



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

STEPHEN FERNANDEZ

W51196

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 7, 2021

DATE OF DECISION: March 16, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

STATEMENT OF THE CASE: On September 23, 1991, in the Bristol Superior Court, Stephen Fernandez pleaded guilty to armed robbery and was sentenced to life in prison with the possibility of parole. He was also sentenced to a concurrent sentence of three to five years for carrying a dangerous weapon. Remaining charges of assault with a dangerous weapon, assault to kill, and kidnapping were all placed on file.

On January 30, 1991, Stephen Fernandez agreed to ride along with his friend Rohan Seivwright who wanted to confront Manuel Santiago regarding an issue with a female. After luring Santiago into the car, Seivwright drove the car and confronted Santiago about the female. Seivwright stopped the car near Route 1A in Attleboro. Santiago was ordered to remove his clothing and he did so. Santiago was ordered by Fernandez at gun point to step out of the vehicle. Santiago stepped into the breakdown lane wearing only his boxer shorts. While Manuel Santiago was walking away backwards, Stephen Fernandez shot him four times. After the shooting, Fernandez approached Santiago outside the vehicle, but did not fire any more shots. The vehicle sped off towards Boston and Santiago managed to get to his feet and stop traffic for help. Santiago survived the shooting. During an interview at the hospital and after being shown a photo array, Santiago immediately identified Stephen Fernandez as the shooter.

Stephen Fernandez, now 49-years-old, appeared before the Parole Board on December 7, 2021, for a review hearing. He was represented by law students Emilie Montgomery and Alexa Gray of the Harvard Prison Legal Assistance Project. Mr. Fernandez was denied parole

after his initial hearing in 2005 and his review hearings in 2010, 2013. Mr. Fernandez postponed his 2016 hearing. The entire video recording of Mr. Fernandez's December 7, 2021 hearing is fully incorporated by reference to the Board's decision.

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 by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long-term residential treatment program or Criminal Resources for Justice, but not before successful completion of six months in lower security. Mr. Fernandez is serving a sentence for armed robbery. He has been incarcerated for over 30 years. He was 18 years old at the time of the offense. Mr. Fernandez appeared before the Board in 2013 and he subsequently waived his hearing in 2016. Since that period of time, he has actively engaged in programming and appears to have benefitted from it. He has been working towards his Hi Set. The Board recognizes the growth since his last hearing and acknowledges a genuine presentation and significant strides towards his rehabilitation. He has a strong support system and re-entry plan to address his needs.

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. Fernandez'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. Fernandez's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Fernandez's case, the Board is of the opinion that Stephen Fernandez is rehabilitated and merits parole after successful completion of six months in lower security.

SPECIAL CONDITIONS: After successful completion of six months in lower security, reserve to long term residential treatment program—must complete; Waive work for LTRP, CRJ or two weeks; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with co-defendant; No contact with victim's family; No contact with victim(s) [named individual]; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for adjustment/transition; AA/NA at least three times per week.

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.


Pamela Murphy, General Counsel

3/16/2022
Date