



The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

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DECISION

IN THE MATTER OF

THERRIN COUSINS

W67202

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: February 21, 2013

DATE OF DECISION: March 25, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is granted after 12 months in lower security. The decision is unanimous.

I. STATEMENT OF THE CASE

Therrin Cousins was convicted at trial of armed home invasion and second-degree murder for the stabbing death of Benjamin Colon, age 19. He received concurrent life sentences for the two crimes. He has served fifteen years of his life sentences, which makes him eligible for parole. The following facts are taken from *Commonwealth v. Cousins*, 54 Mass. App. Ct. 1110 (2002), in which the Appeals Court affirmed the convictions.

Monique Cousins, sister of Therrin Cousins, attended a party at 246 Farnham Street in Lawrence on the night of March 27, 1998. She and her friends got into a fight at the party with Benjamin Colon, "who was by all accounts drunk and belligerent." After the fight, Monique called her brother to report that she and her friends had been assaulted. Therrin Cousins came directly to the party, accompanied by his close friend Alex Velez and a third man. Mr. Cousins was armed with a steak knife that he had grabbed from his kitchen before departing for Farnham Street. Monique pointed out Benjamin Colon as the person who had punched her. Mr. Cousins handed the knife to Alex Velez, said "hold this for me," and confronted Mr. Colon. As Mr. Cousins and Mr. Colon squared off, Alex Velez "ran toward [Benjamin Colon] and swung at him, fatally stabbing him in the chest." Therrin Cousins was 22 years old.

Alex Velez pleaded guilty to second-degree murder one week before Mr. Cousins went to trial. An Essex County jury convicted Mr. Cousins on October 14, 1999. Mr. Cousins was on probation at the time of the murder for an assault and battery with a dangerous weapon (shod foot) that was continued without a finding in the Lawrence District Court. That case was eventually dismissed and he has no criminal convictions other than the governing offenses.

II. INSTITUTIONAL HISTORY

Therrin Cousins has a very positive record of institutional behavior. He received one disciplinary report during his 19 months of pretrial detention at the Middleton House of Correction, for possession of another inmate's property. He has received only one disciplinary report at the Department of Correction, for fighting with another inmate in 2000.

Program participation began in 2000 with two phases of Alternatives to Violence. Since that time Mr. Cousins has had very active program participation, and has completed several more phases of Alternatives to Violence, Emotional Awareness (two classes), Jericho Circle (two phases), Violence Reduction, Cognitive Skills, Introduction to Substance Abuse Treatment, 12 Step AA (multiple phases), Responsible Fatherhood Program (two classes), and ABLE Minds. For vocational training, Mr. Cousins completed several computer classes and advanced welding. He obtained his GED in 2003.

He works daily in the upholstery shop at MCI-Norfolk, attends AA 12 Step and AA/NA weekly, attends Nuestra Familia weekly, and participates in the music and performing arts program.

III. PAROLE HEARING ON FEBRUARY 21, 2013

Therrin Cousins appeared for his initial parole hearing on February 21, 2013. He described the circumstances of his life that preceded the murder. He was raised by his grandparents until they had health problems when he was 12. That led him to live with his mother in the Essex housing development. He witnessed serious domestic violence perpetrated by his stepfather against his mother. He started drinking alcohol at age 15 and smoking marijuana at age 16. As his substance abuse advanced, he dropped out of school in the tenth grade. He met Alex Velez, his co-defendant, in 1992 at age 16. They hung out together daily, usually drinking and smoking marijuana. In 1996, he "stopped marijuana and drank more." He worked sporadically.

Mr. Cousins described the murder of Benjamin Colon in terms very similar to the trial evidence. He admitted that he went to Farnham Street with the intent "to confront someone." He picked up the knife as he left his own apartment because "I might have to defend myself." He admitted to being angry and aggressive after arriving at the Farnham Street party. He said, "I was tempted to use the knife, so I gave it to Alex Velez so I could just have a fistfight" with Benjamin Colon. He saw Alex Velez swing at the victim, but did not know at first that Velez had used a knife.

In reacting to the murder, Mr. Cousins said, "I was very immature, I saw it as I didn't do the stabbing." He described how his thinking about his role in the murder has progressed: "at first I was bitter; it was only after self-reflection that I accepted responsibility; I illegally armed

myself; I illegally entered the house; I handed Alex Velez a knife; I was completely wrong; my sentence was just." He explained that the programs he began in 2003 helped him understand and accept his responsibility for the murder.

In describing his rehabilitative efforts, Mr. Cousin said, "I had anger, alcoholism, and couldn't resolve conflict without violence; Alternatives to Violence, Emotional Awareness, and AA helped me." He credited Emotional Awareness with helping him "understand my own emotions, what was under the anger, and I learned to let go of the emotions and anger." He said that from Alternatives to Violence "I learned skills to avoid violent confrontation, including listening and communicating."

In describing his future, Mr. Cousins said that he has two children, age 15 and age 14, who he would like to take responsibility for if he were released. He said he would need "support and counseling" to succeed on parole. He said that he has training in welding, furniture upholstery, and computers, and would "like to join one of those fields."

Essex Assistant District Attorney Cathy Semel opposed parole. Mr. Cousin's mother and aunt spoke in support of parole.

IV. DECISION

Therrin Cousins was a joint venturer who passed a knife to the person who fatally stabbed Benjamin Colon. He acted with anger and aggression on that night in response to a physical assault on his sister. His life was aimless and unguided at the time, but he did not have a history of impulsive or unrestrained violence. His prison record demonstrates that he has self-control, is able to follow rules, and can avoid or negotiate conflict without violence. Importantly, he has followed a thoughtful path towards reform in which he has identified areas for improvement and has worked steadily towards rehabilitation. He has focused on accepting responsibility for his actions, understanding his emotions that result in angry behavior, and maintaining sobriety. As a result of these several factors, the four goals of sentencing – deterrence, punishment, public protection, and rehabilitation – have been met. He has worked diligently toward his rehabilitative goals and achieved consistent progress. He shows no current risk for violence.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "[p]arole 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." Applying that appropriately high standard here, we find Mr. Cousins deserving of parole because he is unlikely to re-offend if paroled, and his release is compatible with the welfare of society. Parole, therefore, is granted with the conditions stated below designed to assist Mr. Cousins with a successful transition to the community.

SPECIAL CONDITIONS: 12 months in lower security without disciplinary incident and in compliance with recommendations of the Department of Correction for programs and activities; no alcohol use; no drug use; AA or NA at least two times per week; one-on-one counseling for substance abuse and transition issues for two years and thereafter at parole officer's discretion

with consideration of counselor's recommendation; curfew between 10:00 p.m. and 6:00 a.m. for two years and thereafter at parole officer's discretion.

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 each member of the Board has reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.

Josh Wall
Josh Wall, Chairman

March 25, 2013
Date