



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMES BLACKSTONE

W39298

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: August 7, 2012

DATE OF DECISION: May 15, 2013¹

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Sheila Dupre, Charlene Bonner, Ina Howard-Hogan, 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 meets the legal standard for parole release with special conditions set forth by the Parole Board.

I.STATEMENT OF THE CASE

James Blackstone appeared before the Massachusetts Parole Board as a parole violator on August 7, 2012. He is serving a life sentence for the February 1, 1982, murder of 24-year-old Chidubem Arthur Ohuoha in Dorchester. Mr. Ohuoha died as a result of a stab wound to the heart. Mr. Blackstone pleaded guilty to second-degree murder on November 5, 1982, and was sentenced to serve life in prison. He filed a motion to withdraw his guilty plea, claiming that he was not competent at that time, but his motion was denied. The Appeals Court affirmed the denial and upheld the conviction in 1985. *Commonwealth v. Blackstone*, 19 Mass. App. Ct. 209 (1985).

¹ The Parole Board voted in September 2012 to request an independent psychological evaluation of Mr. Blackstone. The evaluation was completed in March 2013 and the Board deliberated the case, with the benefit of the evaluation, in April 2013.

On February 1, 1982, James Blackstone stabbed Chidubem Arthur Ohuoha six times, killing him. Earlier that day, Mr. Blackstone, Mr. Ohuoha, and a neighbor, Carl Moore, were eating breakfast together in the common room of the third floor of their apartment building. Mr. Moore left to take out the trash and, when he returned, Mr. Blackstone and Mr. Ohuoha were arguing. Mr. Blackstone had a pocket knife in his hand, and Mr. Ohuoha was bleeding. Mr. Moore went to call the police and, when he returned to the third floor, he found that a window had been shattered and Mr. Ohuoha was lying unconscious on the ground beneath. Mr. Blackstone had stabbed Mr. Ohuoha and pushed him from the window.

When Boston Police arrived, they found Mr. Ohuoha lying on the ground suffering from numerous stab wounds. He was taken to Boston City Hospital where he was pronounced dead. Mr. Blackstone was apprehended and confessed to police that he had committed the offense because he believed that the victim was Satan and he was trying to stop him from taking his soul. It was later learned that Mr. Ohuoha was residing in the same rooming house as Mr. Blackstone. Although Mr. Blackstone now recollects having an argument with Mr. Ohuoha over his (Mr. Blackstone's) belief that the other residents of the building, in particular Mr. Ohuoha, were speaking badly of him, there are no other accounts to substantiate this alleged dispute.

After his arrest, the court ordered Mr. Blackstone to undergo an evaluation at Bridgewater State Hospital (BSH) where he was initially found incompetent to stand trial. He was diagnosed with paranoid schizophrenia and, following the evaluation period, he was committed to BSH for approximately eight months for further treatment. Mr. Blackstone was determined competent to stand trial on March 2, 1982; however, he was still found to meet the legal standard for involuntary commitment to BSH due to his mental illness. In November 1982, he was returned to Suffolk Superior Court where he entered a guilty plea.

II. PAROLE HISTORY

After being denied parole on three prior occasions, the Parole Board determined after a hearing in 2007 that Mr. Blackstone had committed himself to rehabilitation and displayed no indication of acute mental health needs, as he had not required any mental health services since being discharged from BSH in 1982. Mr. Blackstone was released on parole supervision on November 18, 2008, to a sober house with conditions that he participate in counseling, vocational, and other re-entry services. He successfully completed services including the Moving Ahead Program, vocational training, and substance abuse programming. Mr. Blackstone continued to engage in mental health counseling throughout his time on parole.

During his period on parole, Mr. Blackstone moved from different parole regions, but continued to re-engage in outpatient services. Mr. Blackstone, however, had difficulty securing a residence and his living situation was often unstable. Mr. Blackstone was also resistant to some available placements that were recommended by his parole officer. With the continued assistance and support of parole, Mr. Blackstone was ultimately able to meet all of the required conditions, including obtaining a suitable residence.

In 2011, Mr. Blackstone entered into a relationship and also began a training program through Community Servings. Mr. Blackstone's relationship with his then girlfriend, Cassandra Peterson, proved to be unstable and many limits were set by parole regarding his relationship, due in part to Ms. Peterson's addiction and treatment needs. As Mr. Blackstone struggled to maintain his relationship and assist Ms. Peterson with her needs, he had increasing problems with his parole officer's instructions regarding his contact with Ms. Peterson. On February 7,

2012, a case conference was held with Mr. Blackstone during which he was told that Ms. Peterson could not reside with him. Mr. Blackstone admitted that he continued to have Ms. Peterson stay with him on occasion and insisted that she was someone who needed help. He argued that he had formally requested that the Parole Board approve his plan to reside with Ms. Peterson and was awaiting a response. The parole officer stated to Mr. Blackstone that Ms. Peterson could only reside with him after she completed a treatment program, which she reportedly refused to do. Mr. Blackstone was ultimately issued a warning ticket and a graduated sanction that formalized conditions forbidding Ms. Peterson to reside with him. Mr. Blackstone was reportedly upset and disagreed with this condition. Such conflict proved to be a source of continued difficulty in maintaining his compliance with his condition regarding Ms. Peterson and maintaining a positive relationship with his parole officer.

Mr. Blackstone was returned to custody on February 10, 2012, for an alleged threat that Mr. Blackstone made toward his parole officer. This alleged threat was made to a third party, and was then relayed to his parole officer. During the revocation process, Mr. Blackstone admitted that he had continued to support Ms. Peterson, allowed her to stay with him, and did so in violation of his parole conditions. Mr. Blackstone adamantly denied, however, making any threats to his parole officer. Due to his deliberate parole violations and his apparent increasing instability, the Parole Board voted to revoke Mr. Blackstone's parole and schedule a hearing before the full Board.

III. PAROLE HEARING ON AUGUST 7, 2012

Mr. Blackstone appeared before the Parole Board for a review hearing following a revocation of his parole. He was represented by Attorney Margaret Fox.

The Board questioned Mr. Blackstone regarding the murder of Chidubem Arthur Ohuoha. Although he did not deny committing the murder, his recollections of the event precipitating the murder were inconsistent with contemporaneous witness statements. Mr. Blackstone recalled that he was told by Mr. Ohuoha's roommate to see Mr. Ohuoha to discuss negative statements that Mr. Blackstone had made about other residents. Mr. Blackstone stated that he told Mr. Ohuoha's roommate that he did not want to associate with other residents because they were engaged in drinking and smoking marijuana while he was busy searching for employment. Mr. Blackstone stated that Mr. Ohuoha slammed the door in his face when he tried to speak with him. Later in the day, he stated that he again approached Mr. Ohuoha and physically held his arm in attempt to stop him from leaving so that they could talk. This triggered a mutual physical fight. Mr. Blackstone also added other details about being in fear that he was going to be shot by another resident. In his description of the altercation, Mr. Blackstone described a chaotic altercation in which he felt threatened. Ultimately, he admitted stabbing Mr. Ohuoha and stated that he fell out the window after being pushed toward the wall. He also stated that he was injured in the altercation and went to the hospital where he was apprehended by police. Mr. Blackstone denied making any statements to the police regarding his fear that Mr. Ohuoha was Satan and was attempting to take his soul. He was not sure why such statements were reported. Mr. Blackstone acknowledged being ordered to go to BSH but, again, does not believe that the hospitalization was entirely necessary.

Mr. Blackstone denied the level of decompensation and symptoms reported through his evaluations at BSH. He agreed that he had significant adjustment issues after being incarcerated; but stated that once he transitioned from BSH, he has not required mental health services. Records indicate that he was not prescribed medications during his incarceration (following BSH) and has not required any additional mental health services or hospitalizations since being discharged from BSH. The Board, however, questioned Mr. Blackstone regarding

prior concerns of BSH providers that he would desperately seek to control his psychotic symptoms in an effort to prevent them from coming to the attention of mental health staff. Mr. Blackstone reported that he is not opposed to mental health treatment, but claimed that he has not needed it for anything other than adjustment issues.

Mr. Blackstone's adjustment in the DOC after transferring to NCCI-Gardner in 1993 was positive. His disciplinary reports were dramatically reduced and there were no incidents of violence or formal behavioral issues. Mr. Blackstone began to engage in more programming in 1997 following his first parole denial and has since completed numerous occupational and other programming recommended for his rehabilitation and preparation for re-entry into the community. Mr. Blackstone reported having benefitted from the programs offered and felt that he had a solid foundation of skills and support by the time he was paroled in 2008.

Since returning to the institution after revocation, Mr. Blackstone has not received any disciplinary citations. He began working in the kitchen until transferred to a medium security facility. Mr. Blackstone stated that he immediately signed up for programming and employment, but was currently on the waiting list.

The Board also questioned him concerning his positive and negative experiences during his time on parole, including his relationship with Ms. Peterson and his decision to defy his parole officer's mandates to refrain from allowing Ms. Peterson to reside with him due to her continued drinking and instability. Mr. Blackstone recognized that he became emotionally attached to Ms. Peterson and attempted to save her from her own struggles, which became a negative priority and source of significant conflict with his parole officer. Mr. Blackstone did not dispute the concerns or discussions that he had with his parole officer; however, he insisted that at no time did he threaten or imply that he would harm his parole officer.

Mr. Blackstone provided letters of support that indicated his compliance with employment, training opportunities, and counseling. He insisted that he was forthcoming with his counselor, John Northridge, LICSW, whom he had been seeing regularly from November 2009 until January 18, 2012. Mr. Blackstone further stated that at no time did he experience any psychotic symptoms or aggressive thoughts during his parole period and, in fact, stated that he believed he was adjusting well in the community. Mr. Blackstone stated that he valued his employment training and opportunities on parole and viewed himself as making positive contributions to the community.

Mr. Blackstone requested that the Board release him to his uncle's home and stated that he had been in contact with his employer, who was willing to accept him back. Mr. Blackstone stated that he wished to resume counseling for the continued purposes of re-entry and assistance with managing general life stressors. He did not wish to resume his relationship with Ms. Peterson.

Mr. Blackstone's attorney provided documentation from Mr. Blackstone's employer at Community Servings indicating that he was well liked by his co-workers and that he was an "excellent employee." Documentation was also provided by his former employer at Panera Bread where he was engaged in culinary training from 2011 to 2012. Another supervisor, Josh Volk, specifically noted that Mr. Blackstone was helpful in reducing tension among some employees and encouraged them all to do the job that they were paid to do. Mr. Volk stated that his overall performance was positive. In addition, Artie Rounds, his counselor from the Moving Ahead Program wrote a letter of support stating that Mr. Blackstone was a "stellar student" and "always ready to give 100%." He described Mr. Blackstone as "a calm and gentle

soul." Additional letters of support were provided by members of the Church of Christ in Milton where Mr. Blackstone had become a dedicated member.

Mr. Blackstone's uncle and home sponsor, Robert Maxwell, and his minister, Maurice Davis, spoke in support of parole. Suffolk County Assistant District Attorney Charles Bartoloni attended the hearing and provided a letter to the Board. Assistant District Attorney Bartoloni did not make any formal recommendation to the Parole Board; however, he requested that the Parole Board investigate the veracity of the alleged threats that Mr. Blackstone made to his parole officer, and advised the Board not to re-parole Mr. Blackstone if such threats proved to present a risk to public safety.

IV. DECISION

In light of Mr. Blackstone's violations and mental health history, the Parole Board requested, after the hearing, an independent psychological evaluation. The Board was interested in Mr. Blackstone's current mental status and also an understanding of whether the diagnosis of paranoid schizophrenia, made 30 years ago, remained valid or relevant. Robert Kinscherff, Ph.D., Esq. conducted this evaluation in February and March of 2013. Dr. Kinscherff's evaluation consisted of an interview and psychological evaluation, with access to detailed collateral information from Mr. Blackstone's primary mental health provider while on parole and additional mental health assessments of Mr. Blackstone made years ago.

Dr. Kinscherff provided the Parole Board with an insightful formulation regarding Mr. Blackstone's "time-limited" acute psychiatric symptoms during the time when Mr. Blackstone committed the murder. Dr. Kinscherff writes "Extreme stress-related responses are now captured in psychiatric diagnosis (such as Acute Stress Disorder) in a way that were not in 1982. There is little to suggest that he currently experiences psychotic symptoms or would warrant a diagnosis of a psychotic disorder – or that he has over a period of decades. This impression of the absence of a psychotic disorder or symptoms over recent years or decades would be most consistent with observations made while incarcerated, persons in the community during his period of parole, his mental health counselor with whom he met while paroled, and his current clinical presentation." Dr. Kinsherrff does not believe that Mr. Blackstone's current mental status and psychological functioning would create risk if he were re-paroled. Dr. Kinsherrff recommended that if Mr. Blackstone were re-paroled, that he resume his counseling with John Northbridge, LICSW for the purposes of re-adjusting into the community, which would include working and building appropriate and supportive relationships in the community. In addition, Mr. Northbridge would be in a position to monitor Mr. Blackstone's mental status.

Also included in Dr. Kinsherrff's evaluation were Mr. Northbridge's opinions of Mr. Blackstone's functioning while on parole. Mr. Northbridge reported that he found no evidence that Mr. Blackstone suffered from a major mental illness, and that his symptoms of anxiety were consistent and proportional to his transition back into society after a long period of incarceration. Most importantly, Mr. Northbridge felt that Mr. Blackstone was forthcoming in all aspects of his counseling and was fully engaged in dealing with the conflict between his feelings and relationship with Ms. Peterson and his restrictions with regard to his parole conditions. Mr. Northbridge did not feel that Mr. Blackstone was "inappropriately angry" with his parole officer despite his disagreement with how to best manage his relationship with Ms. Peterson, and at no time did he feel that Mr. Blackstone was a threat to his parole officer's safety.

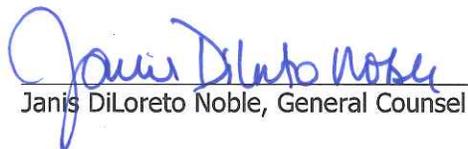
Mr. Blackstone was 25 years old when he murdered Mr. Ohuoha. He is now 56 years old and has served more than 27 years in prison. At the time of his release in November 2008, Mr. Blackstone had maintained a long period of positive institutional adjustment and rehabilitation.

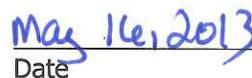
He completed numerous additional occupational, substance abuse, and re-entry programs upon his release and he remained in counseling. Mr. Blackstone complied with his conditions of sobriety, and proved to be a positive and hard-working member of the community. He continues to have the support of his family, employer, church community, and his mental health provider. Whether Mr. Blackstone actually made threats to his parole officer continues to be questionable. That said, there is no evidence to support that he is currently a threat to his parole officer or anyone else. Mr. Blackstone admits that there was an ongoing conflict between himself and his parole officer concerning his relationship with Ms. Peterson. Mr. Blackstone readily admits that, after a long period of incarceration, he became emotionally attached to Ms. Peterson and, in hindsight, recognizes that he placed her needs and his desire to be with her above his parole conditions. Mr. Blackstone, however, stated that he was working through his conflict in counseling and with his parole officer, and at no time did he pose a risk to harm his parole officer.

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 Mr. Blackstone is suitable for re-parole. Based on the psychological evaluation provided by Dr. Kinscherff, Mr. Blackstone's presentation in the parole hearing, the known support that Mr. Blackstone has in the community and the positive employment, citizenship and progress that he made in the community while on parole, the Parole Board agrees by a unanimous decision to re-parole Mr. Blackstone with ongoing conditions. Such conditions will promote continued compliance to sobriety, mental health counseling, employment and positive relationships.

SPECIAL CONDITIONS: Parole to Home (on or after May 31, 2013); no drug use; no alcohol use; mental health counseling for three years minimum (preferably with previous counselor; sign release and comply with all recommendations); no contact with Cassandra Peterson without parole officer permission.

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.


Janis DiLoreto Noble, General Counsel


Date