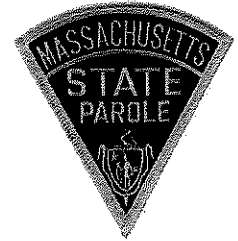


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION¹

IN THE MATTER OF

BARRY BURBANK
W38038

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **July 23, 2020**

DATE OF DECISION: **February 8, 2021**

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On May 10, 1984, in Hampden Superior Court, Barry Burbank was found guilty of the second-degree murder of 26-year-old Daniel Coakley. He was sentenced to life imprisonment 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 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.

Mr. Burbank appeared before the Parole Board for a review hearing on July 23, 2020 and was represented by Harvard PLAP Law students Chloe Warnberg and Rachel Schaub. This was Mr. Burbank's fifth appearance before the Board, having been denied in 2003, 2008, 2013, and 2017.² The entire video recording of Mr. Burbank's July 23, 2020 hearing is fully incorporated by reference to the Board's decision.

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,

¹ See, Amended Record of Decision dated February 8, 2021.

² Mr. Burbank waived his initial hearing in 1996 and 1998.

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 a suitable candidate for parole. Reserve to one year from and after sentence.³ Mr. Burbank has served nearly 41 years for the murder of Mr. Coakley. Mr. Burbank accepted the recommendations of the Board and the programs had the intended effect. Since his last hearing Mr. Burbank has maintained a positive adjustment and completed several programs to include Restorative Justice, Correctional Recovery Academy, and Alternatives to Violence. It is the opinion of the Board that Mr. Burbank is rehabilitated and his release is not incompatible with the welfare of society.

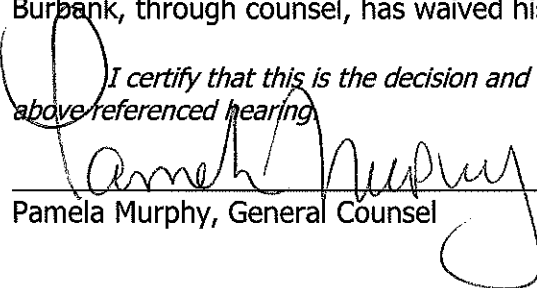
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society."

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 appropriately high standard to the circumstances of Mr. Burbank's case, the Board is of the unanimous opinion that Mr. Burbank is rehabilitated and merits parole at this time.


SPECIAL CONDITIONS: Reserve to his from and after sentence of one year from and after; supervise for drugs, testing in accordance with agency policy; supervise for liquor abstinence, testing in accordance with agency policy; adhere to the rules and regulations of the institution, maintain program compliance and remain disciplinary report free.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Burbank, through counsel, has waived his right to a full administrative decision.

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



Pamela Murphy, General Counsel



Date

³ See Amended Record of Decision for the revised decision of the Board in response to William Dinkins & Another v. Massachusetts Parole Board, 486 Mass. 605 (2021).