



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**STUART LOATMAN**

**W34654**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** March 5, 2013

**DATE OF DECISION** November 18, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, 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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On March 5, 2013, Stuart Loatman, age 55, appeared before the Massachusetts Parole Board for a review hearing. On June 26, 1974 in Suffolk Superior Court Mr. Loatman pleaded guilty to second degree murder and received a life sentence for murdering William Vemis, a 67-year-old bartender in the Roosevelt Café in Boston. Mr. Loatman also received concurrent sentences for four counts of armed robbery, unlawful possession of a shotgun, assault with intent to murder, and assault and battery with a dangerous weapon.

In the early morning of December 22, 1973, Mr. Loatman, age 16, and an accomplice held up the Roosevelt Café on Washington Street in Boston's South End. Mr. Loatman, carrying a twelve-gauge sawed-off shotgun, put his shotgun to the head of Theodore Bishop, the owner of the Café, and announced, "This is a holdup." Mr. Loatman searched Mr. Bishop and took his .38 caliber revolver.

A male patron, considerably under the influence of alcohol, came out of the men's room and was accosted by Mr. Loatman. An argument ensued but quickly ended when Mr. Loatman threatened him with the shotgun.

Mr. Loatman then ordered the murder victim, Mr. Vemis, to come to where Mr. Bishop was standing, searched him, but failed to uncover the gun Mr. Vemis had in his belt. Mr. Loatman went behind the bar to the cash register and removed approximately \$1,000. He then took approximately \$400 from Mr. Bishop. Mr. Vemis, who had been a police officer in Greece, then pulled his gun, fired one shot at Mr. Loatman, but missed. Mr. Loatman fired his shotgun at Mr. Vemis, hitting him in the face and head. Mr. Bishop was struck in the throat, suffering a serious but non-fatal injury. After the shooting, Mr. Loatman and the accomplice fled.

Both Mr. Bishop and Mr. Vemis were taken to Boston City Hospital for treatment. Mr. Vemis was pronounced dead upon arrival. Mr. Bishop was treated for his injuries. According to his autopsy report, Mr. Vemis suffered from shotgun wounds to his face and head with perforations of the brain, and his right eye was destroyed.

On December 28, 1973, Mr. Loatman was arrested while committing an armed robbery at the Victor P.J. Boutique on Newbury Street, Boston. Mr. Loatman had Mr. Bishop's revolver when he was arrested.

## **II. PAROLE AND INSTITUTIONAL HISTORY**

Stuart Loatman has received two paroles which resulted in revocations. A third positive parole vote did not lead to release due to a rescission. On November 28, 1988, Mr. Loatman appeared before the Board for an initial hearing and was denied release, with a return date of one year, noting his poor institutional history. In 1989, Mr. Loatman appeared before the Board, received a favorable vote contingent on his successful completion of six months in a pre-release program. Mr. Loatman was eventually paroled on September 4, 1992.

In November 1993, the Board revoked Mr. Loatman's parole because he failed to maintain his mental health counseling, and because of his conduct related to several new criminal charges, which included malicious destruction of property, possession of burglarious tools, knowingly receiving stolen property, operating a motor vehicle to endanger, and leaving the scene of accident where a person was injured. The criminal charges were dismissed in Boston Municipal Court on November 17, 1994. After these charges were dismissed, Mr. Loatman appeared before the Board, which, in 1995, voted to release him upon successful completion of Correctional Recovery Academy and six months of successful adjustment in pre-release.

On April 22, 1999, Mr. Loatman was released on parole for a second time. However, the Board revoked his parole in September 2001 due to his sporadic adjustment while on parole. While at first he appeared to be adjusting by obtaining employment and complying with drug screens, in March 2001 Mr. Loatman tested positive for morphine and THC, and was admitted to a detox center. Following his release from the detox center, Mr. Loatman failed to report to his parole officer for a two month period, later acknowledging that he had done so to avoid further drug screens because he was using heroin. In September 2001, Mr. Loatman's parole was revoked for avoiding another drug screen.

In 2002, the Board voted to parole Mr. Loatman for a third time, contingent on his completion of two years in pre-release, and to a long term residential program. The vote was later modified to 18 months in minimum security to be followed by six months in pre-release. However, on July 20, 2006, after 13 months in minimum security, Mr. Loatman was returned to MCI Concord for having accumulated four disciplinary reports. Accordingly, on November 8, 2006, the Board rescinded its vote to parole him.

Mr. Loatman appeared before the Board again on March 28, 2007 for a review hearing, and was denied parole with a review in three years. During this hearing, Mr. Loatman told the Board that he had had used heroin following his parole releases in 1992 and 1999. On March 2, 2010, Mr. Loatman appeared before the Board for a review hearing, and was denied parole with a review in three years. In denying parole, the Board noted Mr. Loatman's inability to explain his prior parole failures, and noted that he appeared to have regressed in his rehabilitation.

Throughout his incarceration, Mr. Loatman received over 100 disciplinary reports, including one in May 2012 for unauthorized accumulation and misuse of prescribed medication. While he successfully completed the Correctional Recovery Academy in 1996 and 2004, and a Graduated Maintenance Program in 2006, Mr. Loatman otherwise has had sparse program involvement.

### **III. PAROLE HEARING ON MARCH 5, 2013**

Stuart Loatman has three parole failures: the first two ended with violations and the third failed due to rescission. At his last hearing in 2010, he got caught lying to the Parole Board when he falsely claimed that he had been attending AA/NA at the institution.

In seeking a fourth positive parole vote, Mr. Loatman admitted that "I made a mockery of my paroles; I didn't take it seriously; I used heroin every day on my second parole; that's why I went whereabouts unknown; Parole was patient; they took their shirts off their backs to help me, every last one of them; I bought in bulk from a couple of dealers; I used money from my union job and side jobs."

Mr. Loatman recalled the murder and related criminal events from 1973: "I killed this man on my birthday; I went in the barroom to rob it; I had a sawed-off shotgun; I robbed three places; I was with older cats; I had a shotgun every time; being small and young I needed a shotgun to intimidate; I did another armed robbery one week after the murder."

Board Members questioned Mr. Loatman about his recent activity. Mr. Loatman works in his unit as a runner, but he has taken no programs since 2006. A Board Member told Mr. Loatman that "you have not done the kind of work we expect." Mr. Loatman had over 100 disciplinary reports in his first 16 years with seven returns to higher custody. He said that "I thought I did good; I did have a poor attitude." A Board Member asked Mr. Loatman about the parole appeal he filed after his last parole denial which was accusatory and hostile. Mr. Loatman said, "In my appeal I was a jackass."

Mr. Loatman reported that "I have no visits whatsoever; I only call someone if I really need something." There were no supporters of parole in attendance.

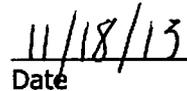
#### **IV. DECISION**

Stuart Loatman murdered an innocent robbery victim and then accumulated over 100 disciplinary reports in his first 16 years of incarceration. Nonetheless, the Parole Board gave him two opportunities on parole, one which resulted in heroin use and multiple criminal charges, and one which resulted in heroin use and whereabouts unknown. Parole was revoked on both occasions. His third positive parole vote was rescinded after Mr. Loatman's antisocial conduct in prison awaiting release. Since that time, Mr. Loatman has not participated in rehabilitative programming. Three parole votes resulted in failure and Mr. Loatman has not attempted rehabilitation for the past seven years, which establishes that Mr. Loatman is not rehabilitated.

The standard we apply in assessing candidates 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 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, parole is denied due to lack of rehabilitation. The review will be in four years, during which time Mr. Loatman should commit to rehabilitation and get to work in program participation if he has a serious interest in receiving a fourth positive parole vote.

*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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Caitlin E. Casey, Chief of Staff

  
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Date