



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JOHN BURSTON

W48046

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 30, 2019

DATE OF DECISION: March 26, 2020

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

STATEMENT OF THE CASE: On March 6, 1990, in Hampden Superior Court, a jury found Mr. Burston guilty of unarmed robbery. In a jury waived proceeding, the judge found Mr. Burston to be a habitual offender and sentenced him to life imprisonment with the possibility of parole.

Mr. Burston, now 69-years-old, appeared before the Parole Board for a review hearing on July 30, 2019 and was represented by Attorney Rebecca Schapiro. Mr. Burston was released on parole in 2006 after his initial hearing in 2004. His parole was revoked in 2009, 2014, and 2018. The entire video recording of Mr. Burston's July 30, 2019 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 that the inmate is a suitable candidate for parole.¹ Reserve to New England Center and Home for Veterans (NECH). Mr. Burston has been re-incarcerated for about 18 months. Positive adjustment since return. Has strong reentry and relapse prevention plan. Discussed his triggers for alcohol relapses. Has strong community support (family, friends, and agencies).

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

¹ One Board Member voted to deny parole.

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. Burston'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. Burston's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Burston's case, the Board is of the opinion that Mr. Burston is rehabilitated and merits parole at this time.

Special Conditions: Reserve to New England Center and Home for Veterans; Waive work for program; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring at PO 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 mental health evaluation and abide by recommendation; Must attend AA/NA at least 3 times per week; Home group/sponsor.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Burston, through counsel, has waived his right to a full administrative decision.

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



Pamela Murphy, General Counsel



Date