

**Maura Healey**  
Governor

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Lieutenant Governor

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Secretary

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

**PAROLE BOARD**

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**Tina M. Hurley**  
Chair

**RECORD OF DECISION**

**IN THE MATTER OF**

**ROBERT JACOBS**

**W92980**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** September 20, 2022

**DATE OF DECISION:** January 11, 2023

**PARTICIPATING BOARD MEMBERS:** Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

**STATEMENT OF THE CASE:** On September 26, 2008, after a jury trial in Plymouth Superior Court, Mr. 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 four to five years. Mr. Jacobs was 17 years old at the time of the offense, making him eligible for parole<sup>1</sup>.

Mr. Jacobs appeared before the Parole Board for an initial hearing on September 20, 2022. He was represented by Attorney Lisa Newman-Polk. The entire video recording of Mr. Jacobs' September 20, 2022, hearing is fully incorporated by reference to the Board's decision.

**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 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 by unanimous vote that the inmate is not a suitable candidate for parole.

The Board is of the opinion that Robert Jacobs has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On February 19, 2006, 17-year-old Mr. Jacobs shot and killed 15-year-old Jerard Rogers. The Board notes Mr. Jacobs was a juvenile at the time of the offense and considered the expert evaluation of Dr. Herzog. From a young age, Mr. Jacobs was exposed to criminal activity and physical abuse

<sup>1</sup> *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013).

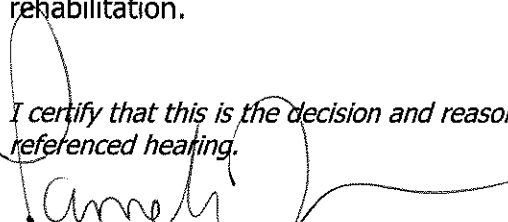
from family members. Mr. Jacobs sold drugs as a teenager. The Board notes Mr. Jacobs has completed rehabilitative programming and has made positive strides. However, the Board is concerned that he did not complete the work in GMP and has incurred disciplinary reports for homebrew even after completion of CRA. Although he has engaged in programming, the Board notes he appears to need more work to incorporate what he has learned. The Board wants to see Mr. Jacobs remain disciplinary report-free, stop substance use, and further seek out rehabilitative programming. The Board notes he declined cognitive programming, from which he could benefit. He should pursue Emotional Awareness, Restorative Justice Reading Group, and successfully complete GMP. He should continue employment at the institution.

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 the context of an offender 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 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 Mr. Jacobs' case 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. In forming this opinion, the Board has taken into consideration Mr. Jacobs' 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. Jacobs' risk of recidivism. After applying this standard to the circumstances of Mr. Jacobs' case, the Board is of the unanimous opinion that Robert Jacobs is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Jacobs' next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

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

  
Pamela Murphy, General Counsel

1/11/23  
Date