



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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Chairman

DECISION

IN THE MATTER OF

SADDIQ PALMER

W62664

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 14, 2013

DATE OF DECISION: August 12, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Josh Wall. Lucy Soto-Abbe was recused and did not participate in the case.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Palmer's request for parole to his Immigration and Customs Enforcement detainer is allowed by a unanimous decision of the Parole Board.

I. STATEMENT OF THE CASE

Saddiq Palmer appeared before the Massachusetts Parole Board on May 14, 2013, for a review hearing on the life sentence he is currently serving at MCI-Shirley for second degree murder. Parole was denied after Palmer's first hearing in 2010. An immigration detainer has been lodged against Palmer, and he has been ordered deported to Jamaica.

On May 13, 1997, Saddiq Palmer was convicted by a jury of the second-degree murder of 18-year-old Wilfredo Zabaleta in Hampden Superior Court and was sentenced to serve life in prison. He was also convicted of unlawful possession of a firearm for which received a three to five year sentence and unlawful possession of ammunition for which he received a one year sentence. These sentences were ordered to run concurrently with his life sentence and have since expired. The Massachusetts Appeals Court affirmed the convictions in an unpublished

opinion in 1999. *Commonwealth v. Palmer*, 46 Mass. App. Ct. 1126, *rev. denied*, 430 Mass. 1101 (1999).

On July 14, 1995, Saddiq Palmer, age 16, shot and killed Wilfredo Zabaleta at the intersection of White and Orange Streets in Springfield. At the time of the murder, Zabaleta was with his cousin, Isaac Reyes, who knew Palmer. While Reyes went inside a local Dairy Mart, Zabaleta crossed the street and a confrontation ensued between Palmer and Zabaleta during which Palmer pulled a gun from his waistband. At the same time, Reyes exited the Dairy Mart and shouted to Palmer, "Don't take it out on my cousin! Why don't you shoot me?" Zabaleta and Palmer faced each other and Palmer aimed the gun and fired once, striking Zabaleta in the chest. Zabaleta later died from a single gunshot wound that went through his heart and right lung, ultimately lodging in his back.

Palmer ran from the scene and hid in a closet in a nearby house where police apprehended him shortly after the incident. The police obtained a search warrant for that location and recovered five .32 caliber bullets from the closet where they had found Palmer. Those bullets were the same type as the bullet that was removed from Zabaleta's body during the autopsy.

Palmer initially lied to the police regarding his role in shooting Zabaleta. Since that time, however, Palmer readily admits that he alone shot and killed Zabaleta. He has maintained that his girlfriend lived near the location of the shooting and that, in the weeks prior to the shooting, he had been told by Latin Kings repeatedly that he was not to be in that section of the city. He states that he was not a member of any gang, but admits to associating with gang members. He states that he obtained a handgun from a friend because he needed protection as a drug dealer and out of concern for his safety due to assaults and threats by Latin King members.

Palmer has no other adult criminal cases. As a juvenile, he was found delinquent for receiving a stolen motor vehicle and possession of ammunition.

II. PAROLE HEARING ON MAY 14, 2013

This was Saddiq Palmer's second hearing before the Parole Board. After his initial hearing on May 18, 2010, the Board denied parole and noted, in part, that although Palmer had been program involved, his institutional behavior still needed improvement. His parole was denied with a three year period of review.

Palmer grew up in Jamaica living with his mother, father, and siblings. He said it was "a good family, close-knit." He reported that he was a good student with success in athletics as a child. He had two serious accidents as a child: a car struck him and he fell out of a tree. He was about eight when he fell from the tree. He reported that "I was unconscious because I hit my head; my grandmother thought I had died but I was resuscitated." Palmer recalled that the accidents left him less enthusiastic and less successful in school. Palmer presented at the hearing as if he may have some cognitive limitations, perhaps associated with one of the accidents. At age 12, he moved with his family to Springfield. He reported that "I had some issues with other kids; they made fun of my background and accent so I started skipping school." He said that "my mother did everything in her power to help me and my brother."

He explained that by age 15 he was "not going to school much and was hanging out with friends smoking marijuana." He had two juvenile delinquencies at age 15 that resulted in a DYS commitment. In one case, he was a passenger in a stolen car. In a second case, the police searched him and found a bullet in his pocket. He started selling marijuana at age 16. He said that his group of friends "were not a gang; we had white guys, Hispanic guys, American black guys, and Jamaicans." He said that "then gangs came to the neighborhood and some of the guys joined; they wanted us to join and that caused some of my problems because I didn't join." By age 16, he was also using mescaline and angel dust. He said he was using drugs the day of the murder.

At this parole hearing, Palmer demonstrated continued growth and an earnest commitment to rehabilitation. The Board noted that he had not incurred any disciplinary reports since his last hearing and that he continued to maintain an overall positive institutional adjustment. Board Members questioned Palmer at length regarding his crime, his institutional conduct, and his parole plans. Palmer's presentment revealed a young man who had grown up in prison and has used his period of incarceration to address the negative behavior that led him to commit his crime. Board Members questioned him about his initial negative institutional adjustment and the lifestyle that he was leading at the time of the crime, which included selling and using drugs.

Palmer answered Board Member's questions candidly and thoughtfully. He related to the Board that he had emigrated from Jamaica at an early age, had been a good student, and had nurturing and positive family support growing up. He explained that his negative behavior and anger was due, in part, to the difficulty he had transitioning into a different culture and the bullying he experienced in school, often being teased because of his accent and background. He did not minimize or make excuses for his behavior and admitted his youthful attraction to the streets and his early drug use. He displayed insight into the wrongfulness of his actions, stressing that he was not raised to behave in that fashion. He said, "I changed my life; as a young person I thought I knew everything; I was rebellious and that alters your perception of reality and you do things you wouldn't do as an adult."

In addition, Palmer took responsibility for his early negative institutional behavior. He explained that he was a teenager when he entered prison and had a difficult adjustment period, but has since matured and learned to deal with negative and confrontational situations. He explained that he was young and small, and that "bigger inmates pick on little guys; they took my canteen, took my sneakers," and that precipitated some of his disciplinary incidents.

Board Members noted his continued program involvement and positive trajectory. He has completed the Correctional Recovery Academy, Emotional Awareness, and Alternatives to Violence (two phases). He attends AA/NA, religious classes, and Toastmasters. He said Toastmasters was important because it helped him overcome a stutter. He obtained his GED in 2000 and recently has taken college classes. Palmer stressed his love of books and continued personal growth by immersing himself in an array of positive literature. He went on to explain that this has allowed him to develop greater insight into positive behavior. He said, "You can't have a conversation with me unless it's about education or bettering yourself."

Board Members pointed out that, in light of the immigration detainer lodged against him, he would most likely be deported to Jamaica. He appeared prepared for that outcome, relating that he had family support in Jamaica to assist him in his transition. There were five

people present in support of Palmer's parole including his mother, Lorna Brown, who gave testimony. Hampden County Assistant District Attorney Deborah Ahlstrom attended and provided information for use by the Board.

III. DECISION

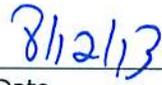
Saddiq Palmer was 16 years old at the time he committed this crime. He has been incarcerated for 18 years. Since that time, Palmer has demonstrated an earnest and sustained commitment to his rehabilitation. His continued positive institutional adjustment, program involvement, and personal growth are testament to his transformation from an angry, immature teenager to a thoughtful, contrite man who evidences a commitment to leading a positive and productive life. He has reformed himself by developing prosocial thinking and behavior. The Board concludes that the four goals of sentencing – punishment, deterrence, public protection, and rehabilitation – have been met.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, the Board is of the opinion that, in light of his successful rehabilitative efforts, Saddiq Palmer is suitable for parole.

SPECIAL CONDITIONS: Parole to ICE detainer; no drug use; no alcohol use; counseling for adjustment issues; substance abuse evaluation with requirement to follow recommended treatment; no contact with victim's family.

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.


Janis DiLoreto Noble, General Counsel


Date