

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

Daniel Bennett  
Secretary

Telephone # (508) 650-4500  
Facsimile # (508) 650-4599

Paul M. Treseler  
Chairman

**DECISION**

**IN THE MATTER OF**

**KEVIN HALIDAY**

**W84513**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** November 16, 2017

**DATE OF DECISION:** October 18, 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 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.<sup>1</sup>

**I. STATEMENT OF THE CASE**

On November 16, 2004, in Barnstable County Superior Court, Kevin Haliday was found guilty of second degree murder in the shooting death of 25-year-old Daniel Mendes. He was sentenced to serve life in prison with the possibility of parole. Mr. Haliday was also convicted of possession with intent to distribute Class B and received a sentence of 9 to 10 years to run from and after the life sentence. Additionally, Mr. Haliday was convicted of possession of a firearm without a license and was sentenced to 4 to 5 years to run concurrent with the second degree murder conviction. On October 31, 2006, the Appeals Court affirmed the judgments, and his application for further appellate review was denied.<sup>2</sup>

<sup>1</sup> Four Board Members voted to deny parole with a five year review and two Board Members voted to deny parole with a four year review.

<sup>2</sup> *Commonwealth v. Kevin Haliday*, 67 Mass.App.Ct. 1112 (2006)

On December 11, 2002, at approximately 8:00 p.m., 26-year-old Kevin Haliday went to 402 Bearse's Way in Hyannis. When Mr. Haliday arrived, his cousin, Daniel Mendes, was on the phone. At some point, they both entered a bedroom and started talking. After a witness heard a loud noise, Mr. Haliday exited the bedroom and left the residence. The witness went into the bedroom and saw Mr. Mendes holding his head where he had been shot. Police were called, but Mr. Mendes eventually died from the single gunshot wound to his head. Mr. Haliday was arrested that same day.

## **II. PAROLE HEARING ON NOVEMBER 16, 2017**

Kevin Haliday, now 40-years-old, appeared before the Parole Board for an initial hearing on November 16, 2017. He was not represented by counsel. Mr. Haliday stated, "I am in prison for [the] killing of my cousin." He added, "I am not a murderer, so I can't say that I murdered somebody." However, he also stated, "I am the responsibility of why my cousin was killed." When further questioned by a Board Member regarding the facts surrounding the murder, Mr. Haliday stated that he wanted to "plead the Fifth." Later, he stated that he didn't want to assert the Fifth Amendment Privilege, nor did he have any legal issues at this time, but he wanted to talk to the Board about who he now. At the time of the murder, he said he was dealing drugs and had possession of guns.

Board Members questioned Mr. Haliday about the events surrounding the murder. He claimed, "I really don't remember too much about that night, to be honest with you." He explained that he was drinking and "extremely high." At the time, he said he was a successful drug dealer, but that he didn't want to be. When a Board Member asked Mr. Haliday to describe the conversation before he pulled out his gun and shot his cousin, he responded, "I don't remember." Mr. Haliday explained that he had previously been in the drug dealing business with his cousin. After a Board Member asked Mr. Haliday (twice) why he killed his cousin, he stated, "He was really tryin[g] to have somebody kill me." When a Board Member asked Mr. Haliday if he had his finger on the trigger, he responded, "You know what is so funny about this, I actually don't have to answer that question, and it's actually in a good way and not actually in a bad way." However, he agreed that he held himself responsible for the murder of his cousin. When a Board Member asked him where he put the gun after the murder, he said he put it in the trash at a hotel parking lot.

A Board Member questioned Mr. Haliday as to whether he was an open mental health case with the Department of Correction. He said no, but added, "I actually tried to go to a mental health case because I had real bad anxiety experiences." He said he had been involved in approximately 12-13 fights "inside the system" because he had to defend himself. When asked to describe his program participation while incarcerated, he stated that he is "so program compliant" that there is nothing left for him to do at the Department of Correction. He claims he has been programmed to be a robot, rather than a person, and that programming has been pushed on him. He mentioned that he participated in Criminal Thinking, Substance Abuse, and Path of Freedom programs. He stated that he enjoyed participating in the Correctional Recovery Academy. Mr. Haliday told the Board that he received his GED and attended Bridgewater State College.

When asked by a Board Member whether he thought about requesting an attorney for representation at this hearing, Mr. Haliday responded that a lawyer representing him would not be right, as he can speak on his own and represent himself. A Board Member noted that Mr.

Haliday was answering a question with a question, and that he was very confrontational. When asked about his support system, Mr. Haliday explained that he speaks to his family. However, he told the Board, "I have to do some restructuring of my family, too." He told the Board that he has a 21-year-old son.

The Board considered a letter that was read in opposition to parole from Mr. Mendes' mother. The Board considered a letter in opposition to parole from Cape & Islands District Attorney Michael O'Keefe.

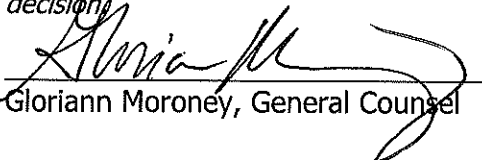
### **III. DECISION**

The Board is of the opinion that Kevin Haliday has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Haliday is serving his first state commitment for the murder of Danny Mendes. Mr. Haliday should invest in his rehabilitation to address his causative factors and maintain a positive adjustment. Mr. Haliday presents as a risk to public safety. The Board would recommend Mr. Haliday request a mental health evaluation and comply with recommended treatment.

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

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

  
Gloriann Moroney, General Counsel

10/18/18  
Date