



**Charles D. Baker**  
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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**Paul M. Treseler**  
Chairperson

**Michael J. Callahan**  
Executive Director

**DECISION**

**IN THE MATTER OF**

**CHRISTOPHER PINA**

**W31725**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** January 24, 2017

**DATE OF DECISION:** July 31, 2017

**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 that the inmate is not a suitable candidate for parole.<sup>1</sup> Parole is denied with a review hearing scheduled in one year from the date of the hearing.

**I. STATEMENT OF THE CASE**

On May 27, 1968, in Plymouth County Superior Court, Christopher Pina pled guilty to the second degree murder of Joseph Sheerin. He was sentenced to life in prison with the possibility of parole. That same day, he also received a 15 to 25 year concurrent sentence for robbery, and an 8 to 10 year concurrent sentence for kidnapping.<sup>2</sup> Mr. Pina's co-defendant, Edward Leate, also pled guilty to second degree murder, robbery, and kidnapping.

<sup>1</sup> The Parole Board's decision was split. Three Board Members voted to deny Mr. Pina parole with a review hearing in three years from the date of the hearing. Three Board Members voted to reserve Mr. Pina to the Gavin House Program with special conditions.

<sup>2</sup> On October 1, 1975, Governor Dukakis commuted Mr. Pina's sentence to 15 years to life, resulting in the advancement of his parole eligibility date to November 27, 1977.

On November 25, 1967, Mr. Pina and his co-defendant, Edward Leate, needed money and decided to commit a robbery. Both men attacked Mr. Sheerin after he left a bar in Scituate. After beating Mr. Sheerin, Mr. Pina and Mr. Leate stole his wallet and fled the scene in a car that belonged to Mr. Leate's brother. Mr. Sheerin was still alive at the time Mr. Pina and Mr. Leate left him. Mr. Pina and Mr. Leate, however, returned to the scene after discovering that Mr. Sheerin's wallet did not contain any money. Both men resumed attacking Mr. Sheerin, eventually throwing him into the backseat of his own car. After driving Mr. Sheerin's car to a secluded location, Mr. Pina and Mr. Leate dumped him on the side of the road. A small amount of money was stolen from Mr. Sheerin's pocket. In addition to stealing the car itself, Mr. Pina and Mr. Leate also took an additional \$400 from inside Mr. Sheerin's car. Mr. Sheerin (who was still alive at the time) was suffering from massive hemorrhaging caused by blunt force trauma injuries to his head, face, and chest. He eventually succumbed to his injuries. His body was not discovered until approximately two days after the attack.

Aside from the murder, Mr. Pina's criminal record also includes a 1977 conviction for an assault and battery on a correctional officer and three counts of assault and battery by means of a dangerous weapon, which resulted in a one year sentence from and after his life sentence.

## **II. PAROLE HEARING ON JANUARY 24, 2017**

Mr. Pina, now 68-years-old, appeared before the Parole Board on January 24, 2017, for a review hearing and was represented by Attorney John Rull. Mr. Pina was first paroled on November 21, 1979, following his initial hearing. He remained in the community for seven years before being returned to custody in 1986 for an arrest involving several gun charges. On October 3, 1988, Mr. Pina was released again on parole after a review hearing. On July 2, 1989, however, he was arrested on charges of operating under the influence of alcohol, as well as mayhem (which was reduced to assault and battery). Revocation was affirmed in April 1990. The cases were subsequently nol prossed. Mr. Pina was then denied parole after his July 1990 review hearing. He remained in custody until February 14, 1992, when he was paroled for a third time following a review hearing. Mr. Pina remained on parole until March 23, 1998, when he was arrested and charged with aggravated rape, assault and battery by means of a dangerous weapon, and threats. Mr. Pina's parole was revoked and he was returned to custody, where he has remained for the past 18 years. Mr. Pina stood trial and was acquitted on all charges. Mr. Pina has appeared before the Board for review hearings in 2001, 2002, 2007, 2008, and 2012, all of which have resulted in the denial of parole.

In Mr. Pina's opening statement to the Board, he apologized for the murder of Mr. Sheerin and expressed his remorse. Mr. Pina told the Board that he has been full of shame for the past 50 years, as a result of his actions on the night of Mr. Sheerin's death. He stated that the Sheerin family has forgiven him, and he expressed thankfulness for that. During the hearing, Mr. Pina addressed his institutional behavior. Specifically, Mr. Pina was questioned about a 1977 incident, when he and other inmates attacked a corrections officer that resulted in a one year sentence. According to Mr. Pina, the incident occurred when he came to the defense of another inmate that an officer was choking. Mr. Pina admitted to striking the officer, but claimed to be acting in defense of the inmate. When confronted with the accusation that he had slashed the officer's throat with a dangerous weapon, Mr. Pina denied having done so, telling the Board that there was no dangerous weapon involved in the incident.



During the hearing, Mr. Pina addressed his prior history on parole. Mr. Pina admitted that he had been using alcohol regularly during his first release on parole. According to Mr. Pina, he was working a large amount of hours (between two different jobs), and he liked to drink with co-workers. Mr. Pina acknowledged that this was a mistake. When asked to address the extent of his culpability related to his 1986 arrest on firearms charges, Mr. Pina denied having any knowledge or possession of the firearms involved in the incident. Mr. Pina claimed he was not involved in any illegal activity and, further, challenged the veracity of the evidence and witness statements brought against him in that case. Mr. Pina did admit, however, that he had been under the influence of alcohol during this incident.

Similar to his first release on parole, Mr. Pina admitted to regularly consuming alcohol during his second release on parole. When asked to address his 1989 arrest for operating under the influence of alcohol and mayhem (which was reduced to assault and battery), Mr. Pina told the Board that he had not been drinking at the time of his arrest, nor was he the operator of the motor vehicle involved in the incident. When confronted with past admissions he made to the Board regarding this specific incident (in previous hearings), Mr. Pina denied having made the admissions and claimed the confusion stemmed from the manner in which he explained the event. Mr. Pina claimed his girlfriend, at the time, was driving his car and that she was intoxicated.

Mr. Pina denied drinking at all during his third release on parole and told the Board that he felt he was doing well during this time. Mr. Pina addressed his arrest and subsequent trial for aggravated rape, for which he was ultimately found not guilty. According to Mr. Pina, the woman who accused him of rape had been a non-serious girlfriend who was also a heavy drinker. He said that he had attempted to help the woman by getting her into counseling, but that his efforts were ultimately unsuccessful. When asked to address the accusations of domestic violence made by the woman's family, Mr. Pina acknowledged having had arguments with her, but adamantly denied any physical abuse.

During the hearing, Mr. Pina discussed his alcoholism with the Board. Mr. Pina told the Board that he always knew he had a drinking problem, but that he did not consider himself an alcoholic until he was returned to custody, following his third release on parole. During this time, he became involved in programming. Mr. Pina cited Alcoholics Anonymous (AA), Big Book, the Correctional Recovery Academy, and Jericho Circle as being programs that were significant to him. According to Mr. Pina, interacting with other inmates in these programs was extremely beneficial. Mr. Pina admitted that his prior involvement in programming had really just been to satisfy his parole officers. Mr. Pina also told the Board that he is currently employed as a welder in the metal shop, where he has worked for several years, and consistently attends substance abuse programming. Mr. Pina also discussed his extensive support network and the gratefulness and appreciation he feels towards his friends and family.

The Board considered oral testimony from Mr. Pina's sister, niece, friends, and William Ostiguy (Chairman of the Gavin House Board of Directors), all of whom expressed support for Mr. Pina's parole. The Board considered testimony from the complaining witness in Mr. Pina's 1998 arrest, and subsequent criminal trial for aggravated rape, who testified in opposition to parole. Plymouth County Assistant District Attorney Stacey Gauthier offered testimony in opposition to parole.

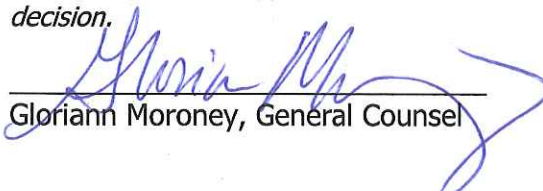
### III. DECISION

The Board is of the opinion that Mr. Pina exhibits little appreciation for the seriousness of his conduct while on parole. Three prior parole failures indicate that Mr. Pina has not demonstrated a level of rehabilitative progress that would make his release compatible 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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Pina'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. Pina's risk of recidivism. After applying this standard to the circumstances of Mr. Pina's case, the Board is of the opinion that Pina is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Pina's next appearance before the Board will take place in one year from the date of this hearing. During the interim, the Board encourages Mr. Pina 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.*

  
Gloriann Moroney, General Counsel

7/31/17  
Date