



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JAMES ANDERSON**

**W61398**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** September 8, 2011

**DATE OF DECISION:** June 26, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** Parole is denied with a review in five years. The decision is unanimous.

**I. INTRODUCTION**

Mr. Anderson appeared before the Massachusetts Parole Board on September 8, 2011. This was his first appearance before the Board. After careful consideration of all relevant facts, including the nature of the underlying offense, his current mental health status, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional department, and his level of engagement with rehabilitative programming while incarcerated, we conclude that he is not a suitable candidate for parole at this time.

**II. STATEMENT OF FACTS**

On August 24, 1993, six week old Victoria Anderson, the inmate's biological daughter, was admitted to Children's Hospital with what would prove to be fatal injuries. She had multiple skull fractures, as well as leg and ankle fractures. As a result of the head trauma, she had severe brain swelling and concomitant damage to her brain tissues. At the time of her admission to the hospital, Victoria was non-responsive. Doctors concluded that Victoria's

injuries were the result of blunt force trauma, high velocity surface impact, and severe shaking. Victoria remained in a vegetative state until her death on February 10, 1996.

At trial, the inmate asserted his innocence and placed the full blame for Victoria's injuries on his wife. Notwithstanding these claims, the inmate was convicted. It was not until approximately 2000 that the inmate first admitted to family members that he, in fact, was solely responsible for the death of his daughter. However, the inmate's admissions do not match the medical evidence, the latter indicating far more extensive trauma than could be accounted for by the inmate's description of the attack.

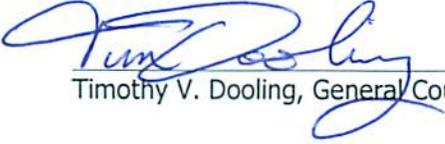
While incarcerated, the inmate's institutional adjustment has been good overall. He has incurred only two disciplinary reports for non-violent violations. Further, he has consistently been employed in the institution and has engaged in a large number and wide range of institutional programming, including most of those recommended by the Department of Correction in his risk reduction plan. While his program accomplishments are too numerous to list, we note that the inmate has completed all phases of Alternatives to Violence (including the trainer's and facilitator's courses), Emotional Awareness, Health Awareness, and numerous educational programs.

### **III. DECISION**

The standard we apply 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 incompatible with the welfare of society." Applying that appropriately high standard here, we conclude that the inmate is not a suitable candidate for parole at this time. Of particular concern to the Board is whether the inmate has fully accepted responsibility for all of his actions in connection with his daughter's death. In the Board's view, the inmate's testimony at his hearing continues to reflect an impulse to minimize the gravity of his conduct. As noted already, the medical evidence paints a picture of a far more brutal and sustained attack than the inmate is, at this time, willing to concede. This is particularly troubling in view of the inmate's past efforts to shift the blame for this heinous offense onto a wholly innocent person.

The Board is also mindful of the fact that this is the inmate's initial review hearing. While that is certainly no bar to receiving parole, inmates who obtain parole release at their first opportunity ordinarily must present themselves to the Board with strong and convincing evidence of rehabilitation. This is particularly true in instances, such as this, where the underlying offense involves significant violence and/or affects vulnerable populations. In such circumstances, there is a strong social interest in promoting the deterrent effect inherent in incarceration. The inmate's presentation simply did not reflect a level of rehabilitation sufficient to meet the statutory standard. It is our sincere hope that the inmate will continue to dedicate himself to program involvement and thereby gain further insight into the factors underlying his criminal conduct. We also encourage him to continue in his efforts to address honestly the true scope of his actions that led to the death of Victoria. He may apply for parole consideration again in not less than five years from the date of his last hearing.

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

  
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Timothy V. Dooling, General Counsel

6/28/12  
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Date