



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**CHARLES BYRD**

**W80358**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** December 15, 2015

**DATE OF DECISION:** April 7, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 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 not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On May 29, 2002, in Middlesex Superior Court, Charles Byrd pled guilty to the second degree murder of Joseph Alemesis and to unlawful possession of a firearm. A sentence of life in prison, with the possibility of parole, was imposed on Mr. Byrd for the murder of Mr. Alemesis. Mr. Byrd was also sentenced to a term in prison of not more than 5 years, and not less than 4 years, for his conviction of unlawful possession of a firearm.

On February 2, 2001, at approximately 2:00 p.m., Mr. Byrd and a group of male associates drove to the home of Mr. Alemesis for the purpose of collecting a drug debt. Prior to their arrival, one of the men provided Mr. Byrd with a loaded pistol. When Mr. Alemesis met Mr. Byrd at the front door of his home, Mr. Byrd attempted various ruses to gain entry. Eventually, Mr. Byrd (alone) was admitted into the home after requesting permission to use the bathroom. Immediately after exiting the bathroom, Mr. Byrd removed the pistol from his

waistband and shot Mr. Alemesis once between the eyes, killing him. Mr. Byrd ran from the home to the car his friends were waiting in, and spent the rest of the afternoon and evening attempting to dispose of his clothing and the gun. He was arrested in the early morning hours of February 3, 2001, at the Bedford Hotel.

## **II. PAROLE HEARING ON DECEMBER 15, 2015**

Mr. Byrd, now 33-years-old, appeared before the Parole Board on December 15, 2015 for his initial hearing. In Mr. Byrd's opening statement to the Board, he apologized to the family of Mr. Alemesis and expressed his remorse. During the course of the hearing, Mr. Byrd spoke about the events preceding the murder of Mr. Alemesis. According to Mr. Byrd, he shot Mr. Alemesis over a \$300 debt related to the sale of heroin. Mr. Byrd explained to the Board that, approximately two weeks prior to his death, Mr. Alemesis had agreed to provide Mr. Byrd with heroin, which Mr. Byrd intended to re-sell for a profit. The agreed-upon price for the heroin was \$300. After paying Mr. Alemesis, however, Mr. Byrd discovered that he had been deceived. The package he had received from Mr. Alemesis did not contain heroin and was worthless. Over the course of the following two weeks, Mr. Byrd made repeated, yet unsuccessful, attempts to contact Mr. Alemesis for the purpose of collecting his \$300.

On the day of the murder, Mr. Byrd was socializing with two friends when the issue of Mr. Alemesis came up in conversation. At the time, one of Mr. Byrd's friends was armed with a pistol. Mr. Byrd and his friends had been examining the pistol and passing it around during their conversation. As the conversation continued, Mr. Byrd became more and more agitated about his situation with Mr. Alemesis and the way he had been treated. Spontaneously, Mr. Byrd decided to use his friend's pistol to kill Mr. Alemesis. So, later that same day, Mr. Byrd (armed with his friend's pistol) confronted Mr. Alemesis at his home. In order to gain entry into the home, as well as to get Mr. Alemesis alone, Mr. Byrd used a ruse by requesting permission to use the bathroom.

According to Mr. Byrd, he knew he was going to kill Mr. Alemesis at the time he entered the house. After checking the pistol in the bathroom to make sure it was loaded, Mr. Byrd stepped into the hallway where Mr. Alemesis was standing behind him. Mr. Byrd turned and shot Mr. Alemesis once in the head. Immediately following the murder, Mr. Byrd fled the scene and gave the pistol back to his friend. After his arrest a short time later, Mr. Byrd initially blamed the murder on his friend, whose pistol had been used to kill Mr. Alemesis. Mr. Byrd explained to the Board that he was intoxicated at the time he made those statements to the police. According to Mr. Byrd, however, he was not intoxicated or under the influence of drugs at the time he shot Mr. Alemesis. After sobering up, Mr. Byrd decided to take responsibility for his actions and was truthful about his involvement in the murder of Mr. Alemesis.

Over the course of the hearing, Mr. Byrd had the opportunity to describe his childhood. According to Mr. Byrd, he experienced strife in his home life, which led him to join a gang at a young age. Eventually, Mr. Byrd became involved in selling drugs. When asked by the Board, Mr. Byrd said that the pursuit of education has been his most beneficial activity over the course of his incarceration. Mr. Byrd said that his coursework with Boston University gave him a sense of self-worth and confidence. Mr. Byrd also described the self-discipline he learned through pursuit of the Muslim faith. The Board acknowledges that Mr. Byrd has participated in additional programming, including the Correctional Recovery Academy and computer training.

The Board considered testimony from witnesses, including Mr. Byrd's mother, who expressed support for his release, as well as testimony from a representative of the Middlesex District Attorney's Office, who expressed opposition to parole.

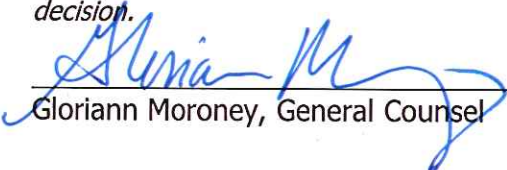
**III. DECISION**

The Board is of the opinion that Mr. Byrd has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Byrd's rehabilitation.

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. Byrd'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 whether risk reduction programs could effectively minimize Mr. Byrd's risk of recidivism. After applying this standard to the circumstances of Mr. Byrd's case, the Board is of the unanimous opinion that Mr. Byrd is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Byrd's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Byrd to continue working towards his full rehabilitation.

*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

4/7/16  
Date