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PAROLE BOARD

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Paul Treseler
Chairperson

DECISION

IN THE MATTER OF

RONALD HERBERT

W48173

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 27, 2017

DATE OF DECISION: June 5, 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 the 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 a suitable candidate for parole to his United States Immigration and Customs Enforcement (ICE) detainer only.¹

I. STATEMENT OF THE CASE

On March 28, 1990, in Suffolk Superior Court, a jury found Ronald Herbert guilty of armed robbery, and he received a sentence of 15-20 years in prison. This sentence was later amended by the Appellate Division of the Superior Court to 9-12 years. Then, on March 13, 1991, Mr. Herbert pleaded guilty to the armed robbery and second degree murder of Mark Belmore. He was sentenced to life in prison with the possibility of parole for the murder and sentenced to 35-45 years for the armed robbery, to be served consecutive to his prior armed robbery sentence. Finally, on November 13, 1991, Mr. Herbert pleaded guilty to armed robbery and armed assault with intent to murder and received a sentence of 15-20 years concurrent to his prior sentences.

¹ Four Board Members voted to parole Mr. Herbert to his ICE detainer. Two Board Members voted to deny parole with a 3 year review.

On January 14, 1990, after watching the 9:50 p.m. movie at Cinema 57 in Boston, Ronald Herbert and a group of young men and women were walking toward Columbus Avenue, when some of the young men suggested that the group "beat someone down." Mr. Herbert was armed with a combat-type knife and at least two other young men in Mr. Herbert's group were also carrying knives. The group observed the victim, Mark Belmore, a 19-year-old student at Northeastern University, while he was walking on Columbus Avenue toward the Ruggles Street MBTA station. Mr. Herbert and his companions, including Mr. Herbert's twin brother Roger Herbert, chased and trapped Mr. Belmore, who screamed for help. When Mr. Belmore resisted, Mr. Herbert and his companions started beating him. As the assault continued, Roger Herbert (Mr. Herbert's brother) was seen stabbing Mr. Belmore repeatedly. The medical examiner found five stab wounds of varying depth and severity on Mr. Belmore's body and noted that the fatal wound had severed Mr. Belmore's aorta. Mr. Belmore's face exhibited injuries consistent with a severe beating. In addition, Mr. Belmore's wallet had been taken.

II. PAROLE HEARING ON JUNE 27, 2017

Ronald Herbert, 47-years-old, appeared before the Parole Board on June 27, 2017, for a review hearing. He was not represented by counsel. In his opening statement to the Board, Mr. Herbert apologized to the family of the victim and expressed shame and remorse for his actions. Mr. Herbert indicated that through programming, such as Anger Management, he has found ways to express himself and deal with his anger and frustration, so that it "does not build up and manifest into violence." Mr. Herbert indicated that he has remained sober since 1997 and understands the importance of maintaining his sobriety for the rest of his life. As such, he has participated in Alcoholics Anonymous ("AA") and Narcotics Anonymous ("NA"). Mr. Herbert indicated that he is no longer "the same angry and violent man that committed these horrific crimes."

Mr. Herbert acknowledged that at his prior hearing, he failed to take responsibility for his crime. In describing the murder, Mr. Herbert indicated that he and some friends had a discussion about robbing the first person they see. Mr. Herbert agreed to participate. At some point, the group observed Mr. Belmore walking down the street. Mr. Herbert chased Mr. Belmore and began punching him. Mr. Herbert continued to punch Mr. Belmore approximately 15 times, until his co-defendants caught up with him. His co-defendants continued to attack Mr. Belmore and, at some point, pulled out knives and began stabbing Mr. Belmore. Mr. Herbert indicated that each of his three co-defendants stabbed Mr. Belmore, including his twin brother Roger. Mr. Herbert had always maintained in the past that he had fled the scene prior to the stabbing, and thus, did not observe the stabbing. At this hearing, however, Mr. Herbert acknowledged to the Board (for the first time) that he had not been truthful and that he was, in fact, present during the stabbing. Mr. Herbert acknowledged that this was not his first robbery, as he had participated in robberies prior to the governing offense.

When questioned by the Board as to why he denied witnessing the stabbing for approximately 24 years, Mr. Herbert indicated that, at the last hearing, a Board Member told him that "there was no program in the DOC that could help [him]." Mr. Herbert indicated that he believed he "proved that person wrong." In 2014, Mr. Herbert participated in Jericho Circle, which helped him "look at himself," take full responsibility for his actions, and learn to empathize with the victim and his family. Mr. Herbert also indicated that he took the time to learn about Mr. Belmore's life and the impact that his actions had on Mr. Belmore's family. Mr.

Herbert indicated that he "can't fathom" what Mr. Belmore's family experienced when they learned of his murder. Mr. Herbert expressed remorse for lying to the Board at his last hearing and indicated that he understood the additional impact it had on the family of Mr. Belmore.

Mr. Herbert was born in Barbados and came to the United States when he was 3-years-old. Mr. Herbert, by his own account, grew up in a loving family and attended church regularly. Not having experienced the "typical past" of teenagers who exhibit violent behavior, the Board questioned Mr. Herbert as to what contributed to his violent behavior as a teenager. Mr. Herbert described how he was bullied as a child for years because of his accent, his clothes, and for being held back in school. Mr. Herbert indicated that his brother Roger was the one who always fought back. Mr. Herbert explained that he did not fight back, despite always "getting beaten up." As a result, rage and anger built up, ultimately culminating in his violent actions.

Mr. Herbert indicated that he has addressed his anger and violence issues through programming, such as Jericho Circle, Alternatives to Violence, and Advanced Alternative to Violence. Mr. Herbert has also addressed his substance abuse issues through participation in AA and NA. He works on maintaining his sobriety on a daily basis. Mr. Herbert has exhibited good institutional adjustment and is currently employed in the sewing shop. In addition to his program participation, Mr. Herbert also obtained his GED, HVAC, and Welding certifications and participated in computer programming. Mr. Herbert reported that he is currently waiting to have surgery on his hand and suffers from high blood pressure and vision loss.

The Board considered the testimony of the victim's two sisters and mother, as well as Suffolk County Assistant District Attorney Charles Bartoloni, all of whom spoke in opposition to parole.

III. DECISION

The Board is of the opinion that Ronald Herbert has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. Mr. Herbert was 19-years-old at the time of the crime. He is now 47-years-old. He has served 27 years and is very remorseful. At Mr. Herbert's last hearing, he was encouraged to continue on a positive path and has done so. At this hearing, Mr. Herbert presented as honest and forthcoming regarding the offense. He has fully engaged in rehabilitative programming. He earned his GED and completed Restorative Justice, Jericho Circle, and Violence Reduction programs.

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. Herbert'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. Herbert's risk of recidivism.

After applying this standard to the circumstances of Mr. Herbert's case, the Board is of the opinion that Ronald Herbert merits parole at this time to his ICE detainer only, subject to special condition(s).

SPECIAL CONDITIONS: Approve home plan before release (in the event Mr. Herbert is released from ICE custody); Release to ICE Detainer; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor, testing in accordance with agency policy; Must report to assigned MA Parole Office on day of release (in the event Mr. Herbert is released from ICE custody); No contact with victim(s); Must have a substance abuse evaluation and must comply with recommended treatment plan.

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

6/5/18
Date