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PAROLE BOARD

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Tina M. Hurley
Chair

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Acting Executive Director

RECORD OF DECISION

IN THE MATTER OF

JAMES BING
W94145

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **November 7, 2023**

DATE OF DECISION: **January 4, 2024**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

STATEMENT OF THE CASE: On April 1, 2009, in Plymouth Superior Court, James Bing pleaded guilty to the second-degree murder of Jody Martyniak and was sentenced to life in prison with the possibility of parole.

On January 19, 2006, 19-year-old James Bing stabbed Jody Martyniak (age 27) to death. At approximately 1:53 a.m., Bridgewater police were dispatched to Our Place Saloon. Upon arrival, responding officers saw Mr. Martyniak on the ground, bleeding badly from stab wounds to the head and chest. Mr. Martyniak was taken to the hospital, where he succumbed to his injuries.

Bridgewater police also received a report of a man with cut fingers at the Cumberland Farms on Main Street. Upon arrival, they found two males standing in front of the store. One of the men, identified as James Bing, approached police. He stated that he had a bad cut and that one of his fingers had been cut off. When the officers asked what happened, Mr. Bing stated, "I was shanked by some white guy." The other man, Benjamin Dreyer, claimed, "I was not near him and did not see anything." Both men appeared apprehensive. When Massachusetts State Police troopers arrived, a witness to the stabbing identified James Bing and Benjamin Dreyer as the men he saw fighting with the victim. Officers searching the crime scene discovered a bloody knife lying on an air conditioning unit. Blood droplets were traced from the victim's body to the location of the knife, and then to the sidewalk near where the suspects had been seen. Following an investigation, Mr. Dreyer and Mr. Bing were arrested and charged with murder.

PAROLE HEARING: James Bing appeared before the Board on November 7, 2023, for a review hearing. He was represented by Attorney John Rull. Mr. Bing was denied parole after an initial hearing in 2020. The entire video recording of Mr. Bing's November 7, 2023 hearing is fully incorporated, by reference, to the Board's decision.

DECISION OF THE BOARD: 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. After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 or in written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole, subject to special conditions.

In forming this opinion, the Board has taken into consideration Mr. Bing'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. Bing's risk of recidivism. After applying this standard to the circumstances of Mr. Bing's case, the Board is of the unanimous opinion that Mr. Bing is rehabilitated and, therefore, merits parole at this time, subject to special conditions.

Parole is granted on/after 120 days in lower security to home. This was Mr. Bing's second appearance before the Board. Mr. Bing has been incarcerated for 18 years. He was 19 years old at the time of the offense and was a freshman at Bridgewater State University. Since the last hearing, Mr. Bing presented a credible version of the offense and recognized how his previous version negatively impacted the victim's family and his progress in his rehabilitation. Mr. Bing has continued to pursue his education and has completed 23 college credits towards an associate's degree. He also pursued further rehabilitative programs that addressed substance misuse, violence reduction, victim empathy, emotional growth and has achieved his barber's license. Mr. Bing has matured, demonstrated a commitment to self-development, and has a strong support system to assist him with positive re-entry. Mr. Bing has employment opportunities and intends to pursue his education. Mr. Bing scores at low risk on the LSCMI. This was Mr. Bing's first incarceration. Given his year of incarceration, the Board and Mr. Bing are of the opinion he will benefit from a period of transition through lower security. Mr. Bing had 5 people speak in support of his parole. The ADA from Plymouth County spoke in opposition to his parole.

SPECIAL CONDITIONS: Approve home plans before release; Waive work for 2 weeks; Curfew - must be at home between 10PM and 6AM or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; 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 substance abuse evaluation and must comply with recommended treatment plan; Must have mental health counseling for transition purposes.

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

1/4/24
Date