

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



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

*Telephone # (508) 650-4500
Facsimile # (508) 650-4599*

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Acting Secretary

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF

**JAMES BING
W94145**

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: November 17, 2020
DATE OF DECISION: October 7, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy¹

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 in three years from the date of the hearing.

I. 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 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 the police. He stated that he had a bad cut and

¹ Board Member Santa was unavailable.

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.

II. PAROLE HEARING ON November 17, 2020

On November 17, 2020, James Bing, now 34-years-old, appeared before the Parole Board for his initial hearing. He was represented by Attorney John Rull. In his opening statement to the Board, Mr. Bing said that he was a freshman at Bridgewater State University when he killed Mr. Martyniak in a bar fight. He claimed that this was "not a crime of intent" and stated that it was "a tragedy for all." Mr. Bing further acknowledged his responsibility for Mr. Martyniak's death, noting that he pleaded guilty to the crime and had never appealed his conviction. Board Members made note of Mr. Bing's minimal criminal record, along with the fact that he was a high school graduate and had attended college on a basketball scholarship. When the Board questioned him about his role in a bar fight a few months prior to the murder, Mr. Bing explained that he and his friends were thrown out of a nightclub when they tried to break up a fight. Without their ride home, the men waited in front of the nightclub. When the men refused to leave the vicinity, nightclub staff called police, and Mr. Bing was arrested for disorderly conduct.

When the Board questioned him as to the governing offense, Mr. Bing explained that he and his friend, Benjamin Dreyer, went to "College Night" at the Our Place Saloon. When he came out of the bathroom at the bar, he found Mr. Dreyer and Mr. Martyniak in a fistfight. After the fight broke up, Mr. Martyniak apologized for hitting on Mr. Dreyer's girlfriend. Mr. Bing claimed that later in the evening, Mr. Martyniak approached him to buy drugs. Mr. Bing agreed to sell him drugs for \$60 (even though he did not have any drugs to sell). After he received the money, Mr. Bing told Mr. Martyniak that "you're beat," which meant that he was keeping the money, but not providing the drugs. A fight ensued when Mr. Martyniak started punching him and Mr. Dreyer. Mr. Bing claimed that, at some point, Mr. Martyniak pulled a knife. When he dropped it, Mr. Bing picked it up and decided to give Mr. Martyniak "a taste of his own medicine" by stabbing him multiple times. Mr. Bing told the Board that, after the stabbing, he kicked the knife under a dumpster and fled the area. When a Board Member questioned him as to why the murder weapon was later found on top of an air conditioner, Mr. Bing claimed that he did not know how it could have gotten there. When Mr. Bing claimed that he had immediately admitted to the stabbing, a Board Member noted that Mr. Bing originally said that he was "shanked by some white guy." Mr. Bing said that he originally lied to police, but later that same night, he admitted that he had stabbed the victim. Mr. Bing explained that he probably cut his fingers when the knife folded in his hand.

The Board discussed Mr. Bing's institutional adjustment, noting his completion of several programs and his employment as a barber. Board Members questioned Mr. Bing, however, as to the multiple disciplinary reports he incurred for drug use. Mr. Bing admitted that he went on a two-month marijuana "binge" when he first stepped down to medium security. Mr. Bing stated that he did not use drugs again until 2018, when he joined his cellmate in the use of synthetic marijuana (K2) and purchased his own supply. He was immediately caught. Board Members also questioned Mr. Bing as to why he incurred a disciplinary report for gambling in 2019, when he knew that his parole hearing was fast approaching. Mr. Bing told the Board that gambling was "exciting;" he did not realize that it was a serious infraction.

The Board considered the testimony of several supporters. Plymouth County Assistant District Attorney Keara Kelley testified in opposition to parole and submitted a letter of opposition. Bridgewater Police Chief Christopher Delmonte also submitted a letter of opposition.

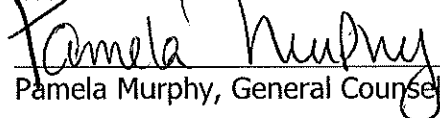
III. DECISION


Mr. Bing has served 15 years for the stabbing death of Jody Martyniak, 27 years old, in Bridgewater, in January 2006. The Board has concerns about his level of truthfulness and insight as to his criminal culpability. Despite his involvement in recommended treatment and programming, the Board finds his overall adjustment problematic. In March of 2018, he received a disciplinary report for possession of drugs (K2) and, in 2019, he was found guilty of being in possession of gambling paraphernalia. Mr. Bing is encouraged to remain program compliant and refrain from incurring any additional disciplinary infractions. Release is incompatible 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. 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 opinion that James Bing is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Bing's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Bing to continue working toward 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


Date