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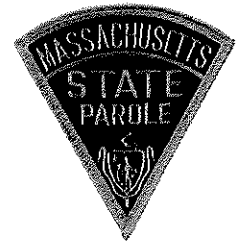
*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**Tina M. Hurley**  
*Chair*

**Lian Hogan**  
*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**ROBERT JACOBS**  
**W92980**

**TYPE OF HEARING:**            **Review Hearing**

**DATE OF HEARING:**        **September 12, 2024**

**DATE OF DECISION:**      **December 19, 2024**

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman,<sup>1</sup> Tina M. Hurley, James Kelcourse, Rafael Ortiz

**VOTE:** Parole is granted to Interstate Compact two weeks from the date of the decision.

**PROCEDURAL HISTORY:** On September 26, 2008, after a jury trial in Plymouth Superior Court, Robert Jacobs was convicted of first-degree murder and sentenced to life in prison without the possibility of parole. On that same date, Mr. Jacobs was also convicted of unlawful possession of a firearm and received a concurrent sentence of 4 to 5 years. Mr. Jacobs was 17-years-old at the time of the offense.

The Board denied parole after Mr. Jacobs' initial hearing in 2022. Mr. Jacobs, now 36-years-old, appeared for his review hearing before the Board on September 12, 2024. He was represented by Attorney Lisa Newman-Polk. The Board's decision fully incorporates, by reference, the entire video recording of the September 12, 2024, hearing.

**STATEMENT OF THE CASE:** On the evening of February 18, 2006, Robert Jacobs and 15-year-old Jerard Rogers attended a party hosted by a high-school classmate in Brockton. A degree of animosity had existed between Mr. Jacobs and Mr. Rogers prior to the party. While at the party, Mr. Jacobs confronted Mr. Rogers' friend stating, "You and your friends are going to get it after the party, get away from me," while lifting his shirt to display a firearm. As the party ended and people congregated in front of the house, a fight broke out, and Mr. Jacobs

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<sup>1</sup> Board Member Coleman was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

fired several shots. In the aftermath of this incident, several people, including Mr. Jacobs and Mr. Rogers, congregated at the top of a hill near the party. Mr. Jacobs, standing approximately five or six feet away from Mr. Rogers, shot him four times, killing him.

**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 offender who was sentenced to life in prison who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed the offense, has “a real chance to demonstrate maturity and rehabilitation.” *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board in the case of a juvenile offender include the offender’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.” *Id.* The Board also recognizes the petitioner’s right to be represented by counsel during his appearance before the Board. *Id.* at 20-24.

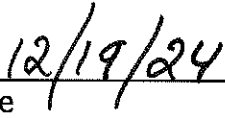
**DECISION OF THE BOARD:** This is Mr. Jacobs’ second appearance before the Board. He is now 36-years-old. He became eligible for parole as a result of the Diatchenko decision. The Board considered the Miller/Diatchenko factors. The Board notes that Mr. Jacobs has addressed the Board’s concerns from his last hearing – he has remained disciplinary report free, he has remained sober, and he has engaged in rehabilitative efforts. He has also maintained employment. Plymouth County ADA Karen Palumbo testified in opposition to parole. The Board concludes, by unanimous decision, that Mr. Jacobs has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

**SPECIAL CONDITIONS:** Approve home plan before release; Release to Interstate Compact – Rhode Island; Waive work for 2 weeks; Curfew-must be home between 10 P.M. and 6 A.M. for the first 90 days; Electronic monitoring for the first 90 days; 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 follow recommended treatment plan; Counseling for transition issues.

*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