



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Gina K. Kwon  
Secretary

Telephone: (508)-650-4500

Facsimile: (508)-650-4598

Angelo Gomez, Jr.  
Chair

Lian Hogan  
Executive Director

RECORD OF DECISION

IN THE MATTER OF

NICHOLE FERNANDES  
F36764

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** October 9, 2025

**DATE OF DECISION:** March 11, 2026

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner,<sup>1</sup> Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz

**VOTE:** Parole is denied with a review in 3 years from the date of the hearing.<sup>2</sup>

**PROCEDURAL HISTORY:** On September 24, 1999, following a jury trial in Middlesex Superior Court, Nichole Fernandes was convicted of murder in the first-degree for the death of Helena Gardner. She was sentenced to life in prison without the possibility of parole. On that same date, she was convicted of kidnapping and assault and battery with a dangerous weapon, and received two 9 to 10 year sentences to run from and after the life sentence and concurrently with one other.

Ms. Fernandes became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision regarding her first-degree murder conviction, Ms. Fernandes was re-sentenced to life with the possibility of parole after 15 years.

<sup>1</sup> Board Member Bonner was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to vote.

<sup>2</sup> One Board Member voted to deny parole with a review in 4 years from the date of the Decision.

On October 9, 2025, Ms. Fernandes appeared before the Board for an initial hearing. She was represented by Attorney Devon Hincapie. The Board's decision fully incorporates by reference the entire video recording of Ms. Fernandes' October 9, 2025, hearing.

**STATEMENT OF THE CASE:** On March 25, 1997, Nichole Fernandes (age 19) and her co-defendants went to a Boston homeless shelter in search of Helena Gardner (age 19). Their intent was to confront her about remarks she had made about them. At the shelter, Ms. Fernandes and her co-defendants convinced Ms. Gardner to accompany them to an abandoned trailer in Cambridge, which they frequently used as a place to sleep.

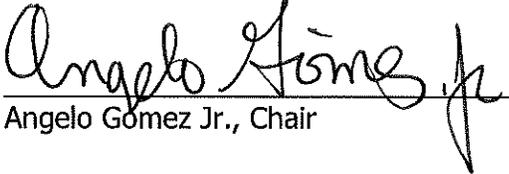
Once they were all inside the trailer, Ms. Gardner was bound with wire and gagged. Ms. Fernandes struck her with a metal rod several times and used thorns from a rose stem to cut Ms. Gardner's face. She then lit Ms. Gardner's hair on fire and stabbed her with scissors, which were left embedded in her neck. Ms. Fernandes took a sledgehammer and struck Ms. Gardner repeatedly on the head. The trailer was set on fire once Ms. Gardner succumbed to her injuries. The group left the scene to procure an alibi, but all were arrested approximately 10 days later.

**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 inmate'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 inmate'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 inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

**DECISION OF THE BOARD:** Ms. Fernandes is before the Board for an initial hearing as a result of the Supreme Judicial Court's Mattis decision. The Board considered the Mattis factors of the emerging adult brain. The Board also noted Ms. Fernandes' recent disciplinary reports. Ms. Fernandes has incurred 54 disciplinary reports during her 26 years incarcerated. The Board considered the facts and circumstances of the offense. The Board reviewed Dr. Levine's evaluation. The Board also noted that Ms. Fernandes is high risk on the LS/CMI risk assessment tool. The Board considered testimony in support of parole from both a social worker and a representative of Families as Justice for Healing. The Board considered the oral and written testimony of Ms. Gardner's family in opposition to parole. The Board also considered the opposition testimony of Middlesex ADA Alicia Walsh. The Board concludes that Nichole Fernandes has not demonstrated a level of rehabilitation that would make her release compatible with the welfare of society.

*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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Angelo Gomez Jr., Chair

March 11, 2026  
Date