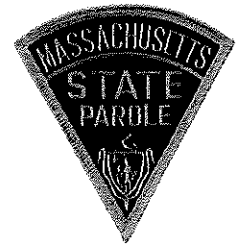




The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

STEVEN COSTA

W45049

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 31, 2024

DATE OF DECISION: December 19, 2024

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

VOTE: Parole is granted on or after completion of Automotive Program to CRJ or LTRP (Long-Term Residential Program).

PROCEDURAL HISTORY: On June 27, 1988, following a jury trial in Bristol Superior Court, Steven Costa was convicted of first-degree murder, specifically under theories of extreme atrocity or cruelty, and deliberate premeditation and kidnapping. With respect to the first-degree murder conviction, Mr. Costa was sentenced to life in prison without the possibility of parole. The court sentenced Mr. Costa to a concurrent 8-10 year sentence for kidnapping.

Mr. Costa 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, with regard to Mr. Costa's first-degree murder conviction, he was re-sentenced to life with the possibility of Costa after 15 years. Mr. Costa appeared before the Parole Board for an initial hearing on October 31, 2024, represented by Attorney Rebecca Rose. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Costa's October 31, 2024, hearing.

STATEMENT OF THE CASE:¹ On the morning of October 2, 1987, a man running with his dogs in the Freetown State Forest discovered the body of a male, who was later identified as Edward Cereto. The victim sustained gunshot wounds to his head, groin, and chest. A Fall River resident, who had hired the victim to do odd jobs, reported the victim missing when he did not show up for work. The investigation focused on 18-year-old Steven Costa, who was questioned by police. Mr. Costa initially claimed that he traveled to New Hampshire on the night of the murder and returned the next day. However, Mr. Costa could not provide any specific details concerning his travel plan, stating that he lacked any recollection of his activities on October 1, 1987. The authorities noted that the treads on the tires of Mr. Costa's Pontiac Grand Prix matched the treads found near the victim's body. After detectives confronted Mr. Costa about the implausibility of his story, Mr. Costa eventually provided a verbal and written statement implicating himself, Bruce Frank, and his cousins Michael and Kevin Costa² in the murder.

Before the murder, Mr. Costa, Mr. Frank, and his cousins drank at a local bar. Then, Mr. Costa and his cousins ate and drank at China Royal. When the group returned to Mr. Costa's car, which was parked outside of Mr. Frank's house, the men noticed that the left rear tire was flat. After changing the tire, Mr. Costa walked to where the victim lived. Mr. Costa asked the victim if he knew who flattened the tire. The victim did not answer Mr. Costa. Mr. Costa, who suspected that the victim was an informant, asked the victim if he was working with the police to help catch Mr. Costa for drug dealing. Again, the victim did not respond. Next, Mr. Costa and his cousins pushed and hit the victim repeatedly. Mr. Frank walked over to the men and announced that he would get his gun to scare the victim. Mr. Frank returned with a 410-gauge shotgun. The men forced the victim into the trunk of Mr. Costa's car. The men drove 16 miles to Freetown State Forest and removed the victim from the trunk. Mr. Frank fired 3-4 shots at the victim. Mr. Frank reloaded the shotgun, handed the shotgun to Kevin Costa and instructed him to shoot the victim. Kevin Costa shot the victim. Mr. Frank handed Michael Costa the shotgun and instructed Michael Costa to shoot the victim, but Michael Costa refused. Mr. Frank took the shotgun from Michael Costa, handed the shotgun to Mr. Costa, and instructed Mr. Costa to "do it." Mr. Costa shot the victim in the chest. At trial, Mr. Costa claimed that his intoxication at the time of the killing prevented him from forming the necessary intent for first-degree murder. The jury rejected Mr. Costa's defense and found Mr. Costa guilty of first-degree murder and kidnapping.

APPLICABLE STANDARD: Parole 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." G. L. c. 127, § 130. The Board considers multiple factors in making its decision, including the incarcerated individual's institutional behavior; their participation in available work, education, and treatment programs during their incarceration; and whether the incarcerated individual's chances of recidivism could be reduced by participation in risk reduction programs. G. L. c. 127, § 130. The Board considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the entirety of the incarcerated individual's criminal record, the incarcerated individual's institutional record,

¹ The Statement of Facts is derived from Commonwealth v. Costa, 414 Mass. 618, 619-626 (1993).

² Kevin Costa, Michael Costa, and Bruce Frank were each convicted of murdering and kidnapping Edward Cereto, but were tried separate from Mr. Costa.

the incarcerated individual's testimony at the hearing, and the views of the public expressed at the hearing and/or in written submission 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 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. Costa was 18-years-old at the time of the offense. He is currently 55-years-old. He has been incarcerated for 37 years. Mr. Costa is 30 years sober. He is currently in minimum security. Mr. Costa began to engage in rehabilitation and self-development prior to the SJC's Mattis decision. Mr. Costa received a BA from Boston University in 2004. He has completed programs that addressed Cognitive Skills, Victim Empathy, Emotional Healing, Violence, Substance Abuse, and Vocational Skills training. Mr. Costa also worked as a companion for infirm and disabled incarcerated individuals. Mr. Costa is low risk on the LSCMI. In rendering it's decision, the Board considered factors associated with Mattis, as well as those speaking in support of, and in opposition to, parole. Mr. Costa requested to complete the Automotive Program prior to release. Mr. Costa's release plan supports his needs. The Board notes that Mr. Costa has a significant support system.

SPECIAL CONDITIONS: CRJ for at least 90 days or LTRP; Report to assigned MA Parole Office on day of release; Waive work for two weeks; Electronic monitoring for duration of program completion; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; Must have mental health counseling for adjustment; No contact with victim(s)' family; AA at least 3 times per week.

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

12/19/24
Date