



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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RECORD OF DECISION

IN THE MATTER OF

WAYNE MIRANDA
W92623

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 10, 2023

DATE OF DECISION: November 14, 2023

PARTICIPATING BOARD MEMBERS: Tina M. Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse

STATEMENT OF THE CASE: On July 23, 2008, following a jury trial in Bristol County Superior Court, Wayne Miranda was found guilty of second-degree murder in the death of 25-year-old Christopher Barros. He was sentenced to life in prison with the possibility of parole. On that same date, Mr. Miranda was found guilty of unlawful possession of a firearm and received a sentence of 3-5 years, to be served from and after his life sentence. He was also found guilty of assault and battery by means of a dangerous weapon (firearm) and was sentenced to 10 years of probation. Pursuant to Dinkins v. Massachusetts Parole Board, 486 Mass. 605 (2021), a single parole eligibility date of October 10, 2023 was set for Mr. Miranda.

On the evening of October 10, 2005, Fagbemi Miranda and 25-year-old Christopher Barros engaged in a loud argument outside the Miranda residence. Fagbemi's younger brother, Wayne Miranda (age 26) ran out of the Miranda home and joined the argument. Wayne then ran back inside, returning a minute later with a black handgun. Wayne jumped over the banister onto the pavement and pointed the gun at Mr. Barros. Mr. Barros raced down the driveway with Wayne and Fagbemi in close pursuit. Following a brief exchange of words, Wayne passed the gun to Fagbemi. A neighbor saw Fagbemi raise the gun and point it toward a picket fence on the far side of the yard. The sound of two gunshots rang out in quick succession, emanating from the direction of the yard. The victim's body was later found on the opposite side of the picket fence. One of the gunshots proved fatal.

Police arrested Wayne Miranda later that night, as multiple witnesses had seen him with a gun, chasing the victim. Wayne Miranda's indictment for Mr. Barros' murder followed approximately one month later. Fagbemi Miranda's indictment and arrest did not follow for more than two years, until a witness proffered testimony identifying Fagbemi Miranda as the shooter for the first time.

PAROLE HEARING: Mr. Miranda appeared before the Board on August 10, 2023 for an initial hearing. He was not represented by counsel. The entire video recording of Mr. Miranda's August 10, 2023 hearing is fully incorporated, by reference, in the Board's decision.

DECISION OF THE BOARD: 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.

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 not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.¹

In forming this opinion, the Board has taken into consideration Mr. Miranda'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. Miranda's risk of recidivism. After applying this standard to the circumstances of Mr. Miranda's case, the Board is of the opinion that Mr. Miranda is not rehabilitated and, therefore, does not merit parole at this time.

The Board is of the opinion that Mr. Miranda has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. This is subject's initial appearance before the Board. Subject has a history of approximately 50 disciplinary reports with three DDU placements. Subject also has a history of refusing to follow orders and assaults on officers. Subject has demonstrated issues with authority. Subject has prior firearm convictions. The Board considered subject's high-risk score on the LS/CMI risk assessment tool. Subject only began engaging in programming approximately 3 years ago. The Board finds subject needs to more fully engage in his rehabilitative efforts, including programming. The Board recommends subject renounce his STG affiliations, engage in violence reduction programming, engage in education or vocational pursuits, and improve his institutional adjustment. Subject's cousin and mother spoke in support. Bristol Assistant District Attorney Dan Walsh and the victim's family spoke in opposition.

¹ One Board Member voted to deny parole with a five-year review.

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

11/14/2023

Date