



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

BARRY LORING
W39889

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 28, 2015

DATE OF DECISION: September 10, 2015

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, 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, 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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 6, 1995, in Hampshire Superior Court, Barry Loring pleaded guilty to second degree murder in the shooting death of Don Maynard. Loring was sentenced to life in prison with the possibility of parole after serving 15 years. Loring's co-defendant, Julie Pike, was convicted of second degree murder on November 2, 1995, after a jury trial in Hampshire Superior Court.¹ Loring testified against Pike at her trial, saying that Pike was the one who had the gun and shot the victim.

A summary of the facts of the governing offense is as follows: Barry Loring met Julie Pike sometime in 1994. The two became romantically involved and traveled the country, where Pike worked as a prostitute to supplement their income. In September 1994, the two returned

¹ Pike is currently incarcerated at the South Middlesex Pre-Release Center. She received a parole reserve date, following her second parole hearing before the Board in December 2014.

to the Greenfield area with no money and no prospects of employment. Pike was approximately seven months pregnant with their child. The homeless couple lived in the woods and Pike solicited food and supplies from local residents. On September 23, Pike, age 25, and Loring, age 31, broke into the home of Don Maynard while he was at work. While the two were still in the house, Mr. Maynard, age 54, returned home and was shot in the back of the head (it is unclear as to who actually shot Mr. Maynard, as Pike and Loring blame each other for shooting the victim).² Pike and Loring removed the body and cleaned up the scene. They dumped the body of Mr. Maynard down an embankment in Vermont. Both fled to California after pawning some of Mr. Maynard's possessions. The couple was later apprehended in California and brought back to Massachusetts to answer to the charges of murdering Mr. Maynard.

II. PAROLE HEARING ON JULY 28, 2015

Barry Loring appeared before the Massachusetts Parole Board for his initial hearing on July 28, 2015, and was represented by Attorney Russell Sobelman.³ Loring is currently 51-years-old and is incarcerated at John J. Moran Medium Security Prison in Rhode Island. He has been in a Rhode Island facility since 1997, after developing enemy issues that arose from drug involvement at a Massachusetts Department of Correction facility.

Attorney Sobelman told the Board that Loring completed only one program (Peaceful Solutions) during his incarceration due to Rhode Island's rule that only allows inmates within two years of their release date to be eligible for programming. Despite Loring's lack of programming, Attorney Sobelman noted that Loring has maintained steady employment while incarcerated. The Board noted that Loring has been in Rhode Island for well over a decade and asked him if he had ever requested to return to the Massachusetts Department of Correction (in order to receive additional programming). Loring originally testified that he had not made this request. Later in the hearing, however, Loring said that he had requested a transfer back to Massachusetts every six months. The Board also asked Loring if he thought he was rehabilitated. Loring replied, "Absolutely not" and said that he needed to learn more job skills. He indicated that he did not participate in programs while incarcerated in Massachusetts and has been unable to participate in any further programming in Rhode Island.

When describing the circumstances of the murder of Mr. Maynard, Loring testified that he and Julie Pike had returned to Massachusetts from California and needed money. He said that he had entered Mr. Maynard's home and stolen items from him in the past and that it was his idea to enter Mr. Maynard's home on the day of the murder. Loring said that Mr. Maynard entered the home while he and Pike were still there. A struggle ensued between Mr. Maynard

² At trial, the Commonwealth proceeded with both principal and joint venture theories of murder and the jury was instructed on both theories. Pike was convicted of second degree murder, but the verdict slip did not specify under which theory. After an evidentiary hearing on Pike's motion for a new trial, the Superior Court made no findings as to who pulled the trigger, stating only that the victim was shot. On Pike's direct appeal, the Supreme Judicial Court found that the jury could have inferred that Loring had lied to protect himself in testifying that Pike shot the victim. Finally, the United States District Court declined to make any findings as to what happened inside the victim's house.

³ Loring was eligible for his initial parole hearing in 2010, but he voluntarily postponed his hearing because he felt unprepared.

and Loring in the kitchen. While they were struggling, Loring testified that Pike took a gun that was sitting on the kitchen table and shot Mr. Maynard in the head. Loring said that he and Pike then cleaned the home together, put the body into the trunk of a car that was in the garage, went to a store to buy cigarettes, and drove to Vermont, where they disposed of the body. They eventually used Mr. Maynard's credit card to purchase plane tickets and travel to California, where they were apprehended several weeks later. Loring insisted that Pike's version of the offense was not true.

Parole Board Members questioned Loring extensively about the nature of his relationship with Pike. Loring adamantly denied all Pike's allegations that he was abusive and violent to her throughout their relationship. Loring also denied allegations that he forced Pike to work as a prostitute. When asked about specific alleged incidents, Loring testified that they were "all lies." One Board Member confronted Loring regarding his denial of any history of domestic violence. This Board member asked Loring to explain the many reports of his controlling behavior both in the community, and even within the department of corrections. While he acknowledged that he knew that there were reports that he had threatened while both being held at the same facility, he denied that any such reports were accurate. This Board Member continued to provide details included in corrections and law enforcement reports which depicted him as a dangerous and abusive person, and asked Loring to explain why such information would be reported. While Loring could not explain why such details were reported, he continued to emphatically deny that he was ever abusive to Pike or anyone else. Loring was also asked why he was questioned about the disappearance of a former girlfriend, Amy Lovely, and what did he think happened to her. Loring replied by stating that he believed Ms. Lovely was in Jamaica and that he had nothing to do with her disappearance.

Loring stated that he was very sorry for his participation in the murder of Mr. Maynard. Loring acknowledged that he knew Mr. Maynard, and that Mr. Maynard was always nice to him. When asked why Loring continued to target Mr. Maynard, knowing that he was a good person, Loring responded by stating that it was "stupidity" and that Mr. Maynard likely felt "rotten" each time Loring broke into his home. Loring reiterated that he did not expect to be paroled. He stated that he understood that he needed to actively pursue his rehabilitation. Loring provided conflicting testimony at times as to how he would achieve such rehabilitation, but he listened to Board Member suggestions.

There were no people in support of parole at the hearing. Loring testified that he "burned all my bridges" and does not have friends or contact with his family. Further, he has no support network outside of prison.

There were five individuals who spoke in opposition to Loring's parole. The victim's sister expressed her extreme dissatisfaction with the positive parole decision for Loring's co-defendant, Julie Pike. She also testified that her family has struggled daily since the murder, and that Mr. Maynard was an innocent victim. The victim's brother spoke in opposition and read a statement written by the victim's son that highlighted the devastation that the murder caused the family. Hampshire County Assistant District Attorney Cynthia Von Flatern spoke and cited Loring's long criminal history, continued victimization of Mr. Maynard, lack of programming, and lack of a parole plan as reasons why he is a "recipe for disaster," if paroled. Retired Massachusetts State Police Trooper Paul Palazzo and former Greenfield Police Chief David Guilbault also spoke in opposition to Loring's parole.

Attorney Sobelman provided a closing statement and indicated that Loring has made progress while incarcerated through his life experiences. He acknowledged that Loring is not anticipating a positive parole vote and would benefit from a transfer to the Massachusetts Department of Correction, where he can become involved in programming, counseling, and institutional work.

III. DECISION

Loring and his co-defendant, Julie Pike, murdered Don Maynard in 1994. Due to the drastically different versions of the offense from Loring and Pike, there continues to be questions regarding the exact facts of the case. The Parole Board focused on the factors that are most relevant to the legal standard for obtaining a positive parole vote. Loring is currently serving his sentence in a Rhode Island facility due to a history with enemy issues within the Massachusetts Department of Corrections. He has not engaged in any meaningful programming, and it remains unclear due to contradictory statements that Loring has made as to whether he is invested in working toward his rehabilitation. Despite his awareness of the program policies at the Rhode Island Department of Correction, Loring made no attempt to get classified back to a Massachusetts institution where he could pursue rehabilitative, educational, and vocational programs. During the course of the hearing, Loring admitted that he has not been rehabilitated. Board Members made suggestions as to how he may pursue a path of rehabilitation, and what concerns the Parole Board has with regards to his risks and needs.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Barry Loring does not merit parole at this time. The review will be in five years, during which time Loring should be more proactive in pursuing his 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.


Michael J. Callahan, General Counsel

September 10, 2015
Date