



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JOHN FERNANDES**

**W86647**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** July 18, 2017

**DATE OF DECISION:** July 25, 2018

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

**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 scheduled in five years from the date of the hearing.

**I. 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, and he was sentenced to life in prison with the possibility of parole.

In the afternoon of August 10, 2002, Larry Monteiro and three other men were at a cookout in Brockton when they decided to leave in a Volkswagon Jetta to buy beer. During their ride back to the cookout, they stopped at a light at the intersection of Grove and Montello Streets. One of the men in the Jetta noticed a black Honda Accord stopped there, as well. Mr. Fernandes was in the front passenger seat of the Accord and looked at the men in the Jetta with disgust. Shortly after, when the Jetta was on West Chestnut Street, one of the men in the Jetta heard two shots and saw glass shattered in the window beside Mr. Monteiro. The man

looked to the side beyond the victim and saw the same black Accord that he had seen earlier, passing them. Mr. Fernandes was in the process of pulling his hands back into the Accord's window. He had something black in his hand, but the man could not see what it was. One shot went into the Jetta's door beside Mr. Monteiro, but did not go through. The other went into Mr. Monteiro's neck, cutting his carotid artery and killing him.

## **II. PAROLE HEARING ON JULY 18, 2017**

John Fernandes, now 38-years-old, appeared before the Parole Board for his initial hearing on July 18, 2017. He was not represented by counsel. In Mr. Fernandes' opening statement, he offered an apology to the family of Larry Monteiro. He acknowledged that his actions were reckless and that Mr. Monteiro's death was senseless. The Board questioned Mr. Fernandes at length about his criminal history and the causative factors that led him to prison. At age 15, Mr. Fernandes was shot in the chest at his home by an unknown assailant. He explained that this experience forever changed his life. He regularly used marijuana and consumed alcohol to relieve the chronic pain and to numb the psychological trauma. He began to sell marijuana and carried a firearm for survival and protection. This lifestyle led to several House of Correction commitments.

Mr. Fernandes discussed the events surrounding the murder of Mr. Monteiro. While doing errands with his cousin, Mr. Fernandes (who was a passenger in the vehicle) came across individuals (in another car) that he believed to be responsible for the shooting of his brother, approximately one month prior. As his cousin pulled up next to the car, and while under the influence of alcohol and marijuana, Mr. Fernandes extended his arm and fired the weapon twice into the vehicle, fatally wounding Mr. Monteiro. Mr. Fernandes explained that at the time of the offense, he was unaware that Mr. Monteiro was an occupant in the vehicle. He said that Mr. Monteiro was never an intended target, as they had been life-long friends. It was Mr. Monteiro who rendered assistance when his brother was shot. For many years, Mr. Fernandes maintained that he was not the shooter. It was not until his parole hearing, that he publically acknowledged his culpability.

The Board questioned Mr. Fernandes as to his progress in rehabilitation since his commitment and evaluated his level of insight and candor. The Board acknowledged the multitude of programming and rehabilitative efforts that Mr. Fernandes has engaged in. Mr. Fernandes is currently incarcerated at MCI-Concord, where he is employed in the kitchen and regularly attends the General Maintenance Program. He has successfully participated in programs covering a variety of topics, including those recommended by the Department of Correction in his risk reduction plan. Although he did not immediately embrace rehabilitation, Mr. Fernandes began (in 2008) to immerse himself in treatment and programming to include: Correctional Recovery Academy, Alternatives to Violence (multiple phases), Victim Impact Education, Path to Freedom, and Emotional Awareness.

There were several members of Mr. Fernandes' family present at the hearing. The Board considered testimony in opposition to parole from the victim's mother and sisters. Plymouth County Assistant District Attorney Stacey Gauthier spoke in opposition to parole.

### III. DECISION

The Board is of the opinion that John Fernandes has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Fernandes has served approximately 15 years for the murder of Larry Monteiro. His presentment was concerning. Mr. Fernandes attempted to deflect culpability for a long period of time, as he maintained he was not the shooter until 2012. His on-going behavior is manipulative and deceitful. His release does not meet the legal standard.

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. After applying this standard to the circumstances of Mr. Fernandes' case, the Board is of the unanimous opinion that John Fernandes is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Fernandes' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Fernandes 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.*

  
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Gloriann Moroney, General Counsel

  
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Date