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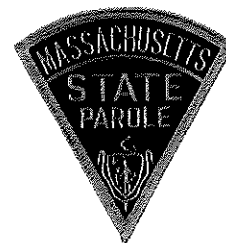
*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**Tina M. Hurley**  
*Chair*

**Lian Hogan**  
*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**DANIEL MCNAIR**  
**W84103**

**TYPE OF HEARING:**            **Review Hearing**

**DATE OF HEARING:**        **July 11, 2024**

**DATE OF DECISION:**       **October 23, 2024**

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman,<sup>1</sup> Sarah B. Coughlin, Tina M. Hurley,<sup>2</sup> James Kelcourse, Rafael Ortiz

**VOTE:** Parole is granted to an approved home plan 2 weeks from date of issuance of Decision.<sup>3</sup>

**PROCEDURAL HISTORY:** On August 24, 2004, in Hampden Superior Court, Daniel McNair pleaded guilty to second-degree murder for the death of 64-year-old James McCants. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. McNair pleaded guilty to armed assault with intent to murder in the stabbing of a 44-year-old woman, for which he received a concurrent sentence of 18 to 19 years, as well as assault and battery with a dangerous weapon causing serious bodily injury, for which he received a concurrent sentence of 9 to 10 years. Parole was denied following an initial hearing in 2019. On July 11, 2024, Daniel McNair appeared before the Board for a review hearing. He was not represented by an attorney. The Board's decision fully incorporates by reference the entire video recording of Daniel McNair's July 11, 2024 hearing.

**STATEMENT OF THE CASE:** On December 15, 2002, at approximately 4:14 a.m., Springfield police responded to an apartment building for a report of a disturbance involving an injured person. Upon arrival, officers located a woman, covered in blood and suffering from numerous stab wounds to her body. A witness reported to police that the woman told him that "Bam Bam"

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<sup>1</sup> Board Member Coleman was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

<sup>2</sup> Chair Hurley was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

<sup>3</sup> Three Board Members voted to deny parole with a review in 2 years from the date of the hearing.

beat up James McCants and then stabbed her, as well. The female victim was transported to the hospital, where she was treated for 18 separate stab wounds to her back and neck area, resulting in a punctured right lung and a fractured right rib. She survived.

Additional witnesses informed police that there was a large pool of blood inside one of the apartments. Officers observed blood on the handle of an apartment door and entered through a window, whereupon they observed a trail of blood leading from the kitchen to the living room. They discovered the lifeless body of Mr. McCants, slumped in a chair in the living room. An autopsy of Mr. McCants revealed that he suffered approximately 20 stab wounds to his face, chest, abdomen, left arm, and back, resulting in his death. Meanwhile, officers observed suspicious movement in a van parked near the apartment building. Mr. McNair (age 38) was found hiding in the rear of the van. As Mr. McNair was being brought out of the parked van into the street, the female victim was simultaneously being removed from the apartment by paramedics. The female victim said to police officers, "That's him, that's 'Bam Bam,' he's the one who stabbed us," pointing at Mr. McNair and identifying him as the assailant. A witness also made a positive identification of Mr. McNair as the person he knew as "Bam Bam."

**APPLICABLE STANDARD:** Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

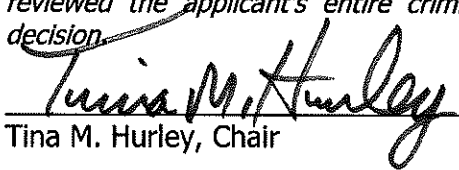
**DECISION OF THE BOARD:** Mr. McNair is before the Board after a denial in 2019. He is currently employed in the clothing shop. He is a member of the Lifer's Group, the African American Coalition committee, the Veterans Group, and is actively involved in religious services and studies. He has completed Alternatives to Violence among other programs. Since the last hearing, he has demonstrated he can manage difficult situations. He has multiple medical conditions. He scores as low risk on the LS/CMI risk assessment tool. He provided a parole plan which reflects an employment plan and a residential plan. Hampden County Assistant District Attorney Michael Julian testified in opposition to parole. Three members of victim James McCants' family and one member of the female victim's family testified in opposition to parole, as well.

The Board concludes that Daniel McNair has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

**SPECIAL CONDITIONS:** Release to Interstate Compact -New York; Waive work for 2 weeks; Must be at home between 10 PM and 6 AM at Parole Officer's Discretion; Electronic Monitoring at Parole Officer's discretion; Must take prescribed medication, if prescribed; Supervise for drugs; testing in accordance with Agency policy; Supervise for liquor abstinence; testing in accordance

with Agency policy; Report to assigned New York Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and must follow recommendations; Counseling for transition issues and depressive disorder.

*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.*

  
Tina M. Hurley, Chair

  
Date