



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**CHARLES MONTEIRO**

**W64282**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** May 20, 2014

**DATE OF DECISION:** September 30, 2014

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Shelia Dupre, Ina Howard-Hogan, Tina Hurley, Josh Wall

**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, the institutional record, the testimony of the inmate at the hearing, and 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 a suitable candidate for parole. Parole is granted to a long term residential program after twelve months in lower security at the Department of Correction (DOC) during which time Charles Monteiro must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

**I. STATEMENT OF THE CASE**

On November 24, 1995, three men, one of whom was later identified as Charles Monteiro, age 16, and another as Anthony Robinson, age 17, approached Barrington Nevins and five of his friends who were standing on a sidewalk in the Dorchester section of Boston. Robinson was carrying a rifle and another of the assailants had a handgun. The men demanded that Nevins and his friends turn over their leather jackets. Despite the fact that the victims surrendered their jackets and pocket money, Robinson shot Nevins in the chest, killing him, and then pointed the rifle at another victim. Monteiro was arrested about a week later, and gave a false name to the police. One of the surviving victims subsequently identified Monteiro as one of the assailants. Barrington Nevins was 17 years old.

After a jury trial, Charles Monteiro was convicted of first degree murder in Suffolk Superior Court.<sup>1</sup> In 1999, he filed a motion for a new trial that was denied. Soon after, he filed a motion to reduce the verdict, which was allowed following an agreement between the prosecutor and defense counsel. The Superior Court entered a verdict of second degree murder, and re-sentenced Monteiro to serve life in prison, along with four concurrent terms of 15 to 20 years for armed robbery.

## **II. INSTITUTIONAL HISTORY**

Monteiro has accrued 21 disciplinary reports during his incarceration. The most recent infraction occurred in December 2012, for unauthorized possession of stamps, possession of tobacco, refusing a direct order, and conduct that disrupts the facility. His behavior is significantly improved since 2005. Several of the earlier disciplinary reports involve disruptive conduct and insolence. He does not have a disciplinary report for any act of violence. He received a disciplinary report for homebrew in 1999.

He has engaged in a number of positive programs during his time in prison. He obtained his GED in 2007, earned his apprentice barber's license, and has finished three computer training modules. He has completed the Correctional Recovery Academy and five phases of Alternatives to Violence. He has also participated in Jericho Circle and Problem Solving and Thinking. Finally, he has served as a unit janitor since 2010 and receives favorable work evaluations.

## **III. PAROLE HEARING ON MAY 20, 2014**

Charles Monteiro appeared for his second parole hearing after serving 18 1/2 years of a life sentence. Attorney John Rull represented him. Attorney Rull gave an opening statement in which he described his client's criminal offenses, his institutional conduct, and his efforts to rehabilitate. The Parole Board questioned Monteiro about the murder and his criminal history, upbringing, conduct in prison, program participation, rehabilitative accomplishments, and plan for parole.

Monteiro described his childhood. "I grew up with my mother. I cared for my mother. It was me and my mother. Me and my father was close but at age 10 he left two days before Christmas and it hurt. There was a lot of drug abuse in the family. As I got older, I was ashamed because my uncles were all addicts and in prison. My mother became a crack addict. I was expelled from sixth grade at age 12 because I had a knife in my possession. I carried a knife for protection; there were a lot of gangs in my school. I ended up at DYS because of the rape case. After DYS, I went to school for just one week and then dropped out. My mother was a crack addict. She was using crack four or five times a week. She got evicted so we lived with her boyfriend. I had no guidance. I was just hanging out and living with a friend. I learned the marijuana business from an older cousin. My older cousins were a bad influence. I was 13 and he was 19 when I learned. I watched him. I started selling for myself at age 14."

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<sup>1</sup> At a separate trial, Robinson was convicted of first degree murder and sentenced to serve life in prison without the possibility of parole. *Commonwealth v. Robinson*, 449 Mass. 1 (2007).

The Board took considerable time in examining Monteiro about his rape conviction and his sex offender treatment. Although the sexual assault case is unrelated to the murder and the life sentence, the Parole Board requires rehabilitation for that offense before release on the life sentence could be considered. The Board first undertook to establish the facts of the sexual assault. Monteiro provided his version of the incident, which was substantially consistent with the facts contained in the investigatory documents. Monteiro provided the following account. "It was a group from middle school. We all knew each other. I knew the victim throughout middle school. I was 13 years old. We went into an abandoned building and were on different floors. I was on the first floor. One individual came down from the second floor and told me, 'She wants to have sex with you.' I went up to the second floor and had sex with her. We had sex before that day too. I went down to the first floor and a boy asked if he could sex with her. I said, 'yes.' At the time, I didn't think of her and her feelings. I think part of it was because I was 13. I went to DYS for the rape case, and that is where I met Anthony Robinson."

Board Members asked Monteiro about his sex offender treatment. He said, "I put my best foot forward and entered the treatment. I was in a group for 27 months at Norfolk and then went to the Treatment Center. I did get things out of it, both at Norfolk and the Treatment Center. I absolutely learned about empathy and concern for others. It's not okay to disregard someone's feelings. I grew up selfish; that came from my upbringing. I cared for my mother but that did not extend to other people and I don't know why."

In considering Monteiro's rehabilitation from the sex offense committed at age 13, the Parole Board relies on the expert opinion of the Treatment Review Panel at the Department of Correction's Treatment Center. The review was conducted by sex offender treatment professionals with extensive experience, specialized education and training, and academic credentials. The Treatment Review Team specifically considered whether Monteiro needed to continue with sex offender treatment. The report stated the conclusion: "As a result of this review, Mr. Monteiro was assessed to not be appropriate to continue in sex offender specific treatment at this time. The decision to recommend that he not continue SOTP [sex offender treatment program] at this time was based, in part, on the literature regarding juvenile sex offending. Specifically, sexual recidivism rates for youth sexual offenders are consistently low.... Mr. Monteiro was 13 years old at the time of the sexual offense and the victim was identified to be 12 years old. It is documented in the record that the victim reported consenting to the sexual acts which occurred between her and Mr. Monteiro." In evaluating Monteiro's conduct during the incident, the Report concluded that Monteiro's "treatment targets are related to general criminal behavior and can be addressed through more generalized treatment and development of prosocial attitudes and behaviors." The Report concluded that, "At this time the Treatment Review Panel recommends that Mr. Monteiro be removed from treatment. The board does not recommend further sex offender treatment at this time."

In describing his support in the community, Monteiro emphasized how many changes his family members have made. "All my family is now drug free, including my mother and my uncles. It's 180 degrees different. I get more support now than I did before. My mother has been sober for years. She manages a store. She has credit and owns a car. My uncle said she did it for me. All my support system is totally opposite from what it was."

Monteiro gave the following information about the murder. "Anthony, Shawn, and I were all selling drugs that day, but we were working separately. I knew all six robbery victims because we frequented the same area. I stayed with a friend on their street, so I saw them every day until I moved. Anthony said, 'Let's rob the guys on Browning Ave.' Shawn got his gun. Anthony and I walked to Browning Ave. We went to Anthony's cousin's apartment which is where I had been staying. We needed guns to instill fear. Anthony had a rifle. It never crossed my mind that someone could get shot. I was just going to rob them. Jealousy was part of it: I was homeless and had nothing; they had two parents and some nice things. We agreed to take jackets and jewelry. We approached with guns already drawn. I said, 'Give me your jackets.' I watched Roger run and I heard the shot. I was in shock and fear. I walked away and I heard several more shots. I was arrested a week later on Talbot Ave; I saw two of the guys we robbed get out of a car with guns. I ran into a gas station and the police were called and I was arrested for the murder."

Board Members asked Monteiro about his rehabilitation. "I learned a lot of tools from different programs. Problem Solving was an important program. My thinking really changed from that program. The CRA helped me a lot. So did Jericho Circle because it helped me identify my feelings and let them out; feelings from childhood. You can start positive actions if you identify the feelings behind the negative actions. I realize from the programs that my drug abuse was wanting to get high but it was also trying to fit in. My crimes were a lot about fitting in. I've been in an environment in prison where I can use the tools I've learned. I came in at 16 and I didn't have the tools." A Board Member said, "Prison is an unusual place to grow up; that environment makes it very difficult to mature." Monteiro responded, "It's up to the individual; if you want to change or help yourself, you can use the programs."

Monteiro's mother, sister, and a friend spoke in support of parole. His mother described her own sobriety and stability in life. She said, "I raised my children the way I was raised but I was wrong; at 15, a child should not be living in cars and abandoned buildings." His sister, who works at a philanthropic foundation, testified that "my uncles and father and mother are all clean and sober now; he will have the support of the whole family; he's grown so much and he is remorseful and mature now." Suffolk Assistant District Attorney Charles Bartoloni submitted a letter opposing parole.

#### **IV. DECISION**

Charles Monteiro was living a chaotic and unstructured life at age 16 that involved drug dealing and no productive activity. He agreed to participate in a street robbery of boys from a rival neighborhood. He acted as part of a group that was led by an older boy. Monteiro's co-defendant shot and killed Barrington Nevins during the robbery. Monteiro did not encourage or assist in the shooting. Because he did not commit the shooting, Monteiro's rehabilitative path is less complicated than that of most inmates convicted of second degree murder.

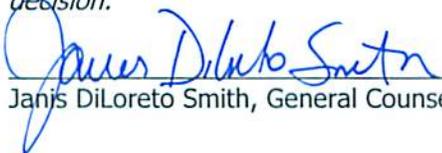
Monteiro matured in prison and made an active commitment to rehabilitation by participating in programs to address issues of anger and substance abuse. He demonstrated the benefit of the programs through improved institutional behavior. He has developed impulse control, conflict resolution skills, and prosocial attitudes and behaviors. He has maintained sobriety for 15 years and has not committed an act of violence during his 18 years of

incarceration. In considering these factors, the Parole Board concludes that Monteiro is rehabilitated and does not present a current risk for violence.

The standard for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such an 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." Applying that appropriately high standard, the Parole Board concludes that Monteiro is a suitable candidate for parole. Parole to a long term residential program is granted following twelve months in lower security at the Department of Correction.

**SPECIAL CONDITIONS:** Parole to a long-term residential program after twelve months in lower security; no drug use; no alcohol use; must complete substance abuse evaluation and follow recommended treatment, if any; counseling for family and adjustment issues.

*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.*

  
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Janis DiLoreto Smith, General Counsel

9/30/14  
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Date