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RECORD OF DECISION

IN THE MATTER OF

STEVEN BROWN
W88301

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **August 15, 2024**

DATE OF DECISION: **December 9, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz¹

VOTE: Parole is denied with a review in two years from the date of the hearing.²

PROCEDURAL HISTORY: On July 14th, 2006, in Franklin Superior Court, Steven Brown pleaded guilty to second-degree murder and received a sentence of life in prison with the possibility of parole.

Mr. Brown, now 34-years-old, appeared before the Massachusetts Parole Board for his initial hearing on August 15, 2024. He was represented by Attorney Robert Hennessey and Attorney Lisa Newman-Polk. The entire video recording of Steven Brown's August 14, 2024 hearing is hereby incorporated, by reference, to this decision.

STATEMENT OF THE CASE: On the night of August 5, 2004, 14-year-old Steven Brown beat Eric Zieba to death with a baseball bat in Turners Falls. Earlier that evening, Steven Brown and Eric Zieba agreed to fight each other at an area in Turners Falls called the "sandpit." When Mr. Brown arrived at the sandpit armed with an aluminum baseball bat, Mr. Zieba, who was unarmed, fled. Mr. Brown caught up with Mr. Zieba and beat him with the baseball bat,

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

² One Board Member voted to deny parole with a review in one year, and one Board Member voted to grant parole to a LTRP after a 9 month step-down to lower security.

primarily striking him on the head. Mr. Zieba's friend intervened to end the assault, and Mr. Brown left the park to hide out at a friend's house.

Shortly after the attack, first responders arrived and found Mr. Zieba lying on the ground with visible head trauma. Mr. Zieba was taken by ambulance, first to Franklin Medical Center, and then to Baystate Medical Center. The next morning, Mr. Zieba was pronounced brain dead as a result of his injuries. On August 6, 2004, Steven Brown was arrested for the murder of Eric Zieba.

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.

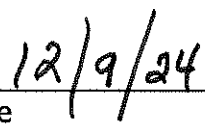
DECISION OF THE BOARD: Mr. Brown presented for his initial hearing before the Board. He was 14-years-old when he committed the offense. Mr. Brown's age and stage of development were considered by the Board both in terms of his offense and his adjustment. Mr. Brown had many adverse childhood experiences and presents now with complex mental health issues and substance use disorder. He was forthcoming about his recent struggles with addiction and near fatal overdose in 2023. He is invested in treatment. He is currently housed in the RTU (Recovery Treatment Unit), receiving mental health and substance abuse treatment. He is also engaged in educational programming by pursuing his High School Equivalency certificate (HSE). Mr. Brown also renounced from a gang, which was accepted by the D.O.C. in 2023. He

presented as remorseful and insightful about his ongoing needs. The majority of the Board is of the opinion that he has more work to do to stabilize his mental health and addiction. The Board considered the forensic psychiatric evaluation and testimony of Dr. Herzog and those speakers in support of, and in opposition to, Mr. Brown's parole in rendering its decision.

In addition, the Board considered the support of two family members, a mentor, and another member of the public. The Board also considered the opposition of two of the victim's family members and a VSU advocate, who read a letter of opposition from a third family member. Northwestern Assistant District Attorney Thomas Robinson read a letter in opposition to parole. The Board concludes that Steven Brown has not demonstrated a level of rehabilitation that would make his release compatible with the welfare of society. Mr. Brown's next hearing will take place in two years from the date of this hearing. The Board encourages Mr. Brown 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. 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