



*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

IN THE MATTER OF

CHARLES BYRD

W80358

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **December 7, 2021**

DATE OF DECISION: **March 14, 2022**

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

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 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 in which his friends were waiting 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.

Charles Byrd, now 40-years old, appeared before the Parole Board, and was represented by law students Diana Howat and Gabriella Capocelli of Northeastern University School of Law. Mr. Byrd had been denied parole after his initial hearing in 2015 and after his review hearing in

2018. The entire video recording of Mr. Byrd's December 7, 2021 hearing is fully incorporated by reference to the Board's decision.

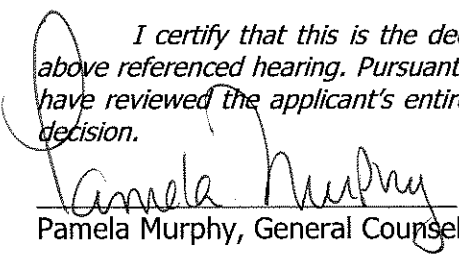
DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to Dismas House after successful completion of six months in lower security.

On February 2, 2001, Mr. Byrd shot and killed 27-year-old Joseph Alemesis following a dispute over drugs. Mr. Byrd was 18-years-old at the time of the offense. He was denied [parole] in 2015 and accepted recommendations provided by the Board. He has completed various programs to include the Restorative Justice Retreat, [as well as] addictions and violence prevention programming. He has also invested in his education through Boston College, Mount Wachusett Community College and Boston University. He has strong support and re-entry plan. His presentation demonstrated continued growth and maturity since his last hearing.

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 appropriately high standard to the circumstances of Mr. Byrd's case, the Board is of the unanimous opinion that Charles Byrd is rehabilitated and merits parole after successful completion of six months in lower security.

SPECIAL CONDITIONS: After successful completion of six months in lower security, reserve to Dismas House (must complete); Waive work for two weeks or LTRP; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have counseling for past trauma; Must have mental health counseling for adjustment/transition; AA/NA at least three times per week; Mandatory Sponsor.

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

3/14/2022
Date