



**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**

**JAMES ANDERSON**

**W61398**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 13, 2016

**DATE OF DECISION:** January 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On October 7, 1996, in Middlesex Superior Court, a jury convicted James Anderson of the second degree murder of his young daughter, Victoria Anderson. Mr. Anderson was sentenced to life in prison with the possibility of parole for Victoria's murder.

On August 24, 1993, six-week-old Victoria Anderson was admitted to Children's Hospital with what would prove to be fatal injuries. She had multiple skull fractures, as well as leg and ankle fractures. As a result of the head trauma, she had severe brain swelling and concomitant damage to her brain tissues. At the time of her admission to the hospital, Victoria was non-responsive. Doctors concluded that Victoria's injuries were the result of blunt force trauma, high velocity surface impact, and severe shaking. Victoria was transferred to a medical foster facility and remained in a permanent vegetative state until her death on February 10, 1996.

## **II. PAROLE HEARING ON SEPTEMBER 13, 2016**

Mr. Anderson, now 46-years-old, appeared before the Parole Board for a review hearing on September 13, 2016. He had been denied parole after his initial hearing in 2011. In his opening statement to the Board, Mr. Anderson apologized to his ex-wife and (deceased) daughter Victoria, expressing both his shame and remorse. Mr. Anderson admitted that he "attacked" his daughter and "brutally hurt her so badly, she died."

When the Board asked Mr. Anderson to discuss his upbringing, he described his family life as "for the most part pretty good." He said, however, that his father was an alcoholic who was verbally abusive. Mr. Anderson learned from him that it was "okay to verbally abuse women" and stated that he was verbally abusive in all of his intimate relationships since age 16. However, Mr. Anderson had an excellent relationship with his mother, and he remains close with her and his siblings. When Mr. Anderson was 16-years-old, he began working part time at a grocery store. He graduated from high school and attended college for two years. Due to financial difficulties, Mr. Anderson dropped out of college and began working full time at the grocery store. Mr. Anderson met Victoria's mother while working there.

The Board asked Mr. Anderson about his relationship with his wife. He said it was difficult to describe – that while they had a "good" relationship, he now realizes that he was verbally abusive. He described himself as both "selfish" and "self-absorbed" at the time. According to Mr. Anderson, he would say "the meanest things imaginable" to his wife because he had wanted to marry a former girlfriend. Mr. Anderson discussed an incident that occurred when his wife was pregnant with Victoria and fell in a snow-covered parking lot. Out of anger, he said that he drove away and left her there. A Board Member questioned Mr. Anderson about another occasion when he almost hit his wife with his car in a parking lot, while she was carrying Victoria.

Aside from the night of the murder, Mr. Anderson was asked if there were other occasions when he had mistreated Victoria. Mr. Anderson admitted that he was "self-absorbed" at the time and would mimic Victoria when she took a deep breath while crying. When questioned about an occasion during which he allegedly put a blanket over Victoria's head until she hyperventilated, Mr. Anderson replied, "No...there was something with a blanket...I'm being honest, I don't remember." The Board questioned Mr. Anderson about an incident where he put Victoria on a store shelf and told his wife that they should leave the baby there. Mr. Anderson admitted that he did this and said, "In light of what happened, horrible... but at the time it was a joke." He acknowledged that he may have been starting to resent the baby at that point.

Mr. Anderson also discussed the details of Victoria's murder. At around 6:00 p.m., Victoria became fussy, and he made a few unsuccessful attempts to calm her. In describing the attack (which he believes occurred around 6:30 p.m.), Mr. Anderson stated that he "grabbed" Victoria out of the crib by her legs and then held her by her ribs, "shaking her, swinging her back and forth." Mr. Anderson also admitted that he hit her head multiple times on the crib, causing her blunt force trauma. He said that Victoria had been crying during the assault, but then suddenly stopped. Mr. Anderson believes that his anger and resentment had "unjustifiably" built up against his wife, and he took it out on Victoria. He admitted that his actions were not accidental and stated, "It was brutal what I did, what happened." Mr.



Anderson said that he had not intended for Victoria to die, but acknowledged that it happened as a result of what he did to her. Mr. Anderson was questioned as to why he did not immediately take Victoria to the hospital, even after his wife had come home and became concerned at the baby's unresponsiveness. He said that he had gone to bed that night convincing himself that Victoria would be okay the next day. Looking back, he realizes that this was "kind of ridiculous," and he should have called 911. Mr. Anderson acknowledged that he did nothing to assist Victoria during the approximately 10 hours that she was in distress.

The Board asked Mr. Anderson how he spent his time during the roughly three years that Victoria was in a vegetative state. Mr. Anderson said that he was out on bail during that period of time. He said that he worked full time, had friends and dated, and continued on with his life. He also had six to eight supervised visits with Victoria. When asked why he tried to shift the blame toward his wife after Victoria's injuries were discovered, Mr. Anderson said that he was "very selfish" and claimed that his attorney led him in that direction. He admitted to lying (while testifying) at his trial, when he said that he was not responsible for Victoria's injuries. As to his conviction, Mr. Anderson stated, "I got what I deserved." The Board also asked Mr. Anderson when he first came to terms with what he had done. Mr. Anderson said that it was in 2000, after he had lost an appeal and decided not to continue with the appellate process. According to Mr. Anderson, it "really hit home" when he participated in a father's group while incarcerated. He said that he was "ashamed" to listen to the other men speak about their children and how they missed them. He stated, "They didn't kill them, they still had kids."

Mr. Anderson has participated in numerous programs while incarcerated. Since his last hearing in 2011, Mr. Anderson graduated from barber school and received his apprentice license. He also participated in the Violence Reduction Program. Mr. Anderson stated that although he has changed, he realizes that he will need to continue treatment, counseling, and anger management.

Mr. Anderson had multiple supporters at his hearing. The Board considered oral testimony from his mother, younger brother, one of his sisters, his step-father, and a cousin, all of whom expressed support for Mr. Anderson being granted parole. A Parole Board Victim Services Representative read letters of opposition submitted by Victoria's mother and maternal grandparents. Middlesex County Assistant District Attorney Thomas Brant testified in opposition to Mr. Anderson being granted parole.

### **III. DECISION**

Mr. Anderson continues to minimize the gravity of his conduct. The Board is of the opinion that Mr. Anderson has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Anderson's rehabilitation.

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. Mr. Anderson's presentment does not reflect a level of rehabilitation sufficient to meet the statutory standard. In forming this opinion, the Board has

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

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

1/17/17  
Date