



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Josh Wall
Chairman

DECISION

IN THE MATTER OF

RONALD HERBERT

W48173

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 26, 2012

DATE OF DECISION: October 16, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan , Roger Michel, and Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

On March 13, 1991, Mr. Herbert pled guilty in Suffolk Superior Court to the second-degree murder of Mark Belmore and received a life sentence. He also pled guilty to the armed robbery of Mr. Belmore and received a 35 to 45 year concurrent sentence. At the time this sentence was imposed, Mr. Herbert was serving a 15 to 20 year sentence for an unrelated armed robbery (in May of 1991 the Appellate Court of the Superior Court amended the sentence to 9 to 12 years). In that case he robbed Bertha Cunningham at gun point. In a third case, Mr. Herbert pled guilty on November 13, 1991 to charges of armed robbery and armed assault with intent to murder, receiving 15 to 20 year concurrent sentences. The victim Raymond Wright was stabbed and robbed.

On January 14, 1990, Mr. Herbert and a group of young men and women had left the Cinema 57 in Boston and were walking toward Columbus Avenue when it was suggested that the group "beat someone down." Roger Herbert, the inmate's brother was armed with a combat-type

knife which had a twelve-inch blade. At least two other young men in the group were also carrying knives. The group observed Mark Belmore, a nineteen-year-old student at Northeastern University, while he was walking on Columbus Avenue toward the Ruggles MBTA station. The inmate and his companions chased and trapped the victim, who screamed for help. When the victim offered resistance, the inmate and his companions started beating him. As the assault continued, the inmate's brother stabbed the victim repeatedly. The medical examiner found five stab wounds of varying depth and severity on the victim's body and noted that the fatal wound severed the victim's aorta. The victim's face exhibited injuries consistent with a severe beating and his wallet had been taken. Roger Herbert, the stabber, was convicted by a jury of first-degree murder.

II. PAROLE HEARING ON JUNE 26, 2012

Ronald Herbert appeared before the Massachusetts Parole Board for an Initial Hearing on June 24, 2012. Mr. Herbert described the murder as follows: "all of us agreed to rob the victim; I ran after him and a fight ensued; I punched him; everybody else caught up and I took off and went to a park; the others came to the park later where they said the victim was stabbed many times."

Mr. Herbert denied he had a weapon or assisted in stabbing Mark Belmore. He also denied he used a knife to stab and rob Richard Wright. This position conflicts with his guilty plea and convictions for armed robbery and assault with intent to murder. He did admit he used a gun to rob Bertha Cunningham. He said the robbery of Ms. Cunningham was the only time he ever carried a weapon.

The inmate said he was born in Barbados and raised by a foster family who brought him to Boston. He dropped out of ninth grade and worked at several McDonald's restaurants in Boston. He has five children with three different women. He has virtually no contact with his children.

The inmate stated he was "a horrific inmate" for the first seven years of incarceration and admitted during that time "I had no remorse for anything." He said he was a scared kid who wanted to be accepted. He said the state prison system is "totally different from my early years. It is 100% better today." He said his second DDU placement "changed my life; after that I met different people who were doing different things." Mr. Herbert responded by obtaining a GED, computer certification, a welding license, and HVAC training.

Board Members questioned the inmate about testimony that described Mr. Herbert punching the victim while his brother was stabbing. The inmate insisted he left the scene before the stabbing and that the witness was wrong.

Mr. Herbert said, "I have learned by working and doing programs; keeping busy and helping others has changed my life." The inmate described a history of serious substance abuse. He said, "Alcohol, marijuana, and LSD were my drugs." He said that he attends and leads NA and AA meetings.

III. INSTITUTIONAL HISTORY

Mr. Herbert's institutional conduct has been dismal, as he has accrued approximately 55 disciplinary reports over the course of his incarceration, resulting in three returns to higher security, one placement in the Disciplinary Segregation Unit and two Disciplinary Detention Unit (DDU) sentences.

Most notably, on December 8, 1990 the subject was sent to the DSU for 15 months following three serious disciplinary reports in September of 1990, including a report for attacking a corrections officer. In 1992 he received an 18 month DDU sentence for assaulting an officer from

behind, hitting him in the back of the head with a closed fist. In 1994 he received a 24-month DDU sentence for assaulting staff.

Mr. Herbert has improved his programming. He has completed Alternatives to Violence, Basic Course in Nonviolent Conflict Resolution, Introduction to Treatment, Relapse Prevention, Violence Reduction, Alternatives to Violence, Able Minds, and the Correctional Recovery Academy. He received his GED while at Souza Baranowski Correctional Center in 1998 and completed the Welding program in May 2012. He has also worked as a runner and in the kitchen.

IV. DECISION

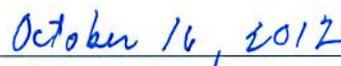
Mr. Herbert has a history of violent crimes culminating in the robbery and murder of an innocent college student. He continued his violent and amoral behavior during his first decade of incarceration. By that time he had identified himself as a dangerous person who would be a threat to any community. In 2004 and 2005, Mr. Herbert completed several programs that have sent him on a more positive path. His improved behavior and his comments at the hearing show rehabilitative progress.

The standard applied in assessing candidates for parole is set out in 120 CMR 300.04, which provides that "[p]arole 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 compatible with the welfare of society." Applying that appropriately high standard, we find the inmate does not merit parole at this time. In the meantime Mr. Herbert should maintain a positive institutional adjustment, and remain program and work involved if he is to be considered a viable candidate for parole. Mr. Herbert has shown remarkable improvement since 2005 and the Parole Board encourages him to continue his efforts to rehabilitate over the next five years.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Josh Wall, Chairman



Date