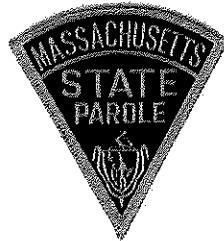


*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



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**RECORD OF DECISION
In the Matter of**

**Samuel Smith
W69604**

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **August 19, 2025**

DATE OF DECISION: **January 14, 2026**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner,¹ Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to CRJ or LTRP two weeks from the date of the Decision.²

PROCEDURAL HISTORY: On June 12, 2001, following a jury trial in Suffolk Superior Court, Samuel Smith was convicted of murder in the first-degree for the death of Steven Gaul. He was sentenced to life in prison without the possibility of parole.

Mr. Smith 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 eighteen through twenty 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, with regard to Mr. Smith's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after fifteen years.

On August 19, 2025, Mr. Smith appeared before the Board for an initial hearing. He was represented by Attorney Eva Jellison. The Board's decision fully incorporates by reference the entire video recording of Mr. Smith's August 19, 2025, hearing.

¹ Board Members Alexander and Bonner were not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

² Board Member Coleman was present for the hearing but departed the Board prior to the decision.

STATEMENT OF THE CASE: On August 16, 1991, 19-year-old Samuel Smith shot and killed Steven Gaul in Roxbury. Mr. Gaul was with several friends in Ramsey Park when Mr. Smith and two other men, all wearing black hooded sweatshirts, entered the park. Mr. Smith and his companions were all associated with [STG1], a Security Threat Group active in the area. The three men approached Mr. Gaul. One of the men shot Mr. Gaul (once) in the stomach and then ran out of the park. Mr. Gaul fell to the ground. Mr. Smith then stood above Mr. Gaul and fired several shots directly at him. Mr. Smith's gun jammed and there was a pause in the shooting as he removed the bullets wedged in the gun's chamber. Mr. Smith said, "I told you I'm gonna get you." After reloading the gun, he fired several more shots at Mr. Gaul, 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 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 eighteen through twenty 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 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. Smith appeared before the Board for an initial hearing after the Supreme Judicial Court's Mattis decision. He has completed 28 programs. He has a very limited disciplinary report history. He maintains his innocence. He has been incarcerated for 26 years. Mr. Smith has been re-classed with a recommendation to lower security by the Department of Correction. He has no reported history of substance abuse. He obtained his GED and is in the process of obtaining his associate's degree from Massasoit Community College. He has maintained employment. The Board considered the forensic evaluation of Dr. Brown. The Board considered

