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**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**MICHAEL HARDY**

**W54925**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** February 12, 2013

**DATE OF DECISION:** January 14, 2014

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in four years.

**I. STATEMENT OF THE CASE**

Michael Hardy appeared before the Massachusetts Parole Board for a review hearing on the life sentence he is currently serving at MCI-Shirley. Hardy received this sentence in Suffolk Superior Court on August 12, 1993 after pleading guilty to second-degree murder in the shooting death of 46-year-old Adriano Barros.

On June 26, 1992, Adriano Barros, owner of GiGi's Liquor in Dorchester, requested that Hardy leave his store after a brief argument regarding Hardy's inappropriate contact with a female customer. Upon being asked to leave the store, Hardy, age 26, replied, "I'll see you later" to Barros. Later that evening, after arming himself with a .45 caliber gun, Hardy returned to the store and argued with Barros about what had occurred earlier that day. Hardy then left the store and waited for Barros to exit. At approximately 11 p.m., as Barros walked onto the sidewalk to close his store, Hardy fired two shots, hitting Barros once in the head. Barros died

two days later. Hardy was arrested by the Boston Police Department approximately one month after the shooting.

Hardy's criminal history consists of sentences for breaking and entering, larceny, assault and battery with a sawed off shotgun, knowingly receiving stolen property, and assaulting a correctional officer. Hardy has one prior parole failure in 1988 for a new arrest that occurred within days of his release from prison. Hardy had completed these sentences when he murdered Barros.

## **II. PAROLE HEARING ON FEBRUARY 12, 2013**

Michael Hardy appeared for his second parole hearing. He explained that the murder resulted from "anger and self-hatred; being poor and fatherless led to antisocial behavior; I was angry, misguided, arrogant, and looking for trouble; I am no longer impulsive and reactionary; I make better decisions; I understand criminal thinking is a learned behavior that can be reversed."

At the time of the murder, Hardy was 26 years old and lived with his grandmother. He did not work. He had two sons with different mothers. He said, "I was associated with Greenwood, but I was not a member; I had no occupation; I never worked; I sold weed; I carried a gun regularly in the late 80s and the 90s; it was for protection." In explaining his prior state prison sentence for armed robbery and related offenses, he said, "we robbed a guy in a house; it was a marijuana deal." Hardy received parole on that sentence but parole was revoked after a new arrest which occurred within days of his release on parole. Hardy provided information on the murder: "I was a patron at the liquor store; I knew the girl; I had an affair with her; I wasn't rubbing up against her; we were play fighting; words were exchanged that day; there was an argument and I said 'I will be back;' I came back at 9:00 or 10:00; I yelled at the victim in the store; I waited outside and I shot him; I shot twice and one struck him."

Board Members asked about Hardy's prison conduct. Hardy acknowledged he received 24 disciplinary reports and said, "I was out of control; I had issues with authority; early in prison I associated with Greenwood and other gang members but I didn't know they classed me as STG; most people in prison are gang members." Hardy's prison conduct includes two earlier violent incidents that resulted in criminal convictions. He beat corrections officers in 1989 at Deer Island and was convicted of five counts of assault and battery with a committed sentence of three months. In 1991, he beat a corrections officer at the Essex House of Corrections and pleaded guilty to assault and battery with the case placed on file.

Hardy's prison conduct is much improved in recent years. He has not received a disciplinary report since 2001. He explained that "in 2001 I realized I needed to change my life and find a better way to live; I got fed up and tired of living the way I was living; I stopped associating with unsavory characters." Hardy reported that "anger management in 2003 was my first program; CRA was the most beneficial program because it taught me about criminal thinking and victimization; my behavior victimized many people, not just one person; before the program I never would have understood how many people were affected by my senseless act." Hardy said, "I am a mature individual now; I have made tremendous change in attitude." When asked to explain how his attitude has changed, Hardy said he was more positive but was not able to provide a more detailed explanation.

His programming includes Smart Recovery, Father's Group, Alternatives to Violence (two phases), Emotional Awareness, and the Correctional Recovery Academy. He received his GED in 2007. He completed Culinary Arts in 2011 and now works as tutor in that program, a position for which he is paid. He said, "I want to cook in a major hotel or major restaurant." He reported that, "I don't really have substance abuse issues; I smoked weed; I wasn't dependent or addicted; I do understand that any drug use is substance abuse." He has not received a visit since 2009. He reported that his two sons and a brother live in Boston but most of his relatives live in the South. His father was found not guilty of murder in Massachusetts but was later convicted of murder in Alabama.

Speaking in opposition to parole were Adriano Barros' son, daughter, two nieces, and son-in-law. The family still owns the liquor store. They explained that Mr. Barros was well-known in the Cape Verdien community and that his death has caused ongoing sadness and hardship in the family. Hardy's nephew spoke in support of parole. Suffolk Assistant District Attorney Charles Bartoloni attended the hearing and spoke in opposition to parole.

### **III. DECISION**

Michael Hardy walked away from a minor argument and spent the next several hours planning a murderous revenge. He shot Adriano Barros, an unarmed and unsuspecting store owner, in the head. Hardy's other criminal activity, including beating corrections officers in two separate incidents, adds to the picture of an angry, violent, and antisocial person. The Parole Board tried to help him four years before the murder. He was on parole in 1988 for a matter of days when he was arrested for a new crime. For at least eight years in prison, he persisted with gang activity, poor conduct, and violence. Hardy improved his behavior starting in 2001 and began to participate in programs in 2003. His reform has been steady in the last decade, but that length of time is not sufficient to develop and establish the rehabilitation necessary for Hardy to live in the community. After demonstrating his capacity for extreme retaliatory violence, Hardy needs a longer period of rehabilitation.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Hardy does not merit parole. The period of review will be four years, during which time Mr. Hardy should continue with good conduct, program involvement, and other productive activity.

*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.*

Josh Wall

Josh Wall, Chairman

January 14, 2014

Date