



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JAMES OSBORNE  
W32377**

**TYPE OF HEARING:** Review Hearing / Resolve Action Pending

**DATE OF HEARING:** October 6, 2015

**DATE OF DECISION:** May 24, 2016

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On June 26, 1969, in Suffolk Superior Court, James Osborne pled guilty to the second degree murder of Josephine Campagna. Mr. Osborne was also convicted of assault with intent to commit rape, as well as armed robbery. A sentence of life in prison, with the possibility of parole, was imposed on Mr. Osborne for the murder of Ms. Campagna. Mr. Osborne was also sentenced to a term of life imprisonment for his conviction of assault with intent to rape. For his conviction of armed robbery, Mr. Osborne was sentenced to a term of imprisonment of not more than 25 years and not less than 15 years. Mr. Osborne's life sentence for his conviction of assault with intent to rape was ordered to run consecutively to his life sentence for the murder of Ms. Campagna. Mr. Osborne's sentence for his conviction of armed robbery was ordered to run concurrently with his consecutive life sentence for assault with intent to rape.

On February 24, 1969, Mr. Osborne beat Ms. Campagna to death inside a small grocery store that Ms. Campagna had operated in East Boston. Ms. Campagna was 56-years-old at the time of her death. Evidence uncovered in the investigation indicated that Mr. Osborne struck Ms. Campagna in the head repeatedly with a soda bottle, tore most of her clothing off her body, and gagged her with a portion of her brassiere.

Officers found Mr. Osborne hiding under a car after an eyewitness observed him leaving the store. Mr. Osborne's hand was badly cut and particles of glass were recovered from the cuffs of his trousers. Ms. Campagna's blood and hairs were also recovered from Mr. Osborne's person and clothing. Additionally, Officers recovered \$140 from Mr. Osborne. Ms. Campagna's husband estimated that this was slightly more than the amount of money that would have been in the cash register at the time of Ms. Campagna's murder. There was also evidence that Mr. Osborne was an alcoholic and had been drinking heavily on the day of Ms. Campagna's death.

## **II. PAROLE HEARING ON OCTOBER 6, 2015**

Mr. Osborne, now 69-years-old, appeared before the Parole Board on October 6, 2015, for a review hearing and was represented by Student Attorneys Tori Anderson and Hannah Diamond. This was his fourth appearance before the Board. Mr. Osborne's initial appearance before the Board, in March 2001, resulted in the denial of parole. Mr. Osborne's subsequent review hearings, in March 2006 and May 2011, also resulted in the denial of parole.

Mr. Osborne discussed his alcohol addiction with the Board. He recounted his history of alcohol abuse, which included several instances of alcoholic blackouts that were similar to the blackout he claims to have suffered just prior to murdering Ms. Campagna. Mr. Osborne also told the Board that he had been diagnosed with a personality disorder related to his alcohol addiction. According to Mr. Osborne, he has been sober for the entirety of his (approximately) 46 year incarceration. The Board notes that Mr. Osborne has incurred only 10 disciplinary reports during that time, none of which involved violence, and was also successfully released into the community numerous times by way of a furlough program.

Mr. Osborne discussed the steps he has taken to address his alcohol addiction during his incarceration. Approximately one year ago, Mr. Osborne completed a 12-step program called Understanding Substance Abuse. According to Mr. Osborne, this was the most intensive substance abuse program he completed during his incarceration. Mr. Osborne reported to the Board that he is hopeful of attending the more intensive Correctional Recovery Academy program in the future. The Board notes that Mr. Osborne has also completed the Sex Offender Treatment program.

Over the course of the hearing, Mr. Osborne discussed the night of the murder. According to Mr. Osborne, he had stolen a truck in Chelsea earlier in the night and had driven it to East Boston. There was a blizzard on that that particular night. Mr. Osborne could not recall exactly why, but he told the Board that he had decided to wait for a bus in East Boston that could take him to Malden. In order to get out of the storm, Mr. Osborne sought shelter in Ms. Campagna's store. Mr. Osborne told the Board that Ms. Campagna initially let him into the store to wait for the bus, but later asked him to leave so she could close. According to Mr. Osborne, it was at this point that he cannot recall anything that happened. Mr. Osborne explained to the Board that either he was in an "alcoholic blackout," the event was so

"traumatic" that his "mind won't accept it," or it was "a combination of both." Mr. Osborne told the Board that his next clear memory after the murder was being in the back of a police wagon, with a police officer asking him why he killed Ms. Campagna.

The Board questioned Mr. Osborne as to whether he may have been motivated by hostility towards women in authority, given that the victim had asked him to leave the store. Mr. Osborne indicated during the exchange that his father had taught him that women were inferior to men, which was a learned behavior that he no longer has. He said that he never experienced that type of rage or hostility towards any other woman. When asked what he believed may have happened, Mr. Osborne said that he believes he attempted to rob Ms. Campagna and that, when she stood up to him, he beat her and may have attempted to rape her. Mr. Osborne told the Board that he probably would have raped Ms. Campagna had he not been interrupted by someone. According to Mr. Osborne, his "major trigger is drinking" and he should be fine as long as he "never picks up a drink again." Mr. Osborne told the Board that he does not know if there is a direct relationship between his drinking and the murder of Ms. Campagna but, based upon his treatment and programming, he does not believe that he is capable of repeating a similar act in the future.

The Board considered testimony from Mr. Osborne's sister and friends, all of whom expressed support for his parole. The Board also considered testimony from Ms. Campagna's granddaughter, grandson-in-law, and daughter-in-law, as well as Suffolk County Assistant District Attorney Charles Bartoloni, all of whom expressed opposition to Mr. Osborne's parole.

### **III. DECISION**

The Board is of the opinion that Mr. Osborne has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Osborne's rehabilitation.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Osborne's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Osborne's risk of recidivism. After applying this standard to the circumstances of Mr. Osborne's case, the Board is of the unanimous opinion that Mr. Osborne is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Osborne's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Osborne to continue working towards his full rehabilitation.

*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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Gloriann Moroney, General Counsel

5/24/16  
Date