



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

DECISION

IN THE MATTER OF

EDWARD PALMARIELLO

W39245

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 17, 2017

DATE OF DECISION: August 8, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, and 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 a suitable candidate for parole. Parole is granted to a long term residential program or Sober House with special conditions, after completion of 18 months in lower security.

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 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.¹

On November 4, 1981, a group of hunters discovered Marion Palmariello's body in a wooded area about 150 feet from Route 93 in southern New Hampshire. Marion Palmariello was 53-years-old and had lived in East Boston with her son, Edward Palmariello. There was a great deal of hostility between Mr. Palmariello and his mother. Witnesses had heard Mr.

¹ *Commonwealth v. Edward Palmariello*, 392 Mass. 126 (1984)

Palmariello threatening to kill or harm her on many different occasions. On the day of the murder, Mr. Palmariello and his friend, Bruce Chambers, were painting inside the Palmariello house. At some point during that day, and with Mr. Palmariello's knowledge, Mr. Chambers used an extension cord to strangle and kill Marion Palmariello. After determining that she was dead, Mr. Palmariello suggested that they call police. Mr. 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, removed the victim's body, carried it over a fence, dragged it into the woods, and left. Edward Palmariello and Bruce Chambers were arrested approximately a week later for the murder.

II. PAROLE HEARING ON OCTOBER 17, 2017

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. Further, the Court decided that *Diatchenko* (and others similarly situated) must be given a parole hearing. Following the *Diatchenko* decision, Mr. Palmariello became eligible for parole. After his initial hearing on October 30, 2014, Mr. Palmariello was denied parole with a three year review.

Mr. Palmariello, now 53-years-old, appeared before the Parole Board on October 17, 2017, for a review hearing and was represented by Attorney Leslie O'Brien. In Mr. Palmariello's opening statement to the Board, he expressed his increased understanding of how his "senseless and horrendous actions" have affected his family. He apologized for the heartache and pain he caused, stating, "I am responsible for the crime that resulted in my mother's death." After being incarcerated for 36 years, he explained how he transformed from a 17-year-old boy to a remorseful and changed man. Mr. Palmariello acknowledged that he participates in counseling once a month and takes medication for depression and anxiety. Mr. Palmariello spoke to the Board about his childhood, stating that he was the youngest of nine children. He grew up in an emotionally and physically abusive household that left him angry and unable to trust anyone. When he was around 6 or 7-years-old, his father passed away. Due to the conditions of the household, he ran away at age 15, but didn't know where to turn. He went to the ninth grade in school and, subsequently, received his GED while incarcerated.

Mr. Palmariello spoke about the facts surrounding the murder. On the day of the murder, there was an argument between his mother, his friend Bruce, and himself about painting the house. Mr. Palmariello admits that he was angry and that the situation escalated. He stated that he left the room to bring paint to another floor of the home. He didn't know what to do at that point and started to panic. He went back upstairs, saw his mom on the floor, and observed Mr. Chambers standing over her. When he went to check on his mother, she did not have a pulse. They attempted to make the scene look like a robbery had occurred. When a Board Member asked him if any drugs or alcohol played a role in the murder, he stated, "No."

Currently, Mr. Palmariello is enrolled in the Correctional Recovery Academy (CRA). Since his last hearing, he completed Anger Management Basic and Advanced, Criminal Addictive Thinking, Violence Reduction, AA/NA, Restorative Justice Retreat, Leadership and

Transformational Thinking, General Population Maintenance Program, and Emotional Awareness. He also participated in the N.E.A.D.S program. If paroled, he would like to go to a minimum security facility for at least a year; then, to a residential setting, similar to a sober house. A Board Member asked him to describe the challenges he would encounter, if paroled. He stated that he will need a good support system and would eventually like to live with his wife, get a job, and attend church. He plans to seek counseling and volunteer at a dog shelter, as well. He also stated that, by trade, he is a wood-worker. The last disciplinary report he received (in 2016) was due to concealment of a large amount of postage stamps in a bag of dog food. Due to this incident, he stated, "I was beyond angry with myself" and stated that he doesn't plan on making another bad decision.

The Board considered oral testimony in support of parole from Mr. Palmariello's wife and niece. Hilary Ziven, Psy.D. spoke in regard to her forensic mental health evaluation of Mr. Palmariello. Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter of opposition.

III. DECISION


The Board is of the opinion that Mr. Palmariello has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Parole Board recognizes the age at which he committed the offense and all relevant factors were considered given his age. Mr. Palmariello has demonstrated that he meets the legal standard. After a gradual transition, continued programming/employment and a positive deportment will aid Mr. Palmariello in his reintegration.

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 also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk reduction programs could effectively minimize Mr. Palmariello's risk of recidivism. After applying this standard to the circumstances of Mr. Palmariello's case, the Board is of the opinion that Mr. Palmariello is rehabilitated, and his release is compatible with the welfare of society. Therefore, Mr. Palmariello merits parole at this time. Parole is granted to a long term residential program or Sober House with special conditions, after completion of 18 months in lower security.

SPECIAL CONDITIONS: Waive work for long term residential program or two weeks; Must be home between 10:00 pm and 6:00 am; GPS monitoring; Must take prescribed medication; 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; Must have substance abuse evaluation and adhere to plan; Must have mental health counseling for depression; Long term residential program or Sober House.

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



Date