



Charles D. Baker  
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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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Tina M. Hurley  
Chair

Kevin Keefe  
Executive Director

**RECORD OF DECISION**

**IN THE MATTER OF**

**JOHN FERNANDES**

**W86647**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** July 7, 2022

**DATE OF DECISION:** December 1, 2022

**PARTICIPATING BOARD MEMBERS<sup>1</sup>:** Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse, Colette Santa

**STATEMENT OF THE CASE:** On September 27, 2002, John Fernandes was indicted by a Plymouth County Grand Jury for first degree murder in the death of Larry Monteiro. After a trial, on May 18, 2005, a mistrial was declared when the jury reported a deadlock. After a retrial, on November 25, 2005, the jury found Mr. Fernandes guilty of second-degree murder. He was sentenced to life in prison with the possibility of parole.

Mr. Fernandes appeared before the Parole Board for a review hearing on July 7, 2022. He was not represented by counsel. Mr. Fernandes was denied parole after his initial hearing in 2017. The entire video recording of Mr. Fernandes' July 7, 2022, 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 by unanimous vote that the inmate is a suitable candidate for parole.

Reserve to Dismas House or LTRP after six months in lower security. On August 10, 2002, 23-year-old Mr. Fernandes shot and killed 21-year-old Larry Monteiro in Brockton. Mr. Fernandes now accepts full responsibility for the murder. He has satisfied all program requirements. Since his last hearing, Mr. Fernandes committed fully to his rehabilitation through intensive

<sup>1</sup> Former Chair Gloriann Moroney was no longer a board member at the time of the vote.

programming. He completed the thirty-two-week Restorative Justice program and became a facilitator. He also completed GMP, Repairing Harm, Able Minds, and Victim Impact Education. His last disciplinary report was in 2016. He has been employed in the kitchen since 2013. He obtained his GED in 2000. Mr. Fernandes identified the Dismas House as a program that would aid in his transition back into the community.

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. Fernandes' 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. Fernandes' risk of recidivism. Applying this standard to the circumstances of Mr. Fernandes' case, the Board is of the unanimous opinion that John Fernandes is rehabilitated and, therefore, merits parole at this time.

**Special Conditions:** Reserve to LTRP – must complete; Waive work for program; Curfew at PO's discretion; ELMO-electronic monitoring at PO'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 follow recommendations; Counseling for adjustment/transition.

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

  
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Pamela Murphy, General Counsel

12/1/22  
Date