

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

SHANE BESTER

W96677

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **November 5, 2024**

DATE OF DECISION: **February 19, 2025**

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

VOTE: Parole is granted to a Sober Home or Long-Term Residential Program.¹

PROCEDURAL HISTORY: On January 17, 2010, after a jury trial in Plymouth Superior Court, Shane Bester was convicted of second-degree murder in the death of Adilson Pires. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Bester received a concurrent 18 to 20 year (later revised to 13 to 15 year) sentence for possession of a firearm without a license.

Mr. Bester first appeared before the Board in 2022, but parole was denied. On November 5, 2024, Mr. Bester appeared before the Board for a review hearing. He was represented by student attorneys Emma Abrams and Sydney Johnson of Boston College Law School under the supervision of Attorney Frank Herrmann. The Board's decision fully incorporates, by reference, the entirety of the recording of Mr. Bester's November 5, 2024, hearing.

STATEMENT OF THE CASE:² On January 8, 2008, Mr. Bester was purchasing a bottle of Hennessy at a liquor store he frequented in Brockton. The victim, Adilson Pires (age 24), entered

¹ Two Board Members voted to grant parole, but not before 90 days in lower custody.

² The Statement of the Case is derived from Commonwealth v. Bester, 82 Mass. App. Ct. 1104 (2012) (Rule 1:28) and Bester v. Ryan, No. 13-12508 (D. Mass. Oct. 19, 2016).


the store with two others. The cashier testified that the victim asked to speak with Mr. Bester outside and assured Mr. Bester that "it's not like that." Mr. Bester went outside, while the victim purchased two beers from the liquor store. The victim and his two friends went outside, where an argument ensued between Mr. Bester and the victim. The victim believed that Mr. Bester stabbed him on a prior occasion, which Mr. Bester denied. Friends of the victim testified that Mr. Bester and the victim were "loud but not yelling," and that Mr. Bester appeared upset. According to the victim's friend, Mr. Bester drew a gun and started shooting the victim from about 5 feet away. After the murder, Mr. Bester fled to Florida, where he was apprehended a few days later.

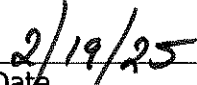
APPLICABLE STANDARD: Parole shall be granted "only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." G. L. c. 127, § 130. The Board considers multiple factors in making its decision, including the incarcerated individual's institutional behavior; their participation in available work, education, and treatment programs during their incarceration; and whether the incarcerated individual's chances of recidivism could be reduced by participation in risk reduction programs. G. L. c. 127, § 130. The Board considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the entirety of the incarcerated individual's criminal record, the incarcerated individual's institutional record, the incarcerated individual's testimony at the hearing, and the views of the public expressed at the hearing and/or in written submission to the Board.

DECISION OF THE BOARD: Mr. Bester was last before the Board in 2022. Since that time, Mr. Bester has continued to engage in programming directly related to the concerns raised by the Board in its last decision. Mr. Bester has also followed the recommendation of the Board to engage in Occupational Skills training. The Board notes that Mr. Bester only has four D-reports while incarcerated and has no D-reports involving violence. The Board also acknowledges the significant medical concerns which have progressed since his last appearance before the Board. Mr. Bester has a strong release plan and family support. The Board also considered post-hearing submissions from Mr. Bester's legal counsel. Plymouth County Assistant District Attorney Pumbo appeared in opposition. Numerous family members appeared in support.

SPECIAL CONDITIONS: Waive work for two weeks; Electronic monitoring while at Sober Home; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have mental health counseling for adjustment; Sober Home for at least 90 days or Long-Term Residential Program.

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