



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

EDWARD PALMARIELLO
W39245

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 25, 2021

DATE OF DECISION: July 19, 2021

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

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 sentenced to life in prison for the murder of his mother Marion Palmariello. Mr. Palmariello was 17 years old at the time of the murder. Mr. Palmariello appealed his case, but the court affirmed the conviction of murder in the first degree.²

On December 24, 2013, The Supreme Judicial Court issued a decision, *Diatchenko v. District Attorney for Suffolk District & Others*, 466 Mass. 655 (2013), that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles convicted of first-degree murder. Further, the Court decided that Diatchenko (and others similarly situated) must be given a parole hearing. Accordingly, Mr. Palmariello became eligible for parole.

Mr. Palmariello appeared before the Parole Board for a review hearing on February 25, 2021 and was represented by Attorney Leslie O'Brien. This was Mr. Palmariello's first appearance before the Board since his final rescission hearing in 2020. The entire video recording of Mr. Palmariello's February 25, 2021 hearing is fully incorporated by reference to the Board's decision.

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,

¹ Board member Karen McCarthy was present at the hearing, but was not a board member at the time of the vote. Chair Moroney was present at the hearing but recused herself from the vote.

² Commonwealth v. Edward Palmariello, 392 Mass. 126 (1984)

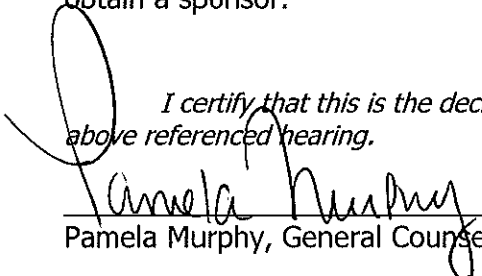
institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by an unanimous decision that the inmate is a suitable candidate for parole. Reserve to sober housing after six months in lower security. Since his return to higher security he has maintained a positive adjustment and is program compliant. He has promise of employment upon release and appears to have a good support network to aid him in his reintegration in society. He had completed 15 months in lower security. Mr. Palmariello was 17 years old at the time of the offense and has been incarcerated for approximately 40 years.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board has also taken into consideration Mr. Palmariello'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. Palmariello's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Palmariello's case, the Board is of the unanimous opinion that Mr. Palmariello is rehabilitated and merits parole at this time.

Special Conditions: Reserve to sober housing for a minimum of six months after six months in lower security; Waive work for two weeks; must be at home between 10 p.m and 6 a.m.; ELMO - electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health counseling for adjustment/transition and anger; AA/NA at least 3 times/week; Mandatory – obtain a sponsor.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel



Date