



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Chair

DECISION

IN THE MATTER OF

CHARLES BYRD

W80358

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **December 4, 2018**

DATE OF DECISION: **October 1, 2019**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe,¹ Paul Treseler

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 29, 2002, in Middlesex Superior Court, Charles Byrd pleaded guilty to the second degree murder of Joseph Alemesis and the unlawful possession of a firearm. He was sentenced to life in prison with the possibility of parole for the murder of Mr. Alemesis. On that same date, Mr. Byrd was also sentenced to a prison term of not more than 5 years, and not less than 4 years, for the conviction of unlawful possession of a firearm.

On February 2, 2001, at approximately 2:00 p.m., Mr. Byrd and a group of male associates drove to the home of Mr. Alemesis for the purpose of collecting a drug debt. Prior to their arrival, one of the men provided Mr. Byrd with a loaded pistol. When Mr. Alemesis met Mr. Byrd at the front door of his home, Mr. Byrd attempted various ruses to gain entry. Eventually, Mr. Byrd (alone) was admitted into the home after requesting permission to use the

¹ Board Member Soto-Abbe was no longer a Board Member at time of vote.

bathroom. Immediately after exiting the bathroom, Mr. Byrd removed the pistol from his waistband and shot Mr. Alemesis once between the eyes, killing him. Mr. Byrd ran from the home to the car his friends were waiting in, and spent the rest of the afternoon and evening attempting to dispose of his clothing and the firearm. He was arrested in the early morning hours of February 3, 2001, at the Bedford Hotel.

II. PAROLE HEARING ON DECEMBER 4, 2018

Charles Byrd, now 36-years old, appeared before the Parole Board on December 4, 2018, and was not represented by counsel. Mr. Byrd had been denied parole after his initial hearing in 2015. In his opening statement to the Board, Mr. Byrd expressed his remorse for taking the life of Mr. Alemesis. He explained how his criminal behavior leading up to, and including, the murder of Mr. Alemesis affected so many people. He also discussed some of the challenges he faced since his last hearing and how he has overcome them.

In discussing the governing offense, Mr. Byrd did not dispute the facts of the case. He went into Mr. Alemesis' house with the sole intent of killing him because, a couple of weeks prior to the offense, Mr. Alemesis sold him 50 bags of heroin, 40 bags of which contained cut up paper. Mr. Byrd explained how he became increasingly agitated after several phone calls to Mr. Alemesis went unanswered. On February 2, 2001, with the intent to collect a debt, Mr. Byrd's co-defendant provided Mr. Byrd with a firearm. Once Mr. Byrd had the firearm in hand, he formed the plan to kill Mr. Alemesis. After he manipulated his way into the house, Mr. Byrd proceeded to the bathroom, encountered Mr. Alemesis in the hallway, and shot him at point blank range. Mr. Byrd claims that he was angry at the time and sought revenge without thinking of the consequences.

The Board discussed Mr. Byrd's institutional adjustment since his last hearing. Mr. Byrd is currently incarcerated at MCI-Shirley, where he works as a unit runner. In April 2017, he ingested narcotics and subsequently overdosed, resulting in a disciplinary infraction. During the hearing, Mr. Byrd disclosed that he had been suffering from depression due to family conflicts and the death of his brother. He relapsed after feeling a sense of hopelessness, consuming homebrew and using synthetic marijuana over a four month period. After being released from the Special Management Unit (SMU), Mr. Byrd states that he was able to re-engage in his rehabilitation and further address the root of his problems. Since his hearing in 2015, Mr. Byrd completed several programs, including: Alternatives to Violence (AVP) (several phases), Serv Safe, Occupational Safety and Health Administration training (OSHA), and Cognitive Skills. He attends General Maintenance Programming (GMP), Toastmasters, Men's Group, and Muslim services on a weekly basis. Mr. Byrd discussed how these programs have provided him with an opportunity to heal emotionally, deal with depression, and identify the triggers that led to his relapse after years of sobriety.

Middlesex County Assistant District Attorney Clarence Brown spoke in opposition to parole and provided a written statement, as well.

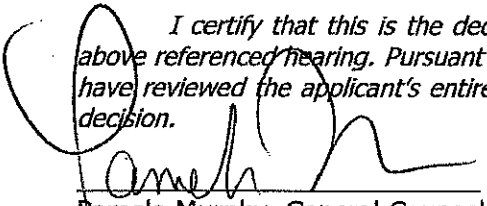
III. DECISION

It is the opinion of the Board that Mr. Byrd has yet to demonstrate that he has been rehabilitated. He should continue to re-engage in his recovery within the institution. Release does not meet the legal standard. A longer period of positive adjustment and program involvement is needed.

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

Mr. Byrd'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. Byrd 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.


Pamela Murphy, General Counsel

10/1/2019
Date