The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
PAROLE BOARD
12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

JAMIE SPILLANE
W62352

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **February 2, 2016**

DATE OF DECISION: **July 6, 2016**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 20, 1997, in Essex Superior Court, Jamie Spillane was convicted by a jury of the second degree murder of Alfredo Reynoso. A sentence of life in prison, with the possibility of parole, was imposed on Mr. Spillane for the murder of Mr. Reynoso.

On February 6, 1996, Mr. Reynoso was shot in the chest while sitting inside his automobile outside a house in Lynn. After being shot, Mr. Reynoso drove his vehicle away from the scene and then crashed it into a parked automobile located down the street. A subsequent autopsy indicated that Mr. Reynoso bled to death.

One to two days before Mr. Reynoso's murder, Alfonso Prater had learned that Mr. Reynoso was in possession of two to three thousand dollars in cash. Mr. Prater received this information from his girlfriend Ethel Jones, as Mr. Reynoso had given Ms. Jones a ride home the previous day. Mr. Prater then devised a plan to rob Mr. Reynoso. As part of Mr. Prater's plan

to rob him, Ms. Jones asked Mr. Reynoso for a ride to a friend's home on the afternoon of February 5, 1996. In the meantime, Mr. Prater, Mr. Spillane, Stanley Pierrecanel, and Amaury Soriano laid in wait for Mr. Reynoso at the home of Ms. Jones' friend. All four men had planned to participate in the robbery of Mr. Reynoso and split the proceeds evenly amongst themselves.

When Mr. Reynoso arrived at the destination, Ms. Jones exited his car. Mr. Prater, Mr. Spillane, Mr. Pierrecanel, and Mr. Soriano then surrounded Mr. Reynoso's vehicle. Mr. Prater, who was armed with a gun, ordered Mr. Reynoso to exit his vehicle. Mr. Prater was pointing his gun at Mr. Reynoso in such a way that it was touching Mr. Reynoso's shoulder. Mr. Reynoso refused Mr. Prater's orders to exit his vehicle. At some point, Mr. Reynoso's vehicle jerked forward and Mr. Prater's gun discharged. Mr. Reynoso then sped away and crashed into a nearby parked car. Mr. Spillane, Mr. Pierrecanel, and Mr. Soriano ran to Mr. Pierrecanel's house, where Mr. Spillane flushed the spent shell casing from Mr. Prater's gun down the toilet. Mr. Prater and Ms. Jones went inside the apartment of Ms. Jones' friend. The following morning Ms. Jones, Mr. Prater, Mr. Spillane, Mr. Pierrecanel, and Mr. Soriano learned of Mr. Reynoso's death through a newspaper article.

II. PAROLE HEARING ON FEBRUARY 2, 2016

At the time of Mr. Reynoso's murder, Mr. Spillane was on parole from a prior offense. Mr. Spillane had been released to parole supervision on July 20, 1995, and was scheduled to be discharged from parole on October 4, 1996. On November 17, 1995, however, the Board issued a warrant for Mr. Spillane's arrest. The warrant was based on allegations that Mr. Spillane had violated the conditions of his parole. On June 19, 1998, Mr. Spillane's parole permit was provisionally revoked. On September 1, 2005, the Board affirmed the preliminary revocation of Mr. Spillane's parole permit. The warrant for the revocation of Mr. Spillane's parole permit remains active. In the event that Mr. Spillane is released on a parole permit related to his conviction for the murder of Mr. Reynoso, the warrant will require Mr. Spillane to serve the remainder of his previous sentence.

Mr. Spillane, now 39-years-old, appeared before the Parole Board on February 2, 2016 for an initial parole hearing and was represented by Student Attorney Benjamin Coleman. In Mr. Spillane's opening statement to the Board, he apologized to Mr. Reynoso's family and expressed remorse for his actions. During the course of his hearing, Mr. Spillane spoke about the night of the murder. According to Mr. Spillane, he learned of the plan to rob Mr. Reynoso shortly before the murder took place. Mr. Spillane told the Board that when he had arrived home with his girlfriend, he encountered Mr. Pierrecanel and Mr. Soriano inside the apartment that Mr. Spillane shared with his mother. Mr. Pierrecanel had also been staying in the apartment for some time and shared a bedroom with Mr. Spillane. Mr. Spillane noticed that both Mr. Pierrecanel and Mr. Soriano were wearing jackets, and he inquired as to where they were going. At this point, Mr. Pierrecanel told Mr. Spillane about Mr. Prater's plan to rob Mr. Reynoso, whom the men believed to be a drug dealer in possession of a large quantity of cash and drugs. Mr. Pierrecanel showed Mr. Spillane a revolver and explained that he and Mr. Soriano were waiting for Mr. Prater to arrive at the apartment. Mr. Spillane asked if he could go along and participate in the robbery. All four men left the apartment shortly after Mr. Prater's arrival.

On their way to the location of the robbery, the men discussed the details of Mr. Prater's plan. It was agreed that Mr. Prater would force Mr. Reynoso to exit his vehicle and to remove any valuables from his person. Mr. Spillane would simultaneously search the vehicle for additional money, drugs, and other valuables, with Mr. Prater in possession of the revolver. Upon Mr. Reynoso's arrival, all four men surrounded his vehicle. According to Mr. Spillane, he opened the passenger side door, but waited for Mr. Prater to force Mr. Reynoso to exit the vehicle before beginning to search the car. Mr. Prater pointed his revolver at Mr. Reynoso, who refused to comply with demands to exit his vehicle. As Mr. Reynoso argued with Mr. Prater, Mr. Spillane could see that Mr. Reynoso was attempting to put the car into gear. Eventually Mr. Reynoso was able to shift the vehicle into gear, causing it to jerk backwards and then forwards. Mr. Prater's gun discharged at this time.

Mr. Spillane attempted to run, but fell to the ground when his jacket became stuck on a portion of the passenger side door of Mr. Reynoso's car. Mr. Reynoso sped away, and he eventually crashed into a parked car down the street. Mr. Spillane took the gun from Mr. Prater and ran to his mother's home. Inside his mother's apartment, Mr. Spillane unloaded the revolver that Mr. Prater had used to shoot Mr. Reynoso. Mr. Spillane flushed the spent shell casing down the toilet and gave the gun and remaining live cartridges to Mr. Pierrecanel. The following morning, Mr. Spillane took the gun from the bedroom that he shared with Mr. Pierrecanel, and disposed of it in Salem upon learning that Mr. Reynoso was dead.

When questioned by the Board, Mr. Spillane addressed his behavior prior to, and during, his incarceration. According to Mr. Spillane, he engaged in extensive criminal activity as a juvenile. Mr. Spillane said that his sister had taught him to shoplift and steal at a young age. He began to engage in this behavior on a regular basis, all the way up to the date of Mr. Reynoso's murder. Mr. Spillane also reported engaging in substance abuse at a young age. He stated that he first drank alcohol at age 9, and was subsequently introduced to marijuana by his sister when he was approximately 11 or 12-years-old.

Mr. Spillane's substance abuse continued during his incarceration. Since 2008, Mr. Spillane has been involved in seven disciplinary incidents involving substance abuse. Mr. Spillane admitted to the Board that he has struggled with addiction for the entirety of his incarceration, and has abused substances such as marijuana and prescription pain killers. The Board notes that Mr. Spillane currently has an open substance abuse related disciplinary case from 2015. Mr. Spillane denied the allegations in that case, and claimed that he last abused drugs approximately 16 months prior to the date of his parole hearing. While Mr. Spillane has participated in programs such as the Correctional Recovery Academy and Alcoholics Anonymous/Narcotics Anonymous, the Board notes that he has continued to abuse drugs for the entirety of his incarceration.

The Board considered testimony from Mr. Spillane's father and girlfriend, both of whom expressed support for his release. The Board also noted the presence of friends and/or family who appeared in support of Mr. Spillane, but who did not testify. The Board received and considered testimony from Essex County Assistant District Attorney Catherine Langevin Semel, who expressed opposition to Mr. Spillane's parole.

III. DECISION

The Board is of the opinion that Mr. Spillane has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming would be beneficial to Mr. Spillane's rehabilitation.

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 forming this opinion, the Board has taken into consideration Mr. Spillane's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Spillane's risk of recidivism. After applying this standard to the circumstances of Mr. Spillane's case, the Board is of the unanimous opinion that Mr. Spillane is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Spillane's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Spillane to continue working towards his full rehabilitation.

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.

Gloriann Moroney, General Counsel

7/6/16
Date