



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

SWINKELS LAPORTE
W96050

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **June 30, 2022**

DATE OF DECISION: **October 12, 2022**

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre¹, Tina Hurley, Colette Santa

STATEMENT OF THE CASE: On March 1, 2010, after a jury trial in Hampden Superior Court, Swinkels Laporte was convicted of first-degree murder in the death of 46-year-old Tracy Bennett. He was sentenced to life in prison without the possibility of parole. On that same date, Mr. Laporte was also convicted of four counts of Home Invasion and received a sentence of 30-35 years to be served from and after his life sentence, two counts of Armed Robbery while Masked, and received a sentence of 20-30 years to be served concurrently with the Home Invasion conviction and from and after his life sentence, one count of Carrying a Firearm without a License, and received a sentence of 2½-5 years to be served concurrently with the Home Invasion conviction and from and after his life sentence, and one count of Possession of Ammunition, and received a sentence of 2 years to be served concurrently with the Home Invasion conviction and from and after his life sentence, two counts of Assault and Battery, and received a sentence of 2½ years to be served concurrently with the Home Invasion conviction and from and after his life sentence, and four counts of Assault by Means of a Dangerous Weapon, and received a sentence of 4-5 years to be served concurrently with the Home Invasion conviction and from and after his life sentence.

On December 24, 2013, the Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013), in which the Court determined that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that *Diatchenko* (and others similarly situated) must be given a parole hearing. Accordingly, Mr. Laporte became eligible for parole in 2022.

¹ Board member Dupre participated in the hearing but was no longer a board member at the time of the vote.

Mr. Laporte appeared before the Parole Board for an initial hearing on June 30, 2022. He was represented by Attorney Robert Hennessy. This was Mr. Laporte's first appearance before the Board. The entire video recording of Mr. Laporte's June 30, 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 a suitable candidate for parole.

Reserve to Long Term Residential Program but not before completion of eighteen months in lower security. On August 29, 2007, 17-year-old Mr. Laporte committed an armed home invasion wherein 46-year-old Tracy Bennett was shot and killed. Mr. Laporte was exposed to violence and street crime from a very young age. Mr. Laporte was in the tenth grade at the time of the offense. He arrived to the United States from Haiti at the age of five years old and dealt with significant language and cultural obstacles as a child. Since his incarceration, he committed himself to his rehabilitation and has had a positive institutional adjustment. He earned his GED while incarcerated. He has completed Alternatives to Violence, Cognitive Skills, AVP, and is engaged in the Vet Dog program. Mr. Laporte has family support that will aid in his reentry. The Board considered the evaluation of Dr. Kinscherff who opines that Mr. Laporte is at lower risk to reoffend. As noted above, the Board considered the *Miller/Diatchenko* factors. Mr. Laporte will benefit from a stepdown to lower security to aid in his transition and continue rehabilitative programming.

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-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 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.*

In forming this opinion, the Board has taken into consideration Mr. Laporte's 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. Laporte's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Laporte's case, the Board is of the unanimous opinion that Mr. Laporte is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program – must complete; Waive work for program; Curfew – must be at home between 10pm and 6am; ELMO-electronic

monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with STG associates; No contact with victim's family; Counseling for adjustment/transition.

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



Pamela Murphy, General Counsel

10/12/22
Date