



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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**AMENDED
RECORD OF DECISION**

IN THE MATTER OF

TERRANCE PABON

W96524

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: January 19, 2023

DATE OF DECISION: February 9, 2023

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

STATEMENT OF THE CASE: On May 25, 2010, after a jury trial in Suffolk¹ Superior Court, Terrance Pabon was convicted of second-degree murder in the death of Terrance Jacobs and sentenced to life in prison with the possibility of parole.

Mr. Pabon appeared before the Parole Board for an initial hearing on January 19, 2023. He was represented by Attorney Richard Goldman. The entire video recording of Mr. Pabon's January 19, 2023, 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 that the inmate is not a suitable candidate for parole.²

The Board is of the opinion that Terrance Pabon has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On May 22, 2007, 17-year-old Mr. Pabon and his codefendants stabbed 16-year-old Terrance Jacobs to death. The

¹ An earlier version of this decision incorrectly stated Mr. Pabon was convicted in Essex Superior Court.

² Two Board members voted to grant parole.

Board notes he was a juvenile at the time of the offense and considered the expert evaluation of Dr. Katherine Herzog. Mr. Pabon was exposed to violence and crime from a very young age. He became affiliated with a gang as an adolescent. He was diagnosed with ADHD at the age of ten and left school in ninth grade. The Board is encouraged by his overall positive adjustment but is troubled that he was returned to higher custody after nine months in minimum. Mr. Pabon must remain disciplinary report-free and continue to engage in vocational and rehabilitative programming. He should complete Restorative Justice if it is available to him.

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. Pabon's 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. Pabon'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. Pabon's risk of recidivism. After applying this standard to the circumstances of Mr. Pabon's case, the Board is of the opinion that Terrance Pabon is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Pabon's 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.

/s/ Pamela Murphy p.p. *Courtney E. Doherty*
Pamela Murphy, General Counsel

2/10/23
Date