRJ, minimum of 90 days; Waive work for when program allows; Electronic monitoring for 6 months; Supervise for drugs with testing in accordance with agency policy; Supervise for liquor abstinence with testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and must comply with recommended treatment plan; Must have mental health counseling for adjustment and transition.

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.



Tina M. Hurley, Chair



Date