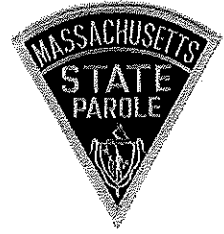




The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Chair

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Executive Director

RECORD OF DECISION

IN THE MATTER OF
JAMES BARNES
W47856

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **April 7, 2022**

DATE OF DECISION: **July 5, 2022**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

STATEMENT OF THE CASE: On January 29, 1990, in Suffolk Superior Court, James Barnes pleaded guilty to the second-degree murder of Samuel Hernandez and received a life sentence with the possibility of parole. On that same date, Mr. Barnes received additional concurrent sentences of two to five years for unlawful possession of a firearm, and four to seven years for two counts of armed robbery.²

Mr. Barnes appeared before the Parole Board for a review hearing on April 7, 2022. He was not represented by counsel. This was Mr. Barnes' sixth appearance before the Board having been denied in 2004, 2009, 2010, 2015 and 2020. The entire video recording of Mr. Barnes' April 7, 2022, 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 a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to Community Resources for Justice – Transitional Housing for a minimum of three months after six months in lower security. On May 19, 1989, 25-year-old James Barnes shot and killed 18-year-old Samuel Hernandez. He has been incarcerated for approximately 33 years. Since his last hearing, he accepted the Board's recommendations and further invested in

¹ Chair Moroney was recused.

² All concurrent sentences have since expired.

his rehabilitation. He completed Criminal Thinking, Violence Reduction, and the General Maintenance Program. He maintains a trusted position as a companion in the health services unit. He has remained disciplinary report free. He has addressed the Board's concerns. The Board notes that he is in touch with multiple family members. He will benefit from a gradual transition to aid his reintegration.

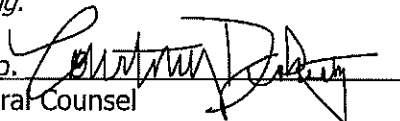
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society."

In forming this opinion, the Board has taken into consideration Mr. Barnes' 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. Barnes' risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Barnes' case, the Board is of the opinion that Mr. Barnes is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Community Resources for Justice – Transitional Housing for a minimum of six months; Waive work for two weeks; Curfew 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 a substance abuse evaluation – adhere to plan; Must have mental health counseling for adjustment/transition; AA/NA at least 3 times/week.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.

/s/ Pamela Murphy p.p.
Pamela Murphy, General Counsel



7/5/22
Date