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DECISION

IN THE MATTER OF

EDWARD PALMARIELLO

W39245

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 30, 2014

DATE OF DECISION: April 2, 2015

PARTICIPATING BOARD MEMBERS: Tonomey Coleman, 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 hearing scheduled three years from the date of the hearing.

I. STATEMENT OF THE CASE

On October 15, 1982, after a jury trial in Suffolk County Superior Court, Edward Palmariello was found guilty of first degree murder and was sentenced to life in prison without the possibility of parole.¹

On December 24, 2013, the Massachusetts Supreme Judicial Court (SJC) issued a decision in *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013), in which the Court determined that the statutory provisions mandating life without the possibility of parole were invalid as applied to those, like Edward Palmariello, who were juveniles when they committed first degree murder. The SJC ordered that affected inmates

¹ Co-defendant Bruce Chambers was convicted of first degree murder and sentenced to life without the possibility of parole.

receive a parole hearing after serving 15 years. Accordingly, Palmariello became eligible for parole and is now before the Board for an initial hearing.

Marion Palmariello was 53 years-old and lived in East Boston with her son, Edward Palmariello, age 17, at the time of the murder on October 18, 1981. There was a great deal of hostility between Palmariello and his mother and witnesses had heard Palmariello threatening to kill or harm her on many different occasions. On the day of the murder, Bruce Chambers and Palmariello were painting inside the Palmariello house. At some point during that day, and with Palmariello's knowledge, Chambers used an extension cord to strangle and kill Marion Palmariello. After determining that she was dead, Edward Palmariello suggested that they call the police. Chambers said, "You're just as much at fault as I am." The two removed the victim's jewelry to make it appear that she had been robbed and they put her body in a cardboard box. They stole a car, placed the box in the car, and drove to New Hampshire. They eventually stopped the car, removed the victim's body, carried it over a fence, dragged it into the woods, and left it.

On November 4, 1981, a group of hunters discovered Ms. Palmariello's body in a wooded area about 150 feet from Route 93 in southern New Hampshire. Edward Palmariello and Bruce Chambers were arrested approximately a week later.

II. PAROLE HEARING ON OCTOBER 30, 2014

Edward Palmariello appeared for his initial parole hearing represented by attorney Leslie O'Brien. Palmariello is serving a life sentence for first degree murder. He is eligible for parole due to the Supreme Judicial Court's ruling in *Diatchenko*, which granted parole eligibility at 15 years to an inmate who is serving a life sentence for first degree murder committed when the inmate was a juvenile. Palmariello has served 33 years of the life sentence.

Palmariello opened the hearing by thanking the Parole Board for the opportunity to be heard and making an apology to his family, the community, and all the people affected by the murder. Attorney O'Brien identified Palmariello's attendees and briefly introduced the people that planned on speaking in support of Palmariello's parole request.

The Board questioned Palmariello about his participation in various rehabilitative, educational, and vocational programs, as well as his overall adjustment to incarceration. They also inquired about his social background, upbringing, and participation in the crime. Palmariello, 51 years-old at the time of the hearing, said he has been at Bay State Correctional Center for the last 20 years and has been working in the gym as a janitor for at least 18 years. He said, "I have participated in the National Education for Assistance Dog Services (NEADS) program for four and a half years, and graduated five dogs." He told the Board what the experience has done for him by stating, "I am able to help these people that are handicapped. The first dog I trained went to a woman with MS and she said it gave her back her dignity. She actually thanked me."

When asked to describe his childhood, Palmariello became quiet and emotional and said, "It was traumatic; it was difficult. I came from an abusive household, watching my sisters get abused at a really young age. Most of my siblings ran away when I was real young, so, I only remember Debbie and Cindy." Palmariello was asked what stood out in his mind about the

trauma. He said, "Violence; there was a constant barrage of violence. As I got older, I could stop the belts and straps, but the knives always scared me. My mother liked to grab a knife or a big fork and threaten me with it. I was probably seven years-old when I was the only one left living with my mom. I did not have a good relationship with her. It was volatile. As I got older and I rebelled, there was violence between the two of us. She would threaten to kill me in my sleep and I would threaten to kill her. It was not a good household." A Board Member pointed out to Palmariello that it appears as though he acted violently because he grew up with violence and was taught to handle conflict through violence. Palmariello seemed as though he had not considered that before. He continued, "I didn't do well in school and dropped out in the ninth grade when I was about 15 or 16 years-old. After dropping out, I just wandered the streets; I didn't do anything. I was removed from the home a couple of times; once because [my mother] stabbed me and got arrested. Eventually they just put me back with my mother." A neighbor, who was questioned by police at one of the calls to the house, described the relationship between Palmariello and his mother by saying, "The two always fought. They could not live with each other, but they could not live apart." Toward the end of the hearing, Palmariello said, "I loved my mother, but I did not always like her."

Palmariello was asked about his first contact with the law and said, "My sister Judy, who I was really close to, died of A.L.S. and I had quit school and was hanging out with bad kids. One day, we pushed this car off a cliff. I got two years probation and got in trouble again and got more probation. I also had a possession of a knife charge." Palmariello then described the day of the crime and said, "It started out like a normal day. Me and my co-defendant were supposed to do some painting for my mom. She wanted us to paint the upstairs, but we went ahead and started painting my room downstairs. When she came back after a couple of hours, she was irate. She threatened to call the cops and to have me thrown out of the house. We agreed to go upstairs and paint what she wanted. But she was so mad; she kept yelling and screaming at us, calling us names and telling me I was worthless. My co-defendant said, 'I'd like to kill her' and I said something like, 'Now you know how I feel.' She kept coming in and yelling at us and my co-defendant said again, 'I'd like to kill her' and I went along with it. I said I just don't want to be there for it; I don't want to see that."

The plan was made that Palmariello would go downstairs and Chambers would then strangle Ms. Palmariello with an electrical cord. Palmariello said, "I picked up some paint that I was going to use as an excuse to go downstairs, but my mother jumped up and was yelling at me. She came over and grabbed me; I panicked and pushed her away. I saw [Chambers] come up behind her; he had the extension cord in his hand and as he was throwing it over her head, I left the room and ran downstairs. I paced for a few minutes and then ran back upstairs. When I got there, he was standing over her, red-faced, sweating and shaking." Once they knew she was dead, Palmariello suggested they call the police and say she fell. According to Palmariello, Chambers said, "You're just as much at fault as I am." The two came up with a plan to make it look like a robbery. After unsuccessful attempts were made to borrow a car, Palmariello stole one. Back at the house, the two took all of the victim's jewelry off, put her in a Christmas tree box, and loaded her into the back seat of the stolen car. They drove to New Hampshire, where they dragged her over a fence and into the woods, and left her.

Palmariello then perpetuated the hoax he helped create. When someone called the next day looking for Ms. Palmariello, he told them that she had left and he did not know where she was. "I called my probation officer and told her that my mother had left the house. I also

called DSS and got a food voucher. I was arrested three weeks later and spent that time feeding the animals and cleaning the house. I got caught because I was cheating on my girlfriend, she got mad, and told the police. I claimed it was an accident, all the way through trial." Later in the hearing (and with little emotion), Palmariello admitted that he had contemplated killing his mother prior to the murder. He said, "It was while I was growing up. I did not seriously plan to kill her, but I wished her dead."

A Board Member questioned Palmariello regarding another parolee (now inmate) who was returned to custody recently, due to having contact with a known felon (Edward Palmariello). Palmariello explained to the Board that this inmate knew his wife before he did and, in fact, introduced the two. When the inmate was first paroled, he was living with Palmariello's wife (then girlfriend). Palmariello admitted that he and the inmate spoke "once a week for a few minutes." When asked if the inmate was sending Palmariello money, Palmariello answered "No." When confronted with the fact that the inmate admitted sending money to Palmariello, Palmariello said "he might have been." When pressed further on the matter, Palmariello agreed that the inmate was, in fact, sending him money. About the contact in general, Palmariello said, "I did not think it was a big deal."

About his plans if granted parole, Palmariello said he hopes to live with his wife (whom he married just weeks prior to the hearing) and to work as a laborer. He said, "I would want to attend counseling, too. It is good for me." He said his sisters, niece, and wife would provide most of his community support. During the public portion of the hearing, Palmariello's niece spoke in support of parole. A forensic psychologist, Dr. Robert Joss, outlined the clinical, protective, and historical factors that he considered regarding Palmariello's risk assessment. He summarized the efforts Palmariello has taken to address deficits, the skill building tools he has learned through education and vocational training, and the pro-social activities he has involved himself with (including NEADS and the Community Garden). Dr. Joss suggested a gradual step-down to parole through the minimum and pre-release settings, citing the stresses and anxiety related to such change and adjustment.

The Victim Services Unit Coordinator read a letter in strong opposition to parole written by one of Palmariello's sisters, on behalf of the family. Essex County Assistant District Attorney Zachary Hillman spoke in opposition to Palmariello's parole request. ADA Hillman highlighted concerns related to Palmariello's lack of rehabilitation and credibility.

Attorney Leslie O'Brien made a closing statement in support of parole of Palmariello and emphasized Palmariello's age at the time of the offense, his years of incarceration, and his rehabilitative efforts.


III. DECISION

Edward Palmariello, at age 17, participated in the murder of his mother, the thoughtless and callous disposal of her body, and the masquerade of deception regarding her whereabouts that followed. Although he undoubtedly endured a childhood of abuse, he became a willful participant in the perpetual violence in the world in which he lived, harboring wishes of his mother's death. Palmariello admitted to threatening to kill his mother prior to the murder and to the long-time desire for her to be dead. He fails to comprehend the magnitude of his crime and describes the murder apathetically, showing little emotion or remorse when explaining how his mother ended up in the woods with her pants down.

Records indicate, and Palmariello admitted, that he has participated only sporadically in rehabilitative programs that address non-violent conflict resolution, anger, and substance abuse over the past 33 years. There is more work to be done, including the need for Palmariello to explore issues of honesty and candor. He was evasive with Board Members regarding his involvement and communication with an inmate that was released on parole (denying the level of contact at first) before finally admitting to the indiscretion. He lacks the necessary supports in the community and seems to think his sister would be helpful to him, despite the fact that she wrote a lengthy letter of (strong) opposition. He has a distorted view of the reality of his sibling relationships and fails to understand the importance of a gradual transition into the community, believing he could simply be paroled to his wife's house or "whatever the Board recommends." While the Parole Board recognizes the age at which Palmariello committed the offense, and all relevant factors were considered given his age, he has yet to demonstrate that he meets the legal standard for parole.

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 Edward Palmariello does not merit parole at this time because he is not rehabilitated. The review will be in three years, during which time Palmariello should continue with counseling, prepare a more complete parole plan, and commit to a more comprehensive rehabilitation that addresses non-violent conflict resolution, anger, and candor.

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

4/2/15
Date