

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOAO MIRANDA

FKA ADRIANO BARROS

W53831

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 4, 2020

DATE OF DECISION: April 28, 2021

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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On January 14, 1993, after a jury trial in Suffolk County Superior Court, Joao Miranda was found guilty of first degree murder in the death of 25-year-old Charleston Sarjeant. He was sentenced to life in prison without the possibility of parole. On that same date, Mr. Miranda was found guilty of assault and battery by means of a dangerous weapon and received a concurrent sentence of 3-5 years. In 1997, Mr. Miranda's convictions were affirmed on appeal.² At the time of his arrest, Mr. Miranda provided an alias "Adriano Barros" and a false date of birth that identified him as 18-years-old. Accordingly, he was tried, convicted, and sentenced to life in prison without the possibility of parole (for first degree murder) under an alias and false date of

¹ Three Board Members voted to parole Mr. Miranda to his active ICE detainer.

² *Commonwealth v. Adriano Barros*, 425 Mass. 572 (1997).

birth. In March 2018, Mr. Miranda, through counsel, filed several motions in Suffolk Superior Court to correct the record. Through those filings, Mr. Miranda admitted that he had used a false identity during his trial, and that his true name was Joao Filipe Barros Rodrigues Miranda with a different date of birth. The Court allowed Mr. Miranda's motions. With his true name and corrected date of birth, Mr. Miranda was actually 17-years-old at the time of the murder and, therefore, became eligible for parole pursuant to *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013). In *Diatchenko*, the Supreme Judicial Court issued a decision that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first degree murder. Further, the Court decided that Diatchenko (and others similarly situated) must be given a parole hearing.

On the night of April 24, 1992, Joao Miranda, along with his co-defendants,³ were outside a restaurant in Dorchester. James Villaroel, one of the co-defendants, threw a beer bottle against the front of the restaurant and stated, "Let's shut this place down." The group then entered the restaurant. Without provocation, Mr. Villaroel struck Charleston Sarjeant in the head with a radio. Shortly thereafter, Mr. Villaroel pulled out his knife and began stabbing Mr. Sarjeant, while Mr. Miranda and the rest of the co-defendants proceeded to violently beat him until he lost consciousness. Mr. Sarjeant's cause of death was due to multiple stab wounds with blunt head trauma. His wife and friend were present at the time of the murder.

II. PAROLE HEARING ON AUGUST 4, 2020

Joao Miranda, now 47-years-old, appeared before the Parole Board for an initial hearing on August 4, 2020, and was represented by Attorney Kevin Reddington. In his opening statement to the Board, Mr. Miranda apologized to the Sarjeant family for his role in the crime, as well as the trauma he inflicted upon them. He expressed remorse for his actions, stating that he "had no right to take [Mr. Sarjeant's] life." Mr. Miranda acknowledged that, at the time of the offense, he engaged in destructive behavior that "destroyed communities." As such, he told Board Members that he is committed to "giving back" and becoming a "better man." In addition, Mr. Miranda explained that he subsequently learned that Mr. Sarjeant was a veteran, husband, father, and musician.

At the time of the governing offense, Mr. Miranda stated that he was "living the street life." He described himself as "cold" and felt as though "the world revolved around [him]." Mr. Miranda admitted to gang involvement, which resulted in carrying a firearm, selling drugs, and stealing on a regular basis. Upon questioning, Mr. Miranda admitted that he and his co-defendants had previously caused trouble by the restaurant, and that the owner had reported them to law enforcement on at least one occasion. Mr. Miranda admitted to being "rowdy" and "disruptive" to the business. When the Board inquired as to the details of the attack, Mr. Miranda said that he was outside. Once he saw Mr. Villaroel assault Mr. Sarjeant with the radio, however, he entered the restaurant and began beating Mr. Sarjeant, as well. When Board Members asked what triggered his participation, noting that reports indicate that the attack was unprovoked, Mr. Miranda stated, "I had no concern or care." When questioned as to whether he and his co-defendants had engaged in other acts of violence, Mr. Miranda answered in the affirmative, but explained that the altercations were "never fatal." Further, he stated that the altercations typically involved rival gang members, not "innocent" people. When asked about his motive behind the

³ Six co-defendants were involved in this case, two of whom were found not guilty.

attack, Mr. Miranda indicated that he remains unclear to this day, stating that he "never had the courage" to ask Mr. Villaroel why he initially went after Mr. Sarjeant.

Board Members commended Mr. Miranda on his positive institutional adjustment, as he has incurred few disciplinary reports throughout his 28 years of incarceration. The Board noted that Mr. Miranda had little incentive to begin a path of rehabilitation due to his sentence structure, yet he engaged in pro-social activities at the onset of his sentence. When asked if he had any insight as to what precipitated his positive behavior, Mr. Miranda told the Board that he made a conscious decision "to do better." He discussed how his "heart was cold" prior to the governing offense, and that he knew he had to make a change. When Board Members questioned how he could commit such a senseless crime, Mr. Miranda explained that his exposure to a criminal lifestyle, coupled with his "entitled" mentality, played a significant role in his violent behavior.

Board Members also discussed Mr. Miranda's rehabilitative progress. Mr. Miranda stated that even though he maintained employment, stayed out of trouble, and obtained his GED, he realized that he needed to do more. He wanted to "change from the inside," as he viewed himself as "selfish and uncaring." He became a member of the Protestant Church and participated in the Creative Writing Program and the Companion Program. When Board Members inquired about a program that he started, which teaches music theory to other inmates, Mr. Miranda asserted that learning and teaching music has had a meaningful impact on him throughout his incarceration. He often thinks about Mr. Sarjeant when he plays his guitar, specifically regarding the opportunities that he took away from him.

Board Members questioned Mr. Miranda as to his participation in Restorative Justice. He explained that it was a "great experience," as he was able to gain insight as to how victim's families are impacted by street violence. At the retreat, Mr. Miranda spoke of Mr. Sarjeant's murder for the first time and recalled being "taken back" by the group's forgiveness and empathy. The Board raised concern, however, as to whether Mr. Miranda fully appreciated the level of violence and trauma inflicted, not only on Mr. Sarjeant and his family, but on those who witnessed the crime. Mr. Miranda acknowledged the suffering he caused and stated that he takes full responsibility for "ending someone's life." The Board noted additional programming efforts such as Violence Reduction that could help Mr. Miranda better understand his past violent behavior. Mr. Miranda agreed, indicating that he is on the wait list for several programs.

The Board considered testimony in support of parole from Mr. Miranda's niece, brother-in-law, and cousins. The Board considered testimony in opposition to parole from Mr. Sarjeant's sister and wife, as well as a letter of opposition from Boston Police Commissioner William Gross.

III. DECISION

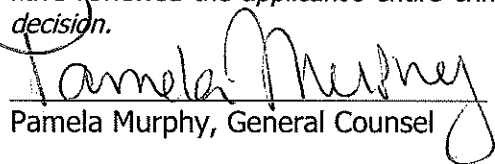
Mr. Miranda has served approximately 28 years for his participation in the beating and stabbing of Charleston Sarjeant in Boston. Mr. Miranda had just turned 17 at the time of the offense. During this commitment, he has completed some meaningful programming, developed the Music Theory Program, obtained his GED, and has been consistently employed within the institution. However, due to the level of violence during the offense, Mr. Miranda is encouraged to complete a violence reduction program. In rendering their decision, the Board did consider his lack of maturity, impulsivity, vulnerability to negative influences, and the capacity to change when rendering their decision.

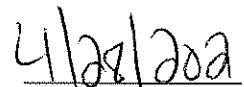
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. in the context of an offender convicted of first or second degree murder, was a juvenile at the time of the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board in Mr. Miranda's case include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioners right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. In forming this opinion, the Board has taken into consideration Mr. Miranda'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. Miranda's risk of recidivism. After applying this standard to the circumstances of Mr. Miranda's case, the Board is of the opinion that Joao Miranda is not rehabilitated and, therefore, does not merit parole at this time.

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