



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

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



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

BARRY BURBANK

W38038

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 20, 2017

DATE OF DECISION: February 13, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 three years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 17, 1984, in Hampden Superior Court, Barry Burbank was found guilty of murder in the second degree and was sentenced to life in prison with the possibility of parole. On that same day, he received a concurrent sentence of 8 to 10 years for a conviction of assault and battery by means of a dangerous weapon.

On the evening of December 19, 1979, Barry Burbank shot and killed 26-year-old Daniel Coakley. Mr. Burbank also shot Mr. Coakley's brother in the leg. His brother survived the injury. That night, Mr. Burbank, then 31-years-old, attended a Christmas party at a bar in Chicopee. Mr. Burbank was asked to leave after arguing with, and shoving, an employee. As he was leaving the bar, Mr. Coakley's brother, a former employee who had witnessed the incident, assisted in removing Mr. Burbank from the bar and pushed him to the ground. Mr. Burbank then left the area with a friend, who offered to give him a ride home. His friend drove

Mr. Burbank to a house in Springfield, where they were joined by two men. The four then drove to Enfield, Connecticut, where one of the men entered an apartment building, returned 10 minutes later, and handed a revolver to Mr. Burbank. Mr. Burbank put the gun under his belt at his back. The four then drove back to the bar and, when they arrived, Mr. Burbank entered the bar alone.

Mr. Burbank and Mr. Coakley's brother exchanged words, with Mr. Burbank telling Mr. Coakley's brother that he and his friends were "going to get it." Mr. Coakley's brother responded by saying, "Outside," and followed Mr. Burbank out. After Mr. Burbank stepped outside the bar, he pulled the gun from under his coat, turned, and shot Mr. Coakley's brother in the knee. A number of people, including Daniel Coakley, then chased Mr. Burbank down an alley. Mr. Coakley, who had known Mr. Burbank, caught up to him. Mr. Coakley asked Mr. Burbank to put the gun down and leave, or return with him. In response, Mr. Burbank threatened to kill Mr. Coakley if he came near. When Mr. Coakley took a couple of steps closer, Mr. Burbank shot him. Mr. Coakley was pronounced dead soon thereafter. Mr. Burbank fled for more than nine months, until he was arrested by the Massachusetts State Police following an anonymous tip.

On or about April 5, 1990, Mr. Burbank escaped from MCI-Lancaster. On July 19, 1990, Mr. Burbank was captured by the Massachusetts State Police with a handgun in his vehicle. On December 13, 1990, in Fitchburg District Court, Mr. Burbank was sentenced to one year from and after for escape. In addition, on January 31, 1991, in Hampden Superior Court, Mr. Burbank was given one year from and after sentences for unlawful possession of a firearm and unlawful possession of ammunition.

II. PAROLE HEARING ON APRIL 20, 2017

Mr. Burbank, now 68-years-old, seeks parole from a life sentence for second degree murder, having been denied parole in 2003, 2008, and 2013.¹ If granted parole for the life sentence, Mr. Burbank would then serve three concurrent one year sentences for escape, unlawful possession of a firearm, and unlawful possession of ammunition. In his opening statement, Mr. Burbank expressed remorse for his past actions, apologized to the family of the victim, and stated that he has been trying to make amends in a "meaningful way." Mr. Burbank said that drugs and alcohol contributed to his actions, and that he is addressing his substance abuse issues by participating in Alcoholics Anonymous ("AA") and Narcotics Anonymous ("NA") on a weekly basis. During the hearing, Mr. Burbank recognized his inability to rehabilitate in the past. Until about 8 years ago, he maintained that he acted in self-defense on the night of the murder. Mr. Burbank stated that he "was not open to suggestions of reality." Mr. Burbank indicated that AA and NA, as well as the Violence Reduction Program, has helped him identify his "triggers" and how to manage them.

Mr. Burbank indicated that on the night of the murder, he left the bar with his friend after the initial altercation at the bar. His friend gave Mr. Burbank a ride to another friend's house in Springfield, where, after reflection, Mr. Burbank decided that he "didn't get treated right" at the bar, that he "paid his price for the ticket to get in," and that he wanted to go back and speak with the individual with whom he had gotten in the argument. Mr. Burbank recalled that the argument began because he believed the employee had overcharged him on a

¹ Burbank waived his initial hearing in 1996 and 1998.

previous occasion. Mr. Burbank stated that he then went to Enfield, Connecticut to pick up another friend and, at some point "a gun became involved." When the Board asked how a gun came to be involved, Mr. Burbank stated that he "can't say exactly," but that he knew his friend had a gun and that he "thinks" he told him to let him borrow it. When pressed as to whether or not Mr. Burbank's sole purpose for going to Connecticut was to obtain a gun, Mr. Burbank said that "it could have been," but that he's "not really clear on that right now." After he obtained the gun, he then returned to the bar and spoke with the individual with whom he had gotten into the altercation with. At some point, he said that Mr. Coakley's brother told him, "Let's go outside" and then grabbed Mr. Burbank by the arm. As the two were walking out of the bar, Mr. Burbank pulled the gun out and shot Mr. Coakley's brother in the leg. Mr. Burbank ran up an alleyway and onto various streets, but then tripped and fell. Daniel Coakley caught up to Mr. Burbank and an argument ensued over the gun. At some point, Mr. Burbank then shot Mr. Coakley, as well.

Mr. Burbank's institutional conduct has included five returns to higher custody and one escape. He has accrued over 30 disciplinary reports over the course of his incarceration, the last of which was issued in 2015. His disciplinary offenses include possession of a shank, conspiracy to introduce drugs into a correctional facility, and multiple reports involving possession of marijuana and homebrew. He also received multiple reports for failing to provide a urine sample. At his 2013 hearing, the Board noted that Mr. Burbank had very little program participation. Since then, he has continued to attend AA and NA, written for "The Bridge" newspaper, completed a tutor training program, and continues to tutor other inmates in computer skills. The Board noted that although Mr. Burbank's program participation since his last review hearing has increased, he has not participated in sufficient programming to address his violence, antisocial behavior, criminal thinking, victim empathy, and substance abuse issues. Mr. Burbank has worked intermittently throughout his incarceration in maintenance, furniture shop, walks and grounds, welding, plumbing, as a steamfitter, and in the kitchen.

The Board considered the testimony of Mr. Burbank's two friends and sister, all of whom expressed support for his release. The Board also considered the testimony of the victim's two sisters, niece, and son, all of whom expressed opposition to parole.

III. DECISION

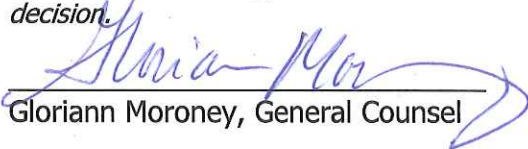
The Board is of the opinion that Barry Burbank has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Burbank needs to continue to engage in relevant programming and to continue with a positive adjustment. He minimized his culpability for many years. Mr. Burbank needs to engage in victim empathy programming. He has recently been recommended for transfer to MCI Norfolk.

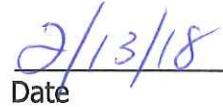
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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. Burbank'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. Burbank's risk of recidivism. After applying this standard to the circumstances of Mr. Burbank's case, the Board is of the unanimous opinion that Barry Burbank is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Burbank's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Burbank to continue working toward 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


Date