

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**RECORD OF DECISION**

**IN THE MATTER OF**

**JUSTICE AINOOSON**  
**W90887**

**TYPE OF HEARING:** **Review Hearing**

**DATE OF HEARING:** **March 6, 2024**

**DATE OF DECISION:** **May 9, 2024**

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

**VOTE:** Parole granted to approved home plan, after 90 days in lower security<sup>1</sup>

**PROCEDURAL HISTORY:** On October 26, 2007, following a jury trial in Plymouth Superior Court, Justice Ainooson was found guilty of second-degree murder in the shooting death of Calvin Stuart. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Ainooson was also found guilty of carrying a firearm without a license, for which he received a concurrent 2-3-year sentence, and unlawful possession of ammunition, for which he received a concurrent 1-year sentence. Parole was denied following an initial hearing in 2020. On March 6, 2024, Mr. Ainooson, appeared before the Board for a review hearing. He was represented by Attorney Frank Herrmann. The Board's decision fully incorporates by reference the entire video recording of Mr. Ainooson's March 6, 2024 hearing.

**STATEMENT OF THE CASE:** On June 17, 2005, Calvin Stuart (22 years old) was parked in a convenience store parking lot in Brockton with his male friend, and a female passenger. At some point, Mr. Spurrill went into the store to purchase cigarettes. Around that same time, off-duty Brockton School Police Officer Mark Noone was driving home from work and heard gunshots. Officer Noone then saw a man, later identified as Mr. Ainooson (22 years old), firing a gun into a parked car in front of the convenience store. After hearing the initial gunshot,

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<sup>1</sup> One Board Member voted to parole to approved home plan upon completion of a victim impact program and six months in lower security. One Board member voted to parole to approved home plan upon completion of a victim impact program and nine months in lower security.

Officer Noone saw Mr. Ainooson fire several more shots at the parked car. Shortly thereafter, Mr. Ainooson discarded his gun and fled the scene. After a brief chase, Officer Noone apprehended Mr. Ainooson and placed him under arrest. Mr. Stuart suffered multiple gunshot wounds, succumbing to his injuries shortly thereafter. His male friend also suffered a gunshot wound, but he survived.<sup>2</sup> The female passenger was not injured.

**APPLICABLE STANDARD:** Parole “[p]ermits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society.” M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual’s institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual’s risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual’s testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

**DECISION OF THE BOARD:** This was Mr. Ainooson’s second appearance before the Board. He was 22 years old at the time of the offense. He has been incarcerated for 19 years. Since the last hearing, Mr. Ainooson has engaged in Restorative Justice, Violence Reduction, Criminal Thinking, and earned his bachelor’s degree from Emerson College. He has been employed in the institution, and is on the legal advisory committee. Mr. Ainooson is a mentor for second thoughts, chairman of the anti-inequity committee, and has invested in cultural alliance committees. He has extensive civic engagement, which he plans to continue. Mr. Ainooson has an extensive support system and provided a comprehensive re-entry plan. His institutional adjustment has been good, and has no violent conduct. Mr. Ainooson’s community supporters included the Luis D. Brown Peace Institute, Casa Esperanza, U-Tech and Partakers. The Board considered public testimony from Mr. Ainooson’s mother and many support letters. The Board also considered testimony in opposition from the victim’s cousin and sister, as well as from the Plymouth County District Attorney’s Office.

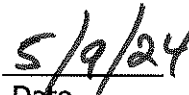
**SPECIAL CONDITIONS:** Approve home plan before release; Waive work for 2 weeks; Curfew: must be at home between 10PM and 6AM at Parole Officer’s Discretion; Electronic monitoring at Parole Officer’s discretion; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, 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 must comply with recommended treatment plan; Counseling for adjustment/transition.

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<sup>2</sup> Mr. Ainooson was found not guilty of armed assault with intent to murder and assault and battery by means of a dangerous weapon relating to the shooting of this second individual.

*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.*

  
Tina M. Hurley, Chair

  
Date