



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

RECORD OF DECISION

IN THE MATTER OF

STEVEN HARRIS

W63434

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 28, 2012

DATE OF DECISION: March 27, 2012

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

DECISION OF THE BOARD: Release, after six months in lower security, to a long term residential treatment program, with one-on-one substance abuse counseling thereafter. The decision is unanimous.

I. INTRODUCTION

Mr. Harris appeared before the Massachusetts Parole Board on February 28, 2012 for a release hearing, his parole having been previously revoked by unanimous vote of the Board. After careful consideration of all relevant facts, including the nature of the underlying offense, the circumstances surrounding his parole violations, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional deportment, and his level of engagement with rehabilitative programming while incarcerated, we conclude that a positive vote is indicated in this case, subject to the conditions described below and such other conditions as may be imposed by the Board from time to time.

II. STATEMENT OF FACTS

The victim in this case, Robert Holt, was the inmate's step-brother (the child of his father's second wife). The two had a contentious relationship. On several occasions, the inmate came to believe that the victim had stolen various items from him. On the day of the murder, the inmate and Holt argued over money. Holt, a substance abuser, had tried to obtain a loan from the inmate. The latter refused to part with any money. A struggle ensued that quickly became violent. After shoving Holt to the ground, the inmate became enraged, picked up a length of metal pipe, and beat Holt to death.

Immediately overcome by remorse, the inmate contacted his father and confessed what he had done. However, rather than counseling the inmate to turn himself into police, the inmate's father ordered his son to wait at the scene of the murder. When he arrived, he told the inmate that they needed to dispose of the body. The inmate and his father then transported the victim's body to a neighboring town and dumped Mr. Holt's remains into the Connecticut River (the inmate's father was separately tried and convicted for his role in these matters). Thereafter, the victim's body was discovered by boaters in Enfield, Connecticut. After a police investigation, the inmate was charged and ultimately convicted of second-degree murder.

While incarcerated, the inmate's institutional adjustment was excellent. He participated in a very large number of rehabilitative programs, including those recommended by the Department of Correction in his risk reduction plan. His conduct was very good, incurring disciplinary reports, mostly for minor infractions, at a rate of less than one per year. His last disciplinary report was approximately four years ago. On the strength of this record, as well as in consideration of other factors described more fully in the Board's prior record of decision, the inmate was paroled on June 10, 2010.

Unfortunately, the inmate's parole was not successful. After less than a year, the inmate relapsed into alcohol use and was terminated from the sober housing in which he was living. Both constituted violations of the technical conditions of his parole. In mitigation, the inmate did not seek to avoid responsibility for his missteps, and was taken into custody without incident. He now seeks a further opportunity to reside in the community on parole, which opportunity we are inclined to grant him.

III. DECISION

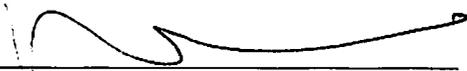
Several considerations underlie our decision. First, we note that the offense, committed in a moment of rage, was not typical of the manner in which the defendant had lived his life up to that point. In fact, the murder is the sum total of the defendant's criminal history. In addition, there is good reason to believe that, but for the intervention of the defendant's father, who wielded significant influence over his son, the inmate would have immediately surrendered to the authorities after the killing. Further, the inmate enjoys unusually strong community support, both from family members and friends, many of whom stand ready to provide direct assistance to him upon release. We also note that district attorney's office does not oppose further parole in this case. Finally, and perhaps most important, the inmate worked hard while in prison to further his rehabilitation. He also demonstrated his ability to abide by the institutional rules.

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 find the inmate deserving of a second opportunity on parole. We caution him, however, not to assume that such second chances are freely given. It is our expectation that he will consider carefully the circumstances that gave rise to his prior parole failure, making changes in his behavior as appropriate, to ensure a different outcome this time. To assist the inmate in developing the sort of pro-social habits that will facilitate parole success, we conclude that re-parole shall be contingent upon the inmate completing six months in pre-release with no disciplinary reports.

SPECIAL CONDITIONS: Six months completed successfully in lower security; release to long term residential program for three months minimum; no drugs or alcohol; one-on-one counseling for minimum one year.

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



Roger Michel, Board Member

3/27/12
Date