



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

EDWARD CHISHOLM

W36877

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 13, 2016

DATE OF DECISION: July 17, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On January 9, 1979, in Barnstable Superior Court, Edward Chisholm pled guilty to the second degree murder of 57-year-old Albert Mullen. He was sentenced to life in prison with the possibility of parole.

In the early morning hours of June 29, 1978, 20-year-old Edward Chisholm stabbed and beat Albert Mullen to death in the Dennis home of Mr. Mullen's girlfriend (who was away at the time). The two men had met at a bar in Dennis earlier that night. Using knives that he found in the apartment, Mr. Chisholm stabbed Mr. Mullen 16 times in the chest. One of the wounds lacerated his aorta. The medical examiner also determined that multiple blows by a blunt object caused numerous other injuries including a ruptured spleen, lacerated liver, fractured sternum, fractured jaw, and four fractured ribs. On the day after the murder, Mr. Chisholm was found driving Mr. Mullen's car in Maine.

¹ Five Board Members voted to deny parole with a review in three years. One Board Member voted to deny parole with a review in two years.

II. PAROLE HEARING ON DECEMBER 13, 2016

Mr. Chisholm, now 59-years-old, appeared before the Parole Board for a review hearing on December 13, 2016. Mr. Chisholm was not represented by counsel. His initial hearing in 1993 resulted in the denial of parole. Six subsequent review hearings also resulted in the denial of parole. In his opening statement to the Board, Mr. Chisholm expressed his sorrow for taking Mr. Mullen's life and asked for forgiveness from Mr. Mullen's family and friends.

Mr. Chisholm spoke about his childhood and early involvement with the criminal justice system. Mr. Chisholm entered the foster care system at the age of 4, where "indescribable" events took place. He recalls being in at least 15 foster homes as a child. At age 9, Mr. Chisholm entered the juvenile justice system for a breaking and entering charge. At age 15, he was incarcerated for stealing a motor vehicle. The Board questioned Mr. Chisholm about various escape attempts. Mr. Chisholm's first escape attempt occurred when he failed to return from a furlough. Mr. Chisholm's second escape attempt occurred when he was 18 and swam off of Dear Island. His third escape attempt (in 1993) occurred while he was serving his present sentence at a pre-release facility.² Later in the hearing, Mr. Chisholm acknowledged that he ran away from foster homes and escaped from youth services facilities.

Mr. Chisholm was asked to discuss the events leading up to Mr. Mullen's murder. He said that he encountered Mr. Mullen, while drinking at a bar and grill in Dennis. Mr. Chisholm described himself as "pretty hammered" as he was getting on his bike to leave the bar. According to Mr. Chisholm, Mr. Mullen asked him if he wanted a ride home. They managed to get the bike into the vehicle and then left the bar. He said that Mr. Mullen went the wrong way, but when Mr. Mullen offered him beer, Mr. Chisholm got out of the vehicle and put the bike behind Mr. Mullen's house. Mr. Chisholm told the Board that he was afraid someone would steal the bike if he left it in the car. Upon questioning from the Board, Mr. Chisholm said that although he went in to drink, he thought (once inside) that Mr. Mullen might have money lying around. At some point, Mr. Chisholm asked Mr. Mullen to drive him home, but Mr. Mullen stated that he could not drive, as he had been drinking while on medication. Mr. Chisholm said that he asked whether he could drive the car home and drop it off on his way to work the next day. Mr. Chisholm said that Mr. Mullen would not allow that, nor was Mr. Mullen able to give Mr. Chisholm's friend directions to pick him up.

When asked what triggered the rage that led him to stab Mr. Mullen, Mr. Chisholm said that he thought Mr. Mullen had ulterior motives, which he based on childhood experiences. A Board Member questioned why Mr. Chisholm felt trapped in that situation, when he was only a couple of miles away from where he was staying and had a bike out back. Mr. Chisholm replied, "I didn't understand it myself. I was an emotional cripple back then, you know." When asked what he has come to understand about that situation, Mr. Chisholm stated, "I do understand that human beings have a sin nature, and coupled with alcohol and that, people are capable of anything." Mr. Chisholm was later asked how he could become so enraged that he was able to bludgeon and stab somebody. Mr. Chisholm replied, "... people say that violence begets violence, violence was done to me every day of my life since I was little."

² On December 14, 1993, in Clinton District Court, Mr. Chisholm was sentenced to serve a one year House of Correction from and after sentence for an escape conviction. If Mr. Chisholm is granted parole, it would be to his from and after sentence.

A Board Member asked Mr. Chisholm about the various versions of the murder he has given. Mr. Chisholm said that when he was first arrested, he "embellished" what had happened by saying that the victim had attacked him physically. When asked how long he held on to this embellishment, Mr. Chisholm said, "Right up until the time when I surrendered my life over to Christ. I realized I had to come forward, I had to tell the truth...God would hold me responsible." A Board Member pointed out that Mr. Chisholm had stated that, based on previous trauma, he feared for himself in the house that night. Mr. Chisholm explained that in his mind, Mr. Mullen could have had an ulterior motive, possibly sexual. However, he "stretched it" to say that it actually happened. A Board Member later asked Mr. Chisholm why he did not flee that night, given that he had fled when confronted with fight or flight situations throughout his entire life. In response, Mr. Chisholm claimed that he had tried to get away in the car, but had been unable to get the doors open. The Board Member then pointed out that Mr. Chisholm had a bike there, to which he responded, "Yeah, I didn't even think of it at the time... To this day I wish I did."

The Board also questioned Mr. Chisholm about other incidents in which he was violent. In an incident involving a former neighbor, Mr. Chisholm stated that he had gone out drinking and then climbed into his neighbor's apartment through a window. According to Mr. Chisholm, the downstairs door had been locked, so he planned to enter his own apartment through his neighbor's apartment. However, when Mr. Chisholm decided to get something to eat, he heard his neighbor coming and hid in the pantry. A Board Member referenced the account given by the homeowner, who said he found six knives spread on the kitchen table and Mr. Chisholm standing in the closet, holding a butcher's knife. Another Board Member referenced an outburst that resulted in Mr. Chisholm being placed in wrist restraints. Mr. Chisholm was asked how he would react if something unfair happened to him while in the community. Mr. Chisholm indicated that his faith in Jesus Christ, as well as having community supports, would help him remain calm.

During his incarceration, Mr. Chisholm obtained his GED and took college courses. He has taken some programs, including Violence Reduction, the Correctional Recovery Academy (CRA), and the Alternatives to Violence Program (AVP). He has also facilitated multiple AVP workshops. Mr. Chisholm attends Alcoholics Anonymous (AA) one to two times per week and works in the kitchen delivering food. At the time of his hearing, he was on the waiting list for the wheelchair program and the Violence Reduction Graduated Maintenance Program.

Mr. Chisholm's sister, and one of his cousins, testified in support of parole. A representative from the Victim Services Unit read two statements on behalf of Mr. Mullen's family in opposition to parole. Mr. Mullen's nephew also spoke in opposition to parole. Cape and Islands District Attorney Michael O'Keefe spoke during Mr. Chisholm's parole hearing. District Attorney O'Keefe indicated that he was not at the hearing to suggest what the Board should do but, rather, he was there for the victim's son, who was not able to be at the hearing.

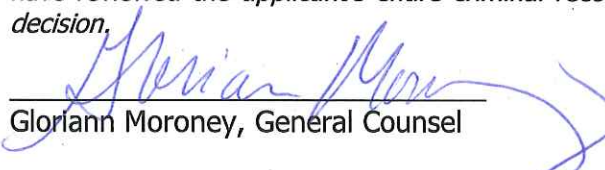
III. DECISION

Edward Chisholm has limited insight as to the causative factors and criminal conduct that lead to a brutal murder. Mr. Chisholm needs to invest in his rehabilitation and devise a plausible parole plan.

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. Chisholm'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. Chisholm's risk of recidivism. After applying this standard to the circumstances of Mr. Chisholm's case, the Board is of the opinion that Mr. Chisholm is not yet rehabilitated and, therefore, does not merit parole at this time.

Edward Chisholm's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Chisholm 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.


Gloriann Moroney, General Counsel

7/17/17
Date