



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSEPH BEBO

W94166

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 1, 2020

DATE OF DECISION: July 8, 2021

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

DECISION OF 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. Parole is denied with a review in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On March 5, 2009, following a jury trial in Plymouth County Superior Court, Joseph Bebo was convicted of second-degree murder in the death of Carl Schirmer. He was sentenced to serve life in prison with the possibility of parole. Since his conviction, Mr. Bebo filed appeals in the state and federal courts, all of which were denied.²

On November 14, 2005, 24-year-old Joseph Bebo showed up at a Brockton apartment complex to support his friend in a street fight involving the sale of marijuana. Prior to the fight, 28-year-old Carl Schirmer had arrived in support of the other group. Mr. Bebo armed himself with a knife and encouraged others in his group to arm themselves, as well. He stated, "You

¹ One Board Member voted to parole after 12 months in lower security.

² Commonwealth v. Joseph A. Bebo, Jr., 83 Mass.App.Ct. 1120 (2013). Commonwealth v. Joseph A. Bebo, Jr., 465 Mass. 1102 (2013). Bebo v. Medeiros, 906 F.3d 129 (1st Cir. 2018).

don't come to a fight without [a knife]." When Mr. Schirmer, who was unarmed, ran toward him, Mr. Bebo stabbed him below his armpit. Mr. Schirmer died from the stab wound, which was 4.5 inches deep and had penetrated his heart.

II. PAROLE HEARING ON OCTOBER 1, 2020

On October 1, 2020, Joseph Bebo, now 40-years-old, appeared before the Parole Board for an initial hearing. He was represented by Boston College Law School Supervising Attorney Francis Hermann, and student attorneys Abygail Kritta, Elana Brockmann, and Matthew Stranzl. In his opening statement to the Board, Mr. Bebo said that parole is a "privilege and not a right" and took sole responsibility for the murder of Mr. Schirmer. Mr. Bebo expressed his remorse, stating that his actions were "indefensible and extremely cowardly" and would "continue to harm" the Schirmer family "indefinitely."

Mr. Bebo described his youth as that of a "misguided young man," who was born addicted to heroin. He discussed the anger that he harbored towards his drug addicted parents, who had exposed him to crime, violence, and drugs. However, he did so with the recognition that "none of [those factors] diminished [his] responsibility" for the murder of Mr. Schirmer. Mr. Bebo stated that "violence was a part of who [he] thought [he] was and who [he] wanted to be." He admitted that he "didn't care about other people [because he] was [a] selfish and small person." At the time of the murder, he was selling ecstasy. Mr. Bebo admitted that much of his criminal activity was influenced by his desire to obtain drugs. The Board noted several serious criminal charges and convictions, including a carjacking, armed robbery, and possession of a sawed-off shotgun. Although Mr. Bebo denied involvement in the carjacking, he admitted that he had evaded responsibility for the sawed-off shotgun on a "technicality." When Board Members expressed concern about his history with weapons, Mr. Bebo maintained that he had only handled a gun in a shooting range, and that he had only served as a "look out" in a robbery, where a knife had been used. As to the knife used in the murder, Mr. Bebo explained that he had received it as a birthday gift, and that it was intended for fishing. Although he regularly carried a knife on his person, Mr. Bebo stored this knife in his car door because the sheath had broken.

In discussing the underlying facts of the governing offense, Mr. Bebo denied knowing Mr. Schirmer previously and, although he admitted to having two drinks, denied being intoxicated. Mr. Bebo stated that he received a phone call from a friend who had just gotten into a fight. Initially, he was hesitant to respond to what he considered to be "high school drama." Eventually, he changed his mind because of concerns that his friend was involving "kids" in the dispute. Mr. Bebo explained that many of his actions and rhetoric that day were not only driven by a duty to support his friend, but also out of fear of appearing "weak." Mr. Bebo repeatedly admitted, however, that he should have de-escalated the situation, rather than involve himself in the fight. The Board expressed concern about Mr. Bebo's role in introducing and encouraging weapons to the group, as well as his statement that day to "never come to a fight without a knife." When pressed about his motives for arming himself, Mr. Bebo claimed that he only intended to use the knife if he felt that he was in "jeopardy."

Mr. Bebo recalled how Mr. Schirmer charged at him, throwing punches and kicks, and how those in his group were chased by Mr. Schirmer's group. As he continued to fight with Mr. Schirmer, Mr. Bebo saw men charge at him. At that point, he swung his knife at Mr. Schirmer and stabbed him under the armpit. He then fled and hid the knife in a creek. A Board Member

noted that the stab wound had been significant, penetrating Mr. Schirmer's heart. Although he admitted to the Board that he had stabbed Mr. Schirmer, Mr. Bebo also maintained that, at the time of the offense, he did not realize he had stabbed Mr. Schirmer until a friend informed him that Mr. Schirmer was in the emergency room with a stab wound. A Board Member expressed concern as to why Mr. Bebo had not run away with his friends, instead of stabbing Mr. Schirmer, who was unarmed. Mr. Bebo acknowledged that he had not acted in self-defense. Rather, he stated that he was afraid and viewed his friends and himself as "victims." He was angry that his friends had been "chased" and wanted to stop Mr. Schirmer from attacking him. Several Board Members also questioned Mr. Bebo's actions in the days after the murder, since police found books in his car which touched on topics of escape and fleeing from law enforcement.

The Board discussed Mr. Bebo's institutional adjustment, noting that he had received several disciplinary reports during his pretrial and postconviction incarceration. Since his transfer to MCI-Norfolk in 2011, however, Mr. Bebo has remained disciplinary report free. Several Board Members commended Mr. Bebo on his programming efforts, noting that he participated in Restorative Justice and VOEG, achieved his degree from Boston University in 2018 and has worked as a welder since 2019. In discussing his repeated appeals, however, several Board Members expressed concern as to whether Mr. Bebo truly accepted responsibility for the murder or fully appreciated the impact his actions continue to have on Mr. Schirmer's family.

Several Board Members also raised concern about Mr. Bebo's substance abuse history before the murder. Mr. Bebo admitted that, at the time of the murder, he was a "drugs and alcohol abuser." Each time he used a substance, he "did it to excess." When questioned about his substance abuse history, Mr. Bebo confessed that he struggled with addiction until 2012. He also admitted to regularly making and buying "home brew" and to using drugs, as often as a few times a week. When a Board Member expressed concern as to how he would maintain his sobriety if paroled, Mr. Bebo explained that programs have taught him that the "heart" of his substance abuse issues was "emotional trauma." Mr. Bebo told the Board he no longer uses drugs and alcohol as a coping mechanism.

The Board considered testimony in support of parole from acquaintances of Mr. Bebo and from several members of Mr. Bebo's family. The Board considered testimony from Mr. Schirmer's son, sister-in-law and wife. Victim Services Coordinator Michelle Beatty read a statement in opposition on behalf of Mr. Schirmer's sister. The Board also considered testimony in opposition to parole of Assistant District Attorney Keira Kelly from the Plymouth County District Attorney's Office.

III. DECISION

Although progress has been made, the Board is of the opinion that Joseph Bebo has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Bebo stabbed 28-year-old Carl Schirmer during a fight. Mr. Bebo's rehabilitation didn't begin until 2012. [He] was on probation at the time of the offense, and he has a lengthy criminal history. It is the opinion of the Board that he appears to be on the right path. It was just recently that he accepted full responsibility for his criminal behavior. Mr. Bebo is encouraged to continue to participate in all recommended programming and maintain a positive adjustment.

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. Bebo'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. Bebo's risk of recidivism. After applying this standard to the circumstances of Mr. Bebo's case, the Board is of the opinion that Joseph Bebo is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Bebo's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages him to continue working towards 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

7/8/2021
Date