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*The Commonwealth of Massachusetts*  
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Charlene Bonner  
Chairperson

**DECISION**

**IN THE MATTER OF**

**JERMAINE HUNTER**

**W69874**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** April 14, 2015

**DATE OF DECISION:** July 15, 2015

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley. Lucy Soto-Abbe was recused.<sup>1</sup>

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying 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 vote of four to two<sup>2</sup> that the inmate is not a suitable candidate for parole. Parole is denied with a review in two years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On August 27, 2001, Jermaine Hunter pleaded guilty to second degree murder in Hampden Superior Court and sentenced to life imprisonment. Also on that date, Hunter pleaded guilty to additional charges that included possession of a firearm without license, receiving a sentence of three to five years; armed robbery, receiving a sentence of four to five years; and assault and battery with a dangerous weapon, receiving a sentence of three to five years. The court ordered these sentences be served concurrent with his life sentence.

<sup>1</sup>Board Member Soto-Abbe was unavailable to due to a conflict of interest. As a result, six Board Members cast votes. Four votes thus constitute the two-thirds majority required for a grant of parole. See G.L. c. 127, § 130.

<sup>2</sup> A two thirds majority of Board Members (four members) voted to deny parole with a two year review period, as reflected in this decision. Two Board Members voted to grant Hunter a parole reserve to his federal sentence.

The facts of the crime are derived from the Commonwealth's response to Hunter's appeal of his imposed sentence. During the evening of June 7, 2000, Hunter (then age 23) shot and killed Jeffrey Daniels during a drug transaction in Chicopee, Massachusetts. Hunter, a known drug dealer, had arranged to purchase marijuana from Daniels that evening. They had never met prior to the events of that evening. The go-betweens were Jamie Paquette for Daniels and Daniel Hill for Hunter.

Hunter and Daniels were driven in separate vehicles to the parking lot of a pub in Chicopee. Daniels was in the back seat and Paquette was in the front passenger seat of a two door Honda driven by Nicholas Rufe. Hill was in the driver's seat of the other vehicle that included Hunter. The pre-agreed price for the "hydro" marijuana, which was supposed to be extremely potent, was \$2,200. After the initial haggling, it was agreed that Hunter would go to the Honda to complete the sale.

Paquette left the Honda and got into the back seat of Hill's vehicle, so that Hunter could get into the Honda. Paquette also showed Hunter a sample of the "product." Rufe stated that when Hunter came into his Honda, he had a handgun and, while kneeling on the front seat, began yelling at Daniels to "Give me the shit, give me the shit!"

Hunter then began punching Daniels with his right hand, which was the hand in which Hunter was carrying the gun. Rufe became extremely frightened and said, "Please, don't shoot me, please don't shoot." He had his hands in the air. At that point, Rufe (who was seated next to Hunter) said he felt some type of spray come from the back seat, which he believed to be pepper spray. Hunter then pointed the gun at Daniels and fired a shot into his chest. Hunter grabbed the backpack of marijuana and came out of the Honda waving the firearm in the air. When Paquette heard the shot, he ran to the pub for help. Rufe left his vehicle and was hiding behind another vehicle in the parking lot, fearing he would be next.

Hunter then jumped back into Hill's vehicle and told him to "drive." Hunter had the gun and the backpack filled with marijuana. Hunter directed Hill to drive him to a friend's house, where he washed his face and changed his shirt, as he was covered in mace. He then had Hill drive him home. It was there that he had Hill start packaging the marijuana. Hunter called his neighbor, Phelps, and told him he shot someone. He gave Phelps the gun and told him to get rid of it. A few moments later, he saw on the news that Daniels had died. He went next door and told Phelps.

Hunter was arrested a few hours later at his apartment. A search of the premises yielded only \$420 in cash. The fact that Hunter did not have the \$2,200 agreed upon purchase price indicated that he did not have the money necessary for the purchase and that he therefore planned to steal the drugs. There was a can of mace still clutched in Daniels' hand when the police arrived.

## **II. PAROLE HEARING ON APRIL 14, 2015**

Jermaine Hunter, age 38, appeared for his initial parole hearing after serving 15 years of his life sentence for second degree murder. Hunter is currently serving his sentence at MCI-Norfolk, where he has been since April 2010.



Student Attorneys Sarah Cohen and Jacob Newman, of the Harvard Prison Legal Assistance Project, represented Hunter at the hearing. Student Attorney Newman provided an opening statement outlining why Hunter is a viable candidate for parole supervision. He informed the Board that "Hunter accepts full responsibility for the tragic death of Daniels, and deeply regrets the pain he caused to the Daniels' family and friends." In addition, he summarized Hunter's parole plan to include the necessity of a support network to aid in his reintegration. Hunter provided an opening statement in which he expressed his shame and regret for the pain he caused the Daniels family. He also spoke of his rehabilitation and stated that he took full advantage of the treatment and programming opportunities that have been afforded to him.

Since entering the institution, Hunter has completed several programs designed to facilitate his reintegration into the community, including programs that addressed behavior such as anger and violence. Programming topics also included education, vocation, and issues of substance abuse and dependency. Hunter provided the Board with an overview of the treatment and programming that he has continued to engage in which includes: Jericho Circle; Alternatives to Violence; Correctional Recovery Academy (CRA); and HVAC licensing. According to his personalized program plan, Hunter is considered a medium risk for violence and a high risk to recidivate. He is pending participation in Barber School, a class to obtain a Commercial Driver's License, and Emotional Awareness programming. Hunter is currently employed in the gym and has worked as a unit runner and referee in the gym and yard. Hunter denied having a drug or alcohol problem, but acknowledged that he had been a drug dealer. According to Department of Correction records, there is no indication of alcohol or substance use in the past 15 years.

Hunter also informed the Board about his involvement in the Second Thoughts program, which is a juvenile counseling program. Hunter stated that Second Thoughts provided him with a deeper understanding of himself and the consequences of the decision he has made. Through this program, he can help others see that their lives matter. He described his participation in the Alternatives to Violence program, which has provided him with methods of transforming power and conflict resolution. Hunter believes that he now possesses the tools to understand his triggers and can avoid violence and self-destructive behaviors. The CRA, Hunter asserts, assisted him in retiring his criminal thinking and behaviors and he can now foster healthy thoughts, attitudes, and behaviors.

Hunter also offered testimony concerning his background. He grew up in the Mason Square section of Springfield. He described his early life as being very unstable and chaotic. Hunter, the oldest of six children, and his young mother moved around constantly between shelters and welfare hotels. They were, at times, homeless. As a result, Hunter developed a detachment from persons, places, and things. There was no structure or consistency. Hunter stated that drugs always seemed to be a part of his life, either in the forefront or in the background. He did not grow up knowing his father, and in fact, did not even meet him until he was almost 11-years-old, as a result of his father's criminal behavior. Hunter recalls witnessing violence at a young age and suffered physical abuse at the hands of his mother. Through these experiences, Hunter developed the ability to "manipulate violence" and to use it to his advantage. When he began selling drugs, Hunter stated that academics and athletics became less and less of a priority. Hunter stated that "he started living the drug life" and



associated with different street gangs and their members. Hunter was shot and wounded during a shoot-out between two rival local gangs. He obtained his General Equivalency Diploma in 1996.

Hunter is serving his first state, but fourth overall, adult incarceration. He has served two prior county incarcerations and one federal commitment. In 1995, Hunter served 90 days of a six month suspended sentence for receiving stolen property, and in March 2001,<sup>3</sup> he was found guilty and received a 90 day sentence for violating the abuse prevention act. Also, on July 15, 1996, Hunter was arraigned in Federal Court for possession of a controlled substance with intent to distribute and later received a 20 month sentence at the Federal Correctional Institution at Fort Dix, with three years of supervised release to follow. Hunter committed the governing offense while he was on supervised release. Due to his arrest and subsequent conviction, a federal detainer has been lodged and he received a twenty-four month on and after sentence.

At his hearing, Hunter provided a detailed and comprehensive version of the offenses for which he has been convicted that is in conflict with all known facts. Hunter contended that it was never his intention to rob Daniels, that he did not set up the drug deal, and that he did not repeatedly strike the victim with the gun. Additionally, Hunter disputes that fact that he viewed a sample of the drugs at any point in time. Hunter stated that after Daniels sprayed him with mace, he assumed it was their intention to rob him, so he punched Daniels in the face and a fight ensued. According to Hunter, when he attempted to get out of the car, he panicked when he couldn't find the door handle. Hunter contends that he then retrieved his gun from his waistband and chambered a bullet. As Rufe exited the car, Hunter turned around and shot Daniels. As Daniels sat back in the seat and grabbed his shoulder, Hunter retrieved the backpack and exited the car. He informed the Board that he armed himself for the sole purpose of protection and that he often possessed a weapon while conducting drug transactions.

According to Department of Correction (DOC) Classification Reports, Hunter has maintained an overall positive record within the correctional system. However, he has accrued several disciplinary reports, the last of which was issued in 2009. These disciplinary reports are considered to be minor in nature, with the exception of a fight that occurred in 2003. Hunter has two placements in the Special Management Unit, but there are no returns to higher security on record.

Hunter seeks a parole to his from and after sentence in order to serve his consecutive federal commitment to be followed by three years of supervised release. A federal detainer is lodged with the DOC. Hunter plans to reside with his mother or girlfriend upon release from his federal sentence. Employment prospects include working for Griffin Staffing Agency or Genevieve Construction Development Group, Inc. In addition, Hunter plans to utilize the resources afforded him via the After Incarceration Support Services program in Springfield in order to aide in his reintegration.

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<sup>3</sup> On November 15, 1999, Hunter had been arraigned on a violation of the abuse prevention act in Springfield District Court. On February 29, 2000, the court issued a default warrant. On March 21, 2001, Hunter received the 90 day commitment after appearing and pleading guilty to the charge.



Several of Hunter's family members and friends attended the hearing in support of his petition for parole. His mother, girlfriend, step-mother, and the mother of a deceased inmate (whose life was positively impacted by Hunter) spoke in support of his parole. These supporters noted that they will provide Hunter with the necessary supports to re-enter the community successfully. There were numerous written submissions in support of his release.


Several of Daniels' family members, including his parents and brother, as well as friends, attended the hearing to oppose Hunter's petition for parole. In addition, there were numerous written submissions in opposition to his release. Hampden County Assistant District Attorney (ADA) Howard Safford provided a letter and spoke in opposition to parole. ADA Safford outlined the reasons for opposition and stated in part that "in spite of Mr. Hunter's impressive record of positive activities during his incarceration, a release on parole would not be without some concern. He has been tested previously upon release on federal charges prior to his incarceration of this second-degree murder sentence. Contrary to the conditions upon which he was released, he violated every aspect of his probationary conditions." In addition, ADA Safford noted that "questions remain as to his ability to maintain his exemplary standards once tested by the many temptations to return to the fast life and money in the community that he has known for much of his civilian life."

### **III. DECISION**

Jermaine Hunter became attracted to street life at an early age, having been raised in an environment in which he was readily exposed to guns, drugs, and violence. Hunter has served 15 years on this sentence and has maintained a moderate record within the correctional system. During his years of incarceration, Hunter chose a path of rehabilitation and has engaged in numerous programs, maintained a positive adjustment, and has maintained employment. However, the Board is troubled by the fact that Hunter was on community supervision when he committed this crime and was entrenched in criminal activity, with a complete disregard for the conditions to which he was required to adhere. The Board is of the opinion that Hunter needs a longer and sustained period of positive institutional adjustment and programming before his release is compatible with the welfare of society.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the majority opinion of the Board that Jermaine Hunter does not merit parole at this time because he is not yet rehabilitated, and his release would be incompatible with the welfare of society. The review will be in two years from the date of this hearing, during which time Mr. Hunter should engage in available programming and continue with his positive behavior.

*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.*

  
Michael J. Callahan, General Counsel

July 15, 2015  
Date