



The Commonwealth of Massachusetts
Executive Office of Public Safety



Parole Board

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

BRIAN PIRES

W38016

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: January 19, 2012

DATE OF DECISION: September 21, 2012

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

DECISION OF THE BOARD: Parole is denied with a review in three years. The decision is unanimous.

I. STATEMENT OF THE CASE

Brian Pires, at age 25, stabbed John Silva, age 28, to death just after 1:00 a.m. on August 9, 1980 in Plymouth. A dispute that began in the White Cliffs lounge resulted in Brian Pires, his brother Patrick Pires and the victim going outside of the bar to fight. During the fight, Brian Pires pulled a knife and stabbed the victim in the chest. Brian Pires was arrested the following day.

At trial, Pires was convicted of second-degree murder. The Supreme Judicial Court affirmed the conviction in 1983.

Pires' criminal record includes several prior offenses. Pires has prior convictions for assault and battery on a police officer, breaking and entering in the nighttime, and disturbing the peace. Most problematic, while under parole supervision on this life sentence, Pires was twice convicted for operating under the influence (in 2004 and 2011).

II. PAROLE HISTORY

On October 17, 1997, Pires was paroled and remained in the community working in the area of construction. In November 2000, he was placed in protective custody for drinking and received a final warning and the added conditions of substance abuse counseling and a curfew. Pires' response to these new conditions was a request to the Board for the conditions not to be imposed as he was only a "social drinker." Two years after the addition of these conditions, Pires was arrested for operating under the influence and returned to custody for five months before he was paroled again. Eight months after his return to the community, Pires was observed by a parole officer at a festival visibly intoxicated. He was returned to custody and paroled to a long term residential program after a year in custody. He completed the program.

Pires remained in the community for an additional four years working odd jobs until January 29, 2011 when he was arrested for operating under the influence and negligent operation of a vehicle. This arrest resulted in Pires' third parole violation, return to custody, and parole revocation.

III. PAROLE HEARING ON JANUARY 10, 2012

Brian Pires informed the Board that his brother Patrick stabbed Mr. Silva and that he only punched the victim. The Board reminded Pires of the facts presented at trial and the finding of no probable cause for charges to be brought against Patrick Pires.

He advised that he began drinking at the age of sixteen and recently realized he is "alcohol dependant." Pires advised that his father and "some male siblings" are alcoholics. He dropped out of school in the ninth grade and received his GED in 1985.

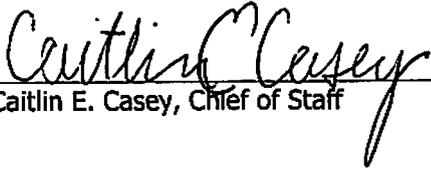
The inmate is now 57 and has been incarcerated for approximately 20 years. Since his return to custody, he began regular program participation to address his alcohol issues. He has attended AA meetings, completed the four-week introduction to treatment program, the re-entry and employment readiness workshop, and setting goals workshop. He has received 10 disciplinary reports, with the last one occurring in 1997.

Pires' uncle, brother, mother of his son, and two friends testified in support of parole. John Silva's family members and the Plymouth County District Attorney's office submitted letters in opposition to parole.

IV. DECISION

Brian Pires has a parole history marked by three prior parole failures resulting from drunkenness. Two of the failures involve the added danger of operating a motor vehicle under the influence. He now acknowledges that his alcohol drinking is problematic and requests to be paroled for the fourth time. Mr. Pires committed a murder while intoxicated and has been convicted twice of drunk driving while on parole. Despite short returns to custody and re-parole to residential treatment, Mr. Pires did not learn a lesson or change his behavior. He persisted in his stubborn, short-sighted, and dangerous refusal to address his alcohol problem. He increased the risk to community by driving under the influence. Mr. Pires needs to be removed from the community for an extended period. Re-incarceration will protect the community, hold Mr. Pires accountable, and give him the time to accept and address his serious problem. If released on parole at this time, Mr. Pires would be likely to re-offend by driving under the influence and his release is incompatible with the welfare of society. Accordingly, parole is denied. The inmate will receive his next hearing in three years which provides time for him to seriously evaluate his alcoholism and make meaningful strides towards rehabilitation.

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


Caitlin E. Casey, Chief of Staff

9/21/12
Date