

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JAMES BOONE**

**W37819**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 14, 2022

**DATE OF DECISION:** October 19, 2022

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa<sup>1</sup>

**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 not a suitable candidate for parole. Parole is denied with a review scheduled in one year from the date of the hearing.

**I. STATEMENT OF THE CASE**

On September 5, 1980, in Essex Superior Court, James Boone pleaded guilty to 4 counts of second-degree murder and received 4 concurrent life sentences with the possibility of parole. He also pleaded guilty to arson of a dwelling and was sentenced to 15 to 20 years, to run concurrent with the second-degree murder sentences.

Just after 7:00 p.m. on March 11, 1980, 20-year-old James Boone intentionally set a fire in an occupied, wooden multistory building. Eight of the building's 11 apartments were occupied, and Mr. Boone knew that people were inside at the time he set the fire. Shirley Jennings (age 23) and her three children, Michael Gonyer (age 9), Sherry Jennings (age 5), and

<sup>1</sup> One Board Member was not present for the hearing, but reviewed the record and participated in deliberations.

Mickey Jennings (age 1) perished in the fire. Mr. Boone initially told police that he set the fire accidentally. He then confessed to setting the fire intentionally in an attempted suicide.

## **II. PAROLE HEARING ON APRIL 14, 2022**

James Boone, now 63-years-old, appeared before the Parole Board on April 14, 2022, for a review hearing. He was not represented by counsel. Mr. Boone was denied parole after his hearing on April 13, 1998.<sup>2</sup> Parole was also denied after a new initial hearing on March 10, 1999. Parole was again denied after review hearings in 2003, 2008, 2013, and 2018. In his opening statement to the Board, Mr. Boone described his recent participation in institutional programming.

When Board Members questioned him as to the circumstances leading up to the governing offense, Mr. Boone readily admitted that he started the fire intentionally, knowing that the building was home to several people. He claimed to be struggling over significant familial tension related to his substance abuse. He also felt overwhelmed by his circumstances, which included the need to apply for another job and government assistance. Upon Board Member questioning, Mr. Boone reported prior hospitalizations in the community, as well as a six-year commitment to Bridgewater State Hospital during his incarceration, where he was treated for depression. Although he received counseling in a recent program, Mr. Boone stated that he does not regularly see a therapist. He does not take prescription medication, nor is he interested in accepting medication, due to his history of substance use and the side effects from prior psychiatric medications.

Mr. Boone has participated in some programming efforts, largely in the aftermath of his 2018 review hearing. He recently completed the Correctional Recovery Academy and Jericho Circle. He reported that he is waitlisted for Restorative Justice. Mr. Boone informed the Board that program participation has assisted him in developing empathy, along with an understanding of the gravity of his offense. He credited the programs with assisting him in coping with conflict management, as well. Mr. Boone has held several employment positions within the institution and has obtained 46 college credits. If released, Mr. Boone hopes to enter a long-term residential program. He would need both support and job training. Mr. Boone mentioned that he has recently reconnected with several family members.

The Board considered testimony in opposition to parole from a family member of the victims. The Board considered testimony and a letter in opposition to parole from Essex County Assistant District Attorney Kayla Johnson.

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<sup>2</sup> After Mr. Boone's initial hearing on April 3, 1995, the Suffolk Superior Court determined that the hearing was not properly conducted and required a new initial hearing be held. Subsequently, the Board expunged all records from the 1995 hearing, and information from that hearing has never been considered by the Board. The Board held another hearing on April 13, 1998, prior to receiving notice of the Superior Court's final decision on the 1995 hearing. Information obtained by the Board at the April 13, 1998 review hearing was considered by the Board at Mr. Boone's new initial hearing on March 10, 1999.

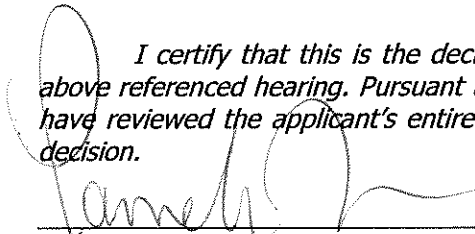
### III. DECISION

The Board is of the opinion that Mr. Boone has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. On March 11, 1980, 20-year-old Mr. Boone intentionally set fire to his apartment building, which killed three children, ages 1, 5, and 9, and their 23-year-old-mother. The Board has significant concerns related to Mr. Boone's presentation at his hearing. The presented parole plan was unrealistic, and he could benefit from the assistance of counsel in preparing a reasonable reentry plan. Mr. Boone reports that he is not currently being treated for any mental health issues and is resistant to medication. Although he was able to answer the Board's questions, he appeared very overwhelmed by the parole hearing process. The Board would like to review a current mental health evaluation and his mental health records. The Board would like to see Mr. Boone represented by an advocate at his next hearing.

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

Mr. Boone's next appearance before the Board will take place in one year from the date of this hearing. During the interim, the Board encourages Mr. Boone to continue working toward 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.*

  
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Pamela Murphy, General Counsel

10/19/22  
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Date