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Governor

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# *The Commonwealth of Massachusetts*

## *Executive Office of Public Safety*

### **PAROLE BOARD**

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Charlene Bonner  
Chairperson

Janis DiLoreto Smith  
Executive Director

### **DECISION**

#### **IN THE MATTER OF**

**BRUCE GORHAM**

**W37644**

**TYPE OF HEARING:** Review Hearing after Revocation

**DATE OF HEARING:** December 16, 2014

**DATE OF DECISION:** January 8, 2015

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Tina Hurley, Lucy Soto-Abbe

**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 written submissions to the Board, we conclude by unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to the REACH Program upon acceptance to that program.

### **I. STATEMENT OF THE CASE**

Bruce Gorham appeared before the Massachusetts Parole Board on December 16, 2014 for a revocation review hearing, following his return to custody as a parole violator in December 2013. Gorham is currently incarcerated at Old Colony Correctional Center.

On May 22, 1980, in Middlesex Superior Court, Bruce Gorham pleaded guilty to second degree murder for the killing of 34 year old William E. McArthur during an armed robbery. Gorham was sentenced to life imprisonment to be served concurrent with the sentence he was then serving. On the same date, he received a concurrent life sentence for the armed robbery, a seven to ten year concurrent sentence for conspiracy to commit armed robbery, and a seven to ten year concurrent sentence for arson.

Bruce Gorham is 65 years old. He served as a Marine in Vietnam from 1967 to 1969, and after an honorable discharge returned home to Massachusetts with a drug problem. Upon

returning from Vietnam, Gorham completed two years at Bunker Hill Community College. He worked steadily, first in a factory and later as a bartender at the Kenmore Club in Boston. His substance abuse involved regular use of Valium and Quaaludes. In the decade since his return from Vietnam, Gorham committed numerous crimes, including a second-degree murder in 1978.

On November 5, 1978, Gorham, who was then 29 years old, used angel dust with his girlfriend and three men, Steven Smith, Richard Fallavollita, and Steven Gorham (Bruce's brother). The group decided to go to the home of William McArthur in Waltham. They believed that McArthur had drugs and money. Bruce Gorham, Smith, and Fallavollita, wearing nylon masks, entered the house through an unlocked door. They confronted McArthur who denied that he had drugs or money. Smith declared that McArthur recognized him and that they therefore needed to kill him. Smith and Gorham killed McArthur by stabbing him 32 times. Gorham says that he contributed approximately ten of the stab wounds. They took \$30 and a small amount of heroin, and set the apartment on fire before they left.

Bruce Gorham pleaded guilty to second-degree murder, armed robbery, and arson. He received concurrent life sentences for the murder and the armed robbery, and a concurrent seven to 10 year sentence for the arson. As to the co-defendants who confronted McArthur in his Waltham home, Richard Fallavollita, who cooperated with the prosecution, received concurrent sentences of four to 15 years for armed robbery and arson. Steven Smith pleaded guilty to second-degree murder, armed robbery, and arson, and received a life sentence. Smith was paroled in 1994 but has had three parole failures and is currently incarcerated on the life sentence.

## **II. PAROLE HISTORY**

Bruce Gorham received a positive parole vote after his August 1994 initial hearing. He was released in October 1994, after demonstrating good institutional adjustment supported by a record of only three disciplinary reports, bolstered by his active participation in rehabilitative programs, and exemplified by his earned Bachelor's Degree from Boston University.

Gorham was on parole for 17 years, during which time he had many successes and was substantially compliant with his parole conditions. His parole performance was not perfect as he had incidents that caused concern, but these did not result in revocation. He and his "common law" wife, "D.G.",<sup>1</sup> met while Gorham was incarcerated and they have been together ever since. They own a home together where they live with their two teenage children. For several years, they owned three apartment buildings which Gorham operated but have since been sold.

Gorham's parole was successful and uneventful for the first eight years. In 2002, however, his wife made domestic violence allegations that resulted in Gorham's arrest. She recanted the allegations, which led to a not guilty verdict on charges of assault and battery in August 2002. In 2004 and 2007, Gorham had issues with tenants that resulted in minor court charges that were dismissed. In January 2007, Gorham tested positive for marijuana, which resulted in a formal warning from the Parole Board.

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<sup>1</sup> The Board has withheld her name.



In March 2008, Gorham broke his back which required the use of oxycodone and morphine for pain management. While hospitalized, he suffered a heart attack. His back required additional surgery and he continued with the prescribed medication. The Board issued a warning in January 2012, which required Gorham to comply with the parole officer's request for monthly verifications from the physician and to attend counseling. Gorham maintains that he did his best to obtain the verifications from his physician.

On May 20, 2012, "D.G." called 911 and reported another domestic incident. She alleged that Gorham yelled at her, called her names, and ripped glasses off her head which resulted in her hair being pulled. Gorham told police he argued with his wife, but had not assaulted her. Police arrested Gorham for assault and battery. "D.G." however, recanted the allegations of physical touching and the case was dismissed on June 11, 2012. Based on the arrest, the Parole Board began proceedings that resulted in re-incarceration and revocation. Attorney Edward McCormick, who represented Gorham at his revocation proceeding, explained that Gorham's wife has medical and psychological issues that have affected her abilities, behavior, and judgment. He suggested that the May 2012 domestic incident reflected, or resulted from, those issues. "D.G." did not object to or disagree with these statements.

After a thorough review of Gorham's family and other stressors, the Parole Board provided Gorham with recommendations and additional conditions to help support his needs. Gorham was re-paroled in January 2013. This decision was also based on the testimony provided from his family members, including his wife, who were all in support of his parole. It appeared at that time that Gorham had the supports in place that he needed to succeed.

On October 25, 2013, Gorham was admitted to the Brockton VA Hospital for an initial complaint that he had a possible head injury from a fall. According to medical records, however, there were many concerns that presented as a result of this admission. The first concern was that Gorham was drinking and needed to be detoxed. Second, there was concern that Gorham had made suicidal statements and had to be evaluated by mental health. Finally, there were again concerns that Gorham was taking prescription medications that were not reported to his parole officer. These concerns, which were brought to the parole officer's attention, constituted many violations similar to those for which he had been violated. Included in this pattern of disconcerting behavior, Gorham was driving his wife to various emergency rooms in what appeared to be an effort to gain pain medication for either her use or his own use. Given his prior pattern of behavior and the recent concerns for his personal safety, possible drug and alcohol abuse, and history of an unstable relationship with his wife, Gorham was again taken into custody, and on January 2, 2014, his parole was subsequently revoked.

### **III. PAROLE HEARING ON DECEMBER 16, 2014**

At this revocation review hearing, Bruce Gorham was again represented by Attorney Edward McCormick, who provided detailed information regarding his family and personal stressors, the reasons for his admission to the VA hospital, and other noted violations. The Parole Board questioned Gorham at length regarding the similar pattern of behavior and what precipitated such decline after so many years of success on parole. Gorham, who has appeared before most of the members of the current Parole Board on prior occasion, presented with what appeared to be a deeper level of insight. Gorham stated that he committed himself to a 12



step program during this period of incarceration and gained a greater understanding of himself, his stressors, and his coping skills. Gorham also related a history of Post-Traumatic Stress Disorder (PTSD) that he has suffered with for many years, but has never fully treated. He stated that his symptoms are acute at times and that he has never embraced talking about them, but sees how he chose maladaptive coping skills to deal with his psychological and physical pain. Gorham stated that he attended a PTSD clinic for six weeks, which he found very helpful, but was not vigilant to the treatment recommendations and did not practice the skills he had learned. Gorham admitted that his poor compliance with parole conditions has led to significant and legitimate concerns from his parole officers and the Parole Board. He viewed himself with a degree of stubborn pride that he could handle all of his stressors. He said that he "managed [his] affairs for so long in the community, it was hard for [him] to be accountable to parole, especially with such private matters." Gorham admitted to the Parole Board that he learned that he does need support and that he does need professional help in order to succeed. Gorham proposed that he transition to the REACH program, which is an inpatient rehabilitation program for veterans. Gorham stated that he is committed to continue his sobriety and to address his PTSD and other stressors.

Gorham provided the Parole Board with a history of his recent decline and how he can better prepare himself to invest in necessary treatment in order to live successfully in the community. Gorham denied any need for pain medication or any other habit forming medications. He stated that he has been able to manage his pain without resorting to narcotics and denied having suicidal or homicidal thoughts. Gorham stated that he is grateful for having had the opportunity to participate in the 12 step program and to live without the dependency of habit forming medications. Gorham also agreed that, should he require treatment interventions in the future, he is now willing, committed, and able to benefit from such treatment. He agrees that his parole officer should be included in decisions that will affect his treatment needs.

The Parole Board heard from Gorham's children, brother-in-law, and wife. The Board asked his wife several questions about her participation in Gorham's parole failures and whether she was able to assist him with his needs. The Board expressed concern that Gorham is very focused on her needs and that of others at his own expense. His wife testified that she has since received her own help and views herself now as a stable support for Gorham.

#### **IV. DECISION**

Bruce Gorham established during his 17 years on parole that he was able to be a productive member of society. Gorham's parole has been revoked secondary to a pattern of behavior that is largely centered around marital issues and his need to address family stressors at his own expense. Gorham has also had his own pain issues and unresolved mental health issues that have further compromised his ability to make healthy and good decisions. While Gorham is responsible for his own decline and poor decisions, he was in need of treatment that he was not receiving and to which he was previously resistant. Gorham appears to have benefitted from this most recent incarceration, as he was taken off all habit forming medications and was able to re-evaluate the course his life was on. Gorham invested in treatment during this most recent period in custody and it became evident to the Parole Board that he learned a great deal about himself and his needs. Gorham is now committed to treatment and has requested to be paroled to the REACH program through the Veteran's Administration. Such a program will assist Gorham with the progress that he has already made

and will help him transition back to the community with the treatment supports that will enable him to succeed. In addition, Gorham's family appears to be more aware of his needs and in a better position to assist him with such needs.

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 has decided by a unanimous decision that Gorham is suitable for parole.

**SPECIAL CONDITIONS:** Re-parole to REACH Program; no drug use or alcohol use, with testing for compliance; AA meetings at least three times per week; one-on-one counseling to address issues of mental health, substance abuse, and marital relationship; Parole Officer will receive permission to have access to medical records; report to Parole Office on the day of release.

*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 Smith, Executive Director

1/8/15  
Date