



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

T'SHOMBE RISE

W63968

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 12, 2019

DATE OF DECISION: May 18, 2020

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

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 a suitable candidate for parole. Parole is granted to Amos House, via Interstate Compact to Rhode Island, but not before completion of 12 months in lower security and subject to special conditions.¹

I. STATEMENT OF THE CASE

On January 21, 1998, after a jury trial in Suffolk Superior Court, T'Shombe Rise was convicted of the second-degree murder of 18-year-old Kurt Headen and sentenced to life in prison with the possibility of parole. In the same proceedings, he was also convicted of assault and battery with a dangerous weapon and possession of a firearm. He received concurrent sentences that he has since completed.

On October 7, 1994, 14-year-old T'Shombe Rise and his cousin approached Kurt Headen, who was seated in a car on Irma Street in Mattapan. (The Rise family had a history of violent interactions with Mr. Headen.) T'Shombe Rise and his cousin opened fire. Mr. Headen was shot four times in the head, killing him. Mr. Headen's friend, who was sitting with him in the car, was shot in the shoulder. T'Shombe Rise's rifle was a .30 caliber semi-automatic with a

¹ Three Board Members voted to deny parole with a two year review.

short stock, a hand grip, and a laser beam, which was recovered in November 1994, pursuant to a search warrant from T'Shombe Rise's residence in Dorchester. Mr. Rise was later indicted for the murder.

II. PAROLE HEARING ON DECEMBER 12, 2019

T'Shombre Rise, now 40-years-old, appeared before the Parole Board on December 12, 2019, for a review hearing. He was represented by Attorney Seth Orkand and Attorney Jeremy Cohn. Mr. Rise was denied parole after his initial hearing in 2010, and after his review hearing in 2015. In his opening statement to the Board, Mr. Rise apologized to the Headen family. He acknowledged his actions on the day of the murder and expressed his understanding that he cannot correct or change what happened. He has been in custody for 26 years on this sentence and admitted that, at age 14, he participated in the murder of Mr. Headen. Mr. Rise explained that he hung out with him daily, prior to the murder, and stated that there was no plan to kill Mr. Headen. Mr. Rise admitted, however, that he "unload[ed] [his] weapon" at the time of the shooting. He told the Board that he carried a firearm from time to time. Mr. Rise added that Mr. Headen shot at him, at least two times, prior to his death.

When Board Members questioned him about his childhood, Mr. Rise recalled moving back with his mother at age six. Around age nine, his mother began to relapse with alcohol and, subsequently, drugs became "part of the problem." Mr. Rise explained that his life became "dysfunctional," and that he witnessed the abuse of his mother. He told the Board that he started selling drugs at age 12. He described his difficulty in adjusting to life in an adult prison, as he grew up in an environment without family support. After 2010, he was diagnosed with anxiety and depression. Mr. Rise began counseling, which helped him to improve his behavior during incarceration. Upon questioning by the Board, Mr. Rise explained that the most difficult period of his incarceration was being denied the opportunities to mature and grow. He described in himself in 1994 as naive, hot tempered, and challenging; today, he believes that he is respectful and understanding and has acquired emotional intelligence.

Mr. Rise informed the Board of his realization, after being denied parole in 2010, that he didn't have the skills necessary for parole supervision. Mr. Rise stated that he obtained his G.E.D. and completed college classes, and that he is currently employed. In addition, he plans on furthering his education in sociology. The Board noted that, since his last hearing, Mr. Rise attended approximately 17 programs. He participated in the Restorative Justice Reading Group and is currently in the Graduate Maintenance Program. He attends counseling regularly and has benefitted in speaking with someone directly. Mr. Rise explained that over the last three years, he has gained control in dealing with authority. He told the Board that he avoids any verbal combat with correctional officers, should an issue arise. Dr. Frank DiCataldo testified in this matter, and the Board noted his report, which gave them insight as to his perspective in certain areas. The Board also noted that Mr. Rise's institutional adjustment was not unusual, given the fact of where he came from and the necessity of having to grow up while incarcerated.

Mr. Rise told the Board that through programming and education, he has completely changed; he is no longer "a work in progress," but a "progress that has worked." Mr. Rise explained that he speaks to his father and other relatives often. If paroled, he hopes to be released to the Amos House Program in Rhode Island, where he would be aided with employment, education, and housing. Mr. Rise stated that a step-down would be beneficial to

him, as it would help him adjust to freedom and reintegration. He plans to continue to engage in counseling in the community.

The Board considered oral testimony in support of parole from Mr. Rise's two friends, father, and social worker. The Board considered a letter read aloud, which was written by Mr. Headen's mother in opposition to parole.

III. DECISION

The Board is of the opinion that T'Shombe Rise has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Rise has served approximately 25 years for the murder of Kurt Headen. He appears to have benefitted from the rehabilitative treatment/program he has engaged in over the course of his incarceration. He was 14-years-old at the time of his offense. He provided a strong reentry plan and a solid support network. The Board did take into account issues presented regarding the COVID-19 pandemic. However, he needs to demonstrate that he can be successful in a lesser restrictive environment.

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 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. The Board has also considered whether risk reduction programs could effectively minimize Mr. Rise's risk of recidivism. After applying this standard to the circumstances of Mr. Rise's case, the Board is of the opinion that T'Shombe Rise is rehabilitated, and his release is compatible with the welfare of society. Mr. Rise, therefore, merits parole at this time. Parole is granted to Amos House, via Interstate Compact to Rhode Island, but not before completion of 12 months in lower security and subject to special conditions.

SPECIAL CONDITIONS: Release to other authority – Interstate Compact; Waive work for Amos House; Do not enter Dorchester/Mattapan; Must be at home between 10:00 pm and 6:00 am or at P.O. discretion; 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; Must have mental health counseling for treatment/adjustment – CBT counseling; Long Term Residential Treatment - Amos House; AA/NA – 90 meetings in 90 days; No gang association or affiliation with [named gang].

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.



Pamela Murphy, General Counsel

5/18/2020
Date