



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**KEVIN SULLIVAN**

**W39740**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** October 10, 2013

**DATE OF DECISION:** August 29, 2014

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, 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, institutional record, the testimony of the inmate at the hearing, 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 June 20, 1983, a jury in Middlesex Superior Court convicted Kevin Sullivan of murder in the second degree and assault and battery by means of a dangerous weapon. Sullivan murdered John Grimes, age 41 and assaulted a second victim, Paul Kelly, age 37. His convictions were later reversed by the Appeals Court because the trial judge erroneously undertook to quantify the concept of reasonable doubt. *Commonwealth v. Sullivan, 20 Mass. App. Ct. 802 (1985)*. After being re-tried in 1986, Sullivan again was convicted on both indictments, received a life sentence for the murder of John Grimes, and a from and after sentence of three to five years, to be suspended with probation for five years for stabbing Paul Kelly.

On January 1, 1983, Sullivan, then age 25, and his wife Deborah were arguing after leaving a New Year's Eve party in Porter Square in Cambridge. They got into a cab only to be asked by the driver to find another ride after Sullivan escalated the argument and began to beat Deborah. As Sullivan was threatening the cab driver, Deborah ran away from him to avoid the beating but he caught up to her and resumed hitting her with a closed fist. Deborah was later treated at Cambridge Hospital for a laceration to her forehead.<sup>1</sup>

John Grimes and David Johnson, along with their wives, Carol Grimes and Barbara Johnson, were also attending a New Year's Eve party that night. They left the party between 1:00 and 1:30 a.m. Carol and Barbara ran to the car because they were cold while John Grimes and David Johnson continued to walk.

As they were approaching Porter Square, Mr. Grimes and Mr. Johnson saw Sullivan beating his wife out on the street. Mr. Grimes ran over to aid Deborah who was screaming for Sullivan to stop. At first it looked to Mr. Johnson that Mr. Grimes and Sullivan were talking. However, Sullivan pulled a knife out of his back pocket and swung it at Mr. Grimes. Sullivan stabbed Grimes in his left hand, causing a deep laceration between the third and fourth fingers extending into the palm of the hand. Mr. Grimes fell back from the blow and while he was on the ground Sullivan asked him, "You want to be a hero?" and then stabbed him in the back, causing severe internal injuries.

Mr. Grimes told his wife, Carol that he was dying and that he was not going to make it. She told him she loved him and he was then transported to the Cambridge City Hospital where, despite every effort to save him, he died as a result of asphyxiation and loss of blood due to a nine-inch deep wound that cut through his right lung, severed two veins and nicked his aorta.

Paul Kelly also attempted to come to the aide of Deborah Sullivan. When he attempted to help Deborah off the ground, Kevin Sullivan lunged at him with the knife and stabbed Paul Kelly in his right forearm, just below the elbow. Mr. Kelly was seen in the emergency room at Cambridge Hospital and received six stitches as a result of the knife wound.

Sullivan committed this crime while on parole for an 8 to 20 year sentence for armed robbery. Sullivan, who had been released on parole on September 9, 1982, was arrested for the murder of Mr. Grimes on January 1, 1983. Accordingly, a parole violation warrant was lodged in January 1983. Sullivan still owes 9 years and 10 months on this commitment as of the date of this review hearing.

## **II. CRIMINAL HISTORY**

Sullivan has an extensive juvenile criminal history. Spanning from 1967 to 1974, when he was between the ages of 10 and 17, Sullivan had been arraigned on several larceny and property related offenses, and received Youth Services Board<sup>2</sup> commitments in 1972 for receiving stolen property and drunkenness, and another in 1973 for breaking and entering.

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<sup>1</sup> Mrs. Sullivan, at trial, described it as a "lovers' quarrel."

<sup>2</sup> The "YSB" is the Youth Services Board, a predecessor to the Department of Youth Services.

Sullivan's criminal history proliferated as he entered adulthood and worsened as it became increasingly violent. In 1976, Sullivan was convicted of assault and battery with a dangerous weapon, assault and battery on a police officer, breaking and entering, possession of burglarious tools, and sentenced in Middlesex Superior Court. These charges stemmed from an incident occurring on August 4, 1974, when police received a call of a break in a house trailer. Upon their arrival officers saw Sullivan walking hurriedly away from the scene. Police called for Sullivan and he made his way onto the porch. Upon entering the doorway, Sullivan turned and swung a bike chain at an officer's head. He then kicked another officer in the chest. The owners of the trailer reported while they were sleeping with their young child someone was trying to break in. The owners confronted Sullivan and he swung a pen knife at one of them.

In 1976, Sullivan was convicted of breaking and entering, burning a safe, possession of burglarious tools, and sentenced in Suffolk Superior Court. These charges stemmed from an incident occurring on February 7, 1975, when MBTA police had detected smoke in the station. They witnessed Sullivan standing inside the door of a collector's booth with the hoses of an acetylene torch. A co-defendant, George Sliney was bent over a safe cutting a hole in the right side. Sullivan attempted to flee the scene but was eventually apprehended.

Sullivan was also convicted of assault and battery with a dangerous weapon and was sentenced in Middlesex Superior Court. Sullivan was convicted of several charges, including armed robbery, stemming from an incident occurring on July 30, 1975, when two police officers received a call of a holdup in progress at the Essex County Bank at the Liberty Tree Mall. The officers reached the scene as the getaway car was pulling away. Sullivan and another were armed, fled from the car, and were pursued by the officers. Shots were fired by the officers as they gave chase.

One officer went back to his cruiser to request assistance, but was held at bay by Sullivan who had a gun and the bag of money. Sullivan demanded the officer to drop his gun and get out or he would kill him. The officer did what he was told and Sullivan took off in the police cruiser. Other officers pursued Sullivan, who shot at them. The chase ended at the North Shore Shopping Center where Sullivan jumped out of the cruiser, which continued down the road into a field. Sullivan was arrested and brought to Danvers Police Station. Sullivan was sentenced to an eight to 20 year sentence in Essex Superior Court, and was committed beginning in February 1976.

While serving this sentence, Sullivan received his sentences for the crimes he committed prior to the Danvers bank robbery. Sullivan was sentenced to seven to 10 years for his attempt to break in to the MBTA safe, and to two concurrent terms of 3 to 5 years for the assault by means of a dangerous weapon and assault and battery by means of a dangerous weapon.

Sullivan was initially paroled on October 20, 1980, but then returned to custody following an arrest for burglary in 1981. Sullivan was found not guilty on those charges. However, on October 1, 1981, while awaiting trial on the burglary charges, Sullivan attempted an escape from the Billerica House of Correction by climbing the wall of a recreational area. For his attempted escape, Sullivan received a 60 day from and after sentence in 1982 from the Lowell District Court.

Following the finding of not guilty on the burglary charges, Sullivan was re-paroled on September 30, 1982, and then returned to custody following his arrest for the murder of Mr. Grimes.

### **III. INSTITUTIONAL HISTORY**

During his incarceration between 1976 and before he was paroled in 1980, Sullivan compiled several disciplinary reports for such offenses as lighting another inmate's room on fire, weapon possession, destruction of property, assault on an officer, use of alcohol, possession of a controlled substance, and causing a disturbance.

Following his escape attempt from the Billerica House of Correction, where he had been incarcerated while awaiting trial for his 1981 burglary charge, Sullivan was transferred to MCI-Walpole where he received three disciplinary reports.

After his murder conviction, Sullivan has incurred a lengthy disciplinary history. Between 1984 and 1989, while incarcerated in Massachusetts state prisons, Sullivan incurred 30 disciplinary reports for drug related offenses, fighting, insolence, contraband, spitting on a correctional officer, and damaging state property.

In addition to disciplinary reports and sanctions, Sullivan received three placements in the Disciplinary Segregation Unit (DSU). In 1985, Sullivan received his first DSU placement after being found burying a shank in the yard. His second DSU placement took place in 1987 due to his threatening inmate runners not to clean up the block and encouraging other inmates to cause more trouble. His third placement took place after his receiving a disciplinary report in October 1987 for participating with two other inmates in an assault upon a third inmate. His stay in the unit was extended by three months due to his having spit in an officer's face.

In 1989, Sullivan was transferred to the Federal Bureau of Prisons where he remained until July 2000. As provided in a 1989 Classification Report, Sullivan was transferred because he was "involved in a struggle to gain control of drug trafficking within MCI-Cedar Junction. Apparently he had intended to commit an act of violence against one (unnamed) individual and was a leader of a group that was creating an atmosphere that may (if left unchecked) have led to a violent group conflict."

Sullivan's adjustment in Federal Custody was poor. He received 11 disciplinary reports between 1991 and 1999 for offenses including possessing intoxicants, refusing to obey an order, assaulting resulting in a serious injury, possessing a dangerous weapon, possessing drugs or drug items, and insolence.

Sullivan was returned the Massachusetts custody on July 25, 2000. Upon his return to Massachusetts, Sullivan incurred 10 disciplinary reports between 2000 and 2006 for offenses including possession of a weapon, use of obscene language, contraband, drug related offenses including using morphine, possessing Seroquel pills, and assaultive conduct. Sullivan's disciplinary sanction for possession of Seroquel pills resulted in his placement in the Special Management Unit (SMU) for a period of time.

Sullivan had little program participation for 20 years. Since 2003, Sullivan has engaged in some programming. He completed Family Violence Reduction Program, Alcoholics

Anonymous Not-For-Credit Program, Introduction to Treatment, Introduction to Twelve Week Fellowship, Relapse Prevention, Correctional Recovery Academy, Correctional Recovery Academy Graduate Maintenance Program, and Smart Recovery. A June 2009 letter from CRA counselors indicates Sullivan was selected as a mentor following his completion of the program. He has not received a certificate of program completion since 2011.

#### **IV. PAROLE HISTORY**

Kevin Sullivan has never been paroled on the life sentence. He was paroled on a previous state sentence on October 20, 1980. He was released to reside with his wife Deborah. On October 23, 1980, a Lieutenant from the Cambridge Police Department contacted Sullivan's Parole Officer to inform him that he was a suspect in a break-in in which a telephone was stolen. The Lieutenant also informed the Parole Officer that Sullivan was frequenting the local bar. On November 5, 1980, Sullivan's Parole Officer was informed Sullivan was in the A&S Café in Cambridge, drinking heavily and it was said he pulled out a knife. There was no complaint or arrest. Two days later, Sullivan called his Parole Officer and denied any involvement in the previous incident.

On December 24, 1980, Sullivan's Parole Officer received word from Cambridge Police that he was involved in a fight in a Cambridge tavern, again with no complaint or arrest. On January 13, 1981, Sullivan was arrested with his brother Danny for burglary while armed, and two counts of assault and battery with a dangerous weapon. A parole detainer was lodged. The arrest, the fact that he was unemployed, and his failure to obtain an evaluation for alcohol treatment formed the basis of a provisional parole revocation. However, parole records indicate Sullivan was found not guilty on the criminal charges.

On September 30, 1982, Sullivan was released on a straight parole. On December 6, 1982, Sullivan's Parole Officer spoke to his wife at the Third District Court. Mrs. Sullivan reported to Sullivan's Parole Officer that a neighbor broke her vehicle's windshield and windows. Mrs. Sullivan also stated the neighbor fired a .22 caliber into the vehicle. She took out a complaint and claims that the neighbor retaliated by taking a criminal complaint out against Sullivan for assault and battery. Mrs. Sullivan reported the whole incident took place because Mr. Sullivan's brother got into a fight with the neighbor.

Sullivan checked in with his Parole Officer on December 22, 1982 and they discussed the assault and battery court case. This was Sullivan's last contact with parole prior to the murder of Mr. Grimes nine days later.

#### **V. SEPTEMBER 24, 2013 PAROLE HEARING**

This is Kevin Sullivan's third appearance before the Parole Board since his murder conviction, having been denied parole in 2002<sup>3</sup> and again in 2008.<sup>4</sup> Previous Boards reviewed Sullivan's prior incarcerations, noted that he committed the murder while on parole, that he was

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<sup>3</sup> Sullivan's initial parole hearing was scheduled in 1997, but it was rescheduled at either his request or the request of his attorney in 1997, 2000, and 2001.

<sup>4</sup> Sullivan was due before the Board for a review hearing in 2007, but postponed it at his request once in 2007 and again in early 2008.

not program involved, and that he had many disciplinary issues, including placements in the DSU and an escape attempt. While in its 2008 decision, the Board did note his more recent involvement with programming, Sullivan was advised that he must demonstrate a longer period of commitment to programming and positive institutional behavior before he could be considered for parole.

Sullivan emphasized to the Board that "I made a conscious decision to change. I made a conscious decision after 2002 to stop doing everything. I've changed tremendously. I did the CRA and became a mentor; it helped me a lot; it taught me about high risk situations. I'm not a violent person; most of my trouble was because of booze." Sullivan discussed his alcohol problem. "I've had a drinking problem since I was a kid. I shouldn't drink. My only violence is if I'm drinking and someone starts something with me. I started drinking at 12. I used drugs with hippies in Harvard Square, but not much. It was mostly drinking. I've been in AA constantly for years." He reported on his current activities. "I do AA every week. I referee football and basketball games. Most of the time I spend in the yard."

He reported that he was disappointed after the Board denied parole in 2008 because "I thought I deserved parole." He was asked why he thought he was deserving in 2008. Sullivan said, "Because I want to go home." He added, "I've done all the programs and I've stopped everything." After avoiding program participation for over twenty years, Sullivan completed the CRA in 2009. He has not "done all the programs." Most importantly, he has not participated in violence reduction programming. He has since 2006 improved his institutional behavior, which was violent, disruptive, and defiant for over twenty years.

In describing events to the Board, Sullivan undermined his claim that he has "changed tremendously." Despite his claim that he is not a violent person, Sullivan has an extraordinarily violent history, and Board Members questioned him about some of the most violent events. His answers were not candid. He denied that he was involved in a police chase after the Danvers bank robbery at the Liberty Tree Mall in 1975. The police reports identify Sullivan, however, as the bank robber who pointed a gun at police officers and exchanged gunfire with police.

Surprisingly, Sullivan maintained at the hearing that his wife assaulted him and that he acted in self-defense in stabbing Mr. Grimes. "My wife fell back when she reached in the cab trying to pull me out and she fell and hit her head on the curb. I picked her up and asked her if she was all right. I had her sitting on the curb and I was talking to her and then Grimes started fighting with me. He attacked me first. He kicked me, then he ran at me. I ended up on the ground and then the cab driver hit me with the flashlight and then Dave Johnson came in. There was three of them. Paul Kelly reached in to try to grab my wife. I thought he was trying to harm my wife." He asserted that he was protecting his wife when he cut Paul Kelly. Sullivan added, "I read the police reports, the grand jury minutes, and the trial transcripts and most of it is in line with what I said." The eyewitness accounts recorded in the police reports and delivered through trial testimony contradict this claim. Two juries have rejected this claim of self-defense. The evidence is clear that Sullivan was beating his wife which caused some unrelated bystanders to intervene to prevent the beating. Because of his altruistic act, Mr. Grimes was murdered by Sullivan.

Sullivan did not address many issues with candor. As he presented his plan to live with his girlfriend on parole, he never mentioned that he owes nine years on another sentence

because he was on parole when he committed the murder. When a Board Member pointed out that his request for parole should include completing that sentence, Sullivan acted very surprised and said that no one had ever told him that the parole warrant remains in place and that he owes nine years on that earlier sentence. Sullivan insisted that he has never been told about the parole warrant and the need to complete that earlier sentence. In fact, there are several documents in the record that show Sullivan is well aware of the parole warrant, including the 2008 decision that explicitly states the warrant remains in place. The record also contains a document authored by Sullivan in which he refers to the parole warrant. Apparently, Sullivan hoped or expected that with the passage of time and the turnover of Board Members he could avoid completing the earlier sentence.

Middlesex Assistant District Attorney Douglas Cannon spoke in opposition to parole. ADA Cannon noted that Sullivan continues to present a false story about the murder after all these years. "His story is that he is not guilty of the crime. The truth is that he was beating his wife and citizens got involved to stop the beating and one of them is dead because of it." Sullivan's sister, wife, and a friend spoke in support of parole.

## **VI. DECISION**

Kevin Sullivan lived a life of extraordinary violence in the community. He was on parole for a very violent crime when he committed this murder. His acts before the murder included an armed bank robbery, attacking police officers, and shooting at police officers. The murder occurred when he was beating his wife and John Grimes intervened to stop the violence. Sullivan continued his violence in prison. His behavior was so bad that the DOC had to transfer him to a federal prison for over a decade. After over twenty years of violence in prison, Sullivan has improved his behavior considerably since 2006. After avoiding rehabilitative programs for twenty years, he completed the CRA in January 2009 and its Graduate Maintenance Program later that same year. He has not taken any significant programs to address his violence. Sullivan's minimal program participation was evident at the hearing, as he continues to misrepresent his actions in committing the murder and other crimes. His lack of candor reveals that, although his conduct has improved in a confined setting, he 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 here, it is the unanimous opinion of the Board that Mr. Sullivan does not merit parole. The period of review will be five years, during which time Mr. Sullivan should make a more serious commitment to rehabilitation to address issues of anger, violence, criminal thinking, domestic violence, lack of candor, and lack of empathy.

*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*

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Josh Wall, Chairman

*September 2, 2014*

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Date