



The Commonwealth of Massachusetts  
Executive Office of Public Safety



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RECORD OF DECISION

IN THE MATTER OF  
T'SHOMBE RISE

W63968

**TYPE OF HEARING:** Initial Hearing  
**DATE OF HEARING:** December 14, 2010  
**DATE OF DECISION:** September 1, 2011

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** Denied with a review in 5 years. The decision is unanimous.

T'Shombe Rise is serving a life sentence for the second degree murder of Kurt Headon, which occurred in Boston on October 7, 1994. Mr. Rise was 14 years of age when he committed the murder. Mr. Rise was convicted by a trial jury. The Rise family had a history of violent interaction with Kurt Headon. On June 15, 1994, Kurt Headon was shot six times; he survived. Kurt Headon cooperated with the police and identified Ray Rise, T'Shombe Rise's cousin, as the shooter; Ray Rise was arrested and charged with the June shooting. On October 7, 1994, T'Shombe Rise and his cousin, Levar Rise, approached Kurt Headon as Mr. Headon was seated in a car on Irma Street in Mattapan. Levar Rise opened fire with a handgun. T'Shombe Rise opened fire with a rifle. Kurt Headon was shot four times in the head. Headon's friend, Michael Hodge, who was sitting with Mr. Headon in the car, was shot in the shoulder. At the murder trial of T'Shombe Rise, the Commonwealth presented, as motive, evidence that T'Shombe Rise's cousin shot Kurt Headon six times and that Mr. Headon cooperated with the police against the cousin.

In addition to second degree murder, T'Shombe Rise was also convicted of assault and battery with a dangerous weapon (on Michael Hodge) and possession of a firearm. He has

completed his concurrent sentences on those two offenses. At a separate trial, Levar Rise was convicted of first degree murder; he died in prison, reportedly from cancer.

T'Shombe Rise's rifle was a .30 caliber semi-automatic with a short stock, a hand grip, and a laser beam. It was recovered in November 1994, pursuant to a search warrant, from T'Shombe Rise's residence at 76 Greenwood Street in Dorchester. The search warrant was connected to another shooting incident committed by T'Shombe Rise. On November 1, 1994, T'Shombe Rise fired the semi-automatic rifle into a residence at 112 Greenwood Street. The bullets entered the second floor of the residence. No one was hit. Police recovered two shell casings near a garage across the street. Ballistics testing determined that the shell casings recovered from 112 Greenwood Street shooting and shell casings recovered from the Kurt Headon murder scene were both fired from the .30 caliber rifle recovered from T'Shombe Rise's residence. Mr. Rise had a dispute with the female resident who occupied the second floor of 112 Greenwood Street; he climbed on top of a nearby garage in order to shoot into the second floor apartment. Juvenile charges against Mr. Rise related to this shooting incident were dismissed. At his parole hearing, Mr. Rise initially obscured his role in the shooting, but then acknowledged that he committed this shooting. He stated that he knew no one was home at the time he fired and he was shooting at the building without an intent to shoot inside the apartment. He was not forthcoming about the motive for the shooting. The Board expressed skepticism about Mr. Rise's claims that he thought the apartment was unoccupied and that he did not intend to shoot into the apartment.

At his parole hearing, T'Shombe Rise was remarkably uncooperative and un insightful. He refused to talk about the events and motive that led up to the murder. He was reluctant to talk about the facts of the murder. Mr. Rise's lawyer stated that none of the bullets fired by T'Shombe Rise caused injury, and that Levar Rise's bullets struck both victims. Mr. Rise asserted that he fired only to disperse crowd and that he did not "have it in me" to actually fire at the car. Mr. Rise's statement is in contrast to the trial evidence; the Appeals Court decision records that T'Shombe Rise, using a rifle, was shooting at the car where the victims sat. Board members expressed frustration with Mr. Rise's uncooperative, evasive, or incomplete responses.

T'Shombe Rise was similarly reticent about his conduct in prison and the disciplinary reports that resulted. He has many disciplinary reports, including for gang-related activity and fighting, and assaulting staff. The Department of Correction has returned him four times to a higher level of security. He had seven disciplinary reports in 2010, including for possession of a shank, possession of a broken crutch for use as a weapon, and intoxication by drinking homebrew. One report was issued the day before the hearing. Mr. Rise was especially uncooperative in providing information about that incident; he apparently tried to hide its existence until a Board member read from the report.

Mr. Rise has notable achievements in prison in the areas of education and programming. Board members recognized those achievements, but commented several times during the hearing that the programs appeared to have had little effect on Mr. Rise's conduct. Board members stated during the hearing that: "you are not using what they taught you;" "nothing has changed; you have not changed one iota" because your motivation for carrying weapons in prison and on the street is the same (to "build his reputation"). Board members were also very concerned about Mr. Rise's comments and demeanor at the hearing. Board members commented that: "you've gone back and forth in your testimony;" your testimony has been "excuses, excuses, excuses;" you have "challenged" Board members like "you challenge other authority, how can you be supervised?" Board members also expressed skepticism at Mr. Rise's claim that he did not intend to hurt anyone when he fired his rifle at the scene of the murder.

Five supporters spoke for Mr. Rise: his father, two aunts, a friend who maintains written correspondence with Mr. Rise, and Dr. Frank DiCataldo, a psychologist who did a psychological evaluation of Mr. Rise. Dr. DiCataldo concluded that Mr. Rise has an undiagnosed and untreated mental disorder which requires medication and psychotherapy. A Board member noted in the hearing that the presence of an undiagnosed and untreated major mental disorder that is worsening was not likely to help Mr. Rise's request for parole. Kurt Headon's mother spoke as an opponent of parole. She stated that her son planned to testify against Ray Rise concerning the June shooting. She informed the Board that her sons and grandsons moved out of state to avoid possible retaliation by the Rise family. Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition. He provided factual information, including evidence that when Mr. Rise fired shots into 112 Greenwood Street on November 1, 1994, he was retaliating against the occupant because she was a witness to the murder of Kurt Headon who was cooperating in the murder investigation.

Parole is denied. T'Shombe Rise has a very poor disciplinary record in prison. His institutional conduct gives little evidence of rehabilitation or amenability to supervision. Additionally, Mr. Rise minimized his culpability and evaded questions in the hearing. This is evidence that he has an incomplete understanding of his criminal behavior and its consequences. In combination, Mr. Rise's poor institutional conduct and poor performance at his parole hearing give abundant evidence that he is not rehabilitated and remains dangerous. Mr. Rise would likely re-offend if released. It is not compatible with the public welfare to parole a person who evades questions relevant to a parole decision, minimizes his criminal intent and conduct, does not understand the reasons for his criminal conduct, shows persistent signs of his inability to accept supervision or authority, and gives little evidence that prison programs have improved his attitudes, thinking, or behavior.

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

Josh Wall  
Josh Wall, Chairman

September 1, 2011  
Date