

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



**PAROLE BOARD**

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**DECISION**

**IN THE MATTER OF**

**DANIEL MCNAIR**

**W84103**

**TYPE OF HEARING:** **Initial Hearing**

**DATE OF HEARING:** **July 18, 2019**

**DATE OF DECISION:** **June 11, 2020**

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

**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 five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On August 25, 2004, in Hampden County Superior Court, Daniel McNair pleaded guilty to second-degree murder in 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 also 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.

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" 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, 38-years-old, 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 to 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."

## **II. PAROLE HEARING ON JULY 18, 2019**

Daniel McNair, now 55-years-old, appeared before the Parole Board on July 18, 2019, for an initial hearing. He was not represented by an attorney. Mr. McNair detailed a difficult childhood, marked by physical abuse, where he ended up living on the streets at age 10. He was homeless for approximately five years, during which time he engaged in petty crimes and sold drugs "to stay warm." Mr. McNair told the Board that he was never a violent person, but rather, a "foolish" young man, who fell in with the wrong crowd. Mr. McNair took responsibility for his lengthy criminal history, stating that his behavior was his own choice.

When Board Members asked him to detail the events leading up to the murder, Mr. McNair explained that he was neighbors with the female victim and Mr. McCants and had known them for about eight months. They were acquaintances with whom he had no prior issues. On the evening of the murder, Mr. McNair was having trouble sleeping and decided to visit the woman's apartment. He intended to ask her for money for clothing he had bought her. Although the conversation started out as friendly, it escalated into a verbal argument. Mr. McNair was unable to fully explain to the Board as to what caused the verbal argument to turn physical, stating that he did not know "how it went from 'A' to 'B'." He admitted to stabbing and choking the woman, as well as stabbing Mr. McCants, when he attempted to intervene. The Board noted that although Mr. McNair had a lengthy criminal history, the attacks on Mr. McCants and the female victim were the only acts of violence with which he had ever been charged. Mr. McNair told the Board that he did not "know where the rage came from," as he had never done "anything like that before." Board Members told Mr. McNair that they struggled with how such a brutal attack occurred with seemingly no provocation. Mr. McNair admitted that he did not understand why he reacted to a relatively calm situation with such intense violence.

The Board raised concerns that Mr. McNair could commit a similar act of violence again, particularly as he did not know what caused him to attack Mr. McCants and the female victim. Mr. McNair denied that he would hurt anyone again, explaining that he is a "man of God," who wants to help the community. Mr. McNair credited his lack of disciplinary infractions throughout his incarceration to surrounding himself with positive people and his faith. Mr. McNair "fully

realized" what he had done in 2005, and began to tell his story in groups, acknowledging how he had taken "joy and peace" from his victims, their families, and the community. The Board noted that Mr. McNair served on the Inmate Council and has completed Jericho Circle, Restorative Justice, Able Minds, and Cognitive Thinking.

Mr. McCants' sister, two daughters, and grandson testified in opposition to parole.

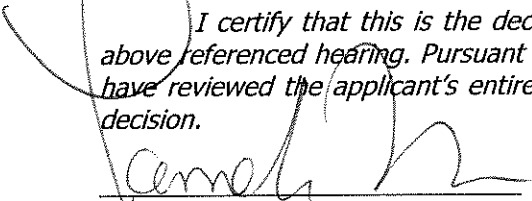
### **III. DECISION**

The Board is of the opinion that Daniel McNair has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. McNair has served 15 years for the brutal murder of James McCants and serious bodily injury of a female victim. Although he has engaged in treatment and programming, he appears to lack insight as to his criminal culpability. He has an extensive criminal history. Mr. McNair's presentment was devoid of rehabilitation and readiness. He would benefit from additional programming to address criminal thinking and victim empathy.

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. McNair'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. McNair's risk of recidivism. After applying this standard to the circumstances of Mr. McNair's case, the Board is of the unanimous opinion that Daniel McNair is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. McNair's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages him 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

6/11/2020  
Date