



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

JAMES SKINNER

W55739

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 6, 2012

DATE OF DECISION: April 11, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, 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 is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I. STATEMENT OF THE CASE

On January 12, 1994, in Essex Superior Court, Mr. Skinner pleaded guilty to the second degree murder of 62-year-old Americo Maldonado and was sentenced to serve life in prison. On that same day, Mr. Skinner received a concurrent sentence of 12 to 20 years for armed assault in a dwelling. Mr. Skinner's two co-defendants, Elijah Kodjo and Kevin Bolding, were sentenced to serve 12 to 20 years in prison for manslaughter. Mr. Kodjo was released by the Court on February 26, 1998, presumably after a successful post-conviction motion. Mr. Bolding was discharged from his sentence on March 10, 2007.

In the early morning hours of November 23, 1992, Mr. Bolding and Mr. Kodjo (Mr. Skinner's adoptive brother) had purchased drugs from Americo Maldonado's son in Lynn. At approximately 6:00 a.m., Mr. Skinner and his co-defendants decided to return to Mr. Maldonado's apartment in order to steal drugs and money. Mr. Bolding and Mr. Kodjo were armed with tire irons and Mr. Skinner had a hunting knife. They forcibly entered Mr.

Maldonado's apartment and Mr. Bolding and Mr. Kodjo assaulted and struggled with Mr. Maldonado's son. Meanwhile, Mr. Skinner stabbed Mr. Maldonado with the hunting knife. Mr. Maldonado suffered several stab wounds, including a fatal wound to the chest that penetrated the pulmonary artery and caused him to bleed to death. Mr. Skinner and his co-defendants took drugs and money and fled from the apartment.

Mr. Bolding was arrested two days later, after Mr. Maldonado's son had identified a photograph of him. Mr. Bolding's statement led to the arrest of Mr. Skinner and Mr. Kodjo, who also made a statement inculcating Mr. Skinner. In addition, forensic evidence linked Mr. Skinner to the murder.

II. INSTITUTIONAL HISTORY

Mr. Skinner's institutional conduct has been deplorable, resulting in several returns to higher security, numerous placements in the Disciplinary Detention Unit, and multiple out of state placements. Significant disciplinary infractions include a racial altercation resulting in a facility lockdown, several assaults on other inmates, organizing, recruiting, and ordering an assault on white inmates, and an assault on a staff member.

In May 1998, Mr. Skinner was transferred to the New Hampshire State Prison. While there, he incurred 17 disciplinary reports for infractions including disruptive conduct, threats to staff, and assault. In 1999, Mr. Skinner fought with an inmate in the yard, which resulted in the death of the inmate and criminal charges against Mr. Skinner. Mr. Skinner was found not guilty of murder following a jury trial. Mr. Skinner does not dispute the fact that he was engaged in a physical altercation which resulted in the inmate's death.

In March 2000, Mr. Skinner was returned to Massachusetts and placed in segregation. In 2003, he was transferred to the Ohio Department of Correction and was later returned to MCI-Cedar Junction, due to Ohio's inability to maintain him in a maximum security setting.

In March 2005, Mr. Skinner was transferred to the Arizona Department of Correction, where he remains incarcerated today. Mr. Skinner has incurred some serious disciplinary reports during this placement, the last of which was issued in 2008. Mr. Skinner's violent conduct and disciplinary placements have restricted him from program participation and employment for most of his incarceration. Department of Correction records indicate that he was not program involved while in Massachusetts, New Hampshire, or Ohio custody. He has provided one certificate of completion for a self- study course, Hazelden Design for Living.

III. PAROLE HEARING NOVEMBER 6, 2012

Mr. Skinner was scheduled for his initial parole hearing in November 2007, but he opted not to participate on the day of the hearing, which resulted in a decision to deny parole with a review five years. Mr. Skinner participated in the November 6, 2012 hearing, represented by Northeastern student attorney Katie Ziparo. Because he is incarcerated in Arizona, Mr. Skinner participated via telephone conference. Mr. Skinner opened the hearing with an apology to Americo Maldonado's family, and Ms. Ziparo provided the Board with a comprehensive statement outlining Mr. Skinner's growth during the last few years of his incarceration, including improved conduct for the last four years.

Mr. Skinner now seeks parole to Arizona through the Interstate Compact Agreement so that he may reside in an apartment complex near his friend Ms. Stacy Scheff. Though he has no family in Arizona, he would have the support of Ms. Scheff, a lawyer who advocates for prisoners, and Ms. Wendy Pawlak, a community college professor. His parole plan includes attending community college to become a certified paralegal and to find work as a law clerk. He has proposed an alternative plan of parole to a structured residential program to continue close supervision outside of the prison walls. Under parole supervision in Arizona, he may be placed under house arrest. It is his view that this would permit him to begin working toward a healthy social and personal adjustment into society.

The Board expressed concern that Mr. Skinner is currently incarcerated in a segregation unit within a maximum security prison, which hinders his rehabilitation because he is unable to participate in treatment or programming. In fact, Mr. Skinner's institutional behavior has been so problematic that he has been incarcerated in a segregation or disciplinary detention unit for approximately two decades. Although, Mr. Skinner's institutional adjustment has improved over the course of the past four years, he is unable to provide the Board with evidence that he has been rehabilitated. The Board noted for Mr. Skinner that he must engage in treatment and programming to be considered a viable candidate for parole.

Essex Assistant District Attorney Elin Graydon spoke in opposition to parole. The family of Eric Balagot, the inmate beaten to death by Mr. Skinner in New Hampshire, spoke in opposition. Mr. Skinner had three people speak in support.

IV. DECISION

James Skinner has displayed violent anti-social behavior for approximately forty years. As demonstrated by his institutional conduct, including engaging in an assault that killed another inmate, incarceration has done little to dissuade him from these tendencies. His own behavior has prevented him from engaging in the programming, training, and rehabilitative services that he needs in order to return to society. Considering these circumstances, the Board concludes that Mr. Skinner is not rehabilitated. He would be likely to re-offend if released and his release is incompatible with the welfare of society. Accordingly, parole is denied.

The Board recognizes that Mr. Skinner's institutional conduct has improved over the course of the last four years, and encourages him to continue this improvement and to engage in meaningful programs, training, and rehabilitative services. Finally, the Board encourages him to maintain positive relationships with people who can support him during his incarceration and assist him with reintegration into society. His next parole hearing will be in five years.

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.

Josh Wall

Josh Wall, Chairman

April 11, 2013

Date