

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JAMES ANDERSON
W61398

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 28, 2021**

DATE OF DECISION: **December 30, 2021**

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

STATEMENT OF THE CASE: On October 7, 1996, after a jury trial in Middlesex Superior Court, James Anderson was convicted 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.

Mr. Anderson appeared before the Parole Board for review hearing on September 28, 2021 and was represented by Boston College Law student Sarah Carlow. This was Mr. Anderson's third appearance before the Board, having been denied after hearings in 2011 and 2016. The entire video recording of Mr. Anderson's September 28, 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, 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 a suitable candidate for parole.¹ Reserve to an approved home plan via Interstate Compact New Hampshire after one year in lower security. Mr. Anderson was twenty-three years old at the time he inflicted injuries on his six-week-old daughter Victoria, who died two and a half years later as a consequence of the injuries inflicted. He was subsequently convicted of her murder. Mr. Anderson has served 25 years and has accepted recommendations from the

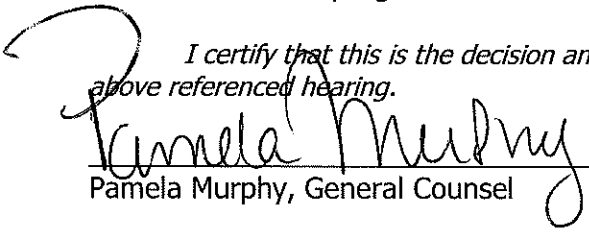
¹ Five Board Members voted to grant parole, and one Board Member voted to deny parole with a review in two years.

Board, has engaged in meaningful programming to address his causative factors and has demonstrated an increased level of empathy gained through seven years of participation as a medical companion. He has also engaged in higher education programming, has his barber's license, and learned sign language to assist hearing impaired inmate needs. Mr. Anderson has had a good overall adjustment and has maintained employment throughout his incarceration. Given the length of his incarceration he will benefit from a gradual transition step down through lower security to assist him in successful reintegration into the community. He has a strong support system.

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." 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 appropriately high standard to the circumstances of Mr. Anderson's case, the Board is of the opinion that Mr. Anderson is rehabilitated and merits parole after one year in lower security, and subject to special conditions.

Special Conditions: Reserve Interstate Compact - New Hampshire after one year in lower security; Approved home plan before release; Waive work for two weeks; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Must take prescribed medications; 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 [named individuals] (victim's mother and maternal grandparents); Must have substance abuse evaluation, adhere to plan; Must have mental health counseling for adjustment/transition, healthy relations and domestic violence; Mandatory – must complete a certified batterer's program.

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



Pamela Murphy, General Counsel

12/30/2021
Date