

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Executive Director
General Counsel

DECISION

IN THE MATTER OF

JAMES BOONE

W37819

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 3, 2018

DATE OF DECISION: December 10, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 four years 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. His victims were Shirley Jennings (age 23), Sherry Jennings (age 5), Mickey Jennings (age 1), and Michael Gonyer (age 9). He also pleaded guilty to arson of a dwelling and was sentenced to a 15 to 20 year sentence concurrent with the second degree murder sentences.

Just after 7:00 p.m. on March 11, 1980, James Boone (age 20) intentionally set a fire in an occupied, wooden, 2½ story building containing 11 apartments in Haverhill. Eight of the apartments were occupied, and the defendant knew that there were people inside the building. A mother and her three children died in the fire. Mr. Boone initially told police that he set the fire accidentally. He then confessed that he set the fire in an attempted suicide.

II. PAROLE HEARING ON APRIL 3, 2018

James Boone, now 58-years-old, appeared before the Parole Board for a review hearing on April 3, 2018. He was not represented by counsel. Mr. Boone had been denied parole after his hearing on April 13, 1998.¹ Mr. Boone's parole was also denied after a new initial hearing on March 10, 1999. Parole was again denied after review hearings in 2003, 2008, and 2013. In his opening statement to the Board, Mr. Boone said that he is currently enrolled in the Health Awareness program and Jericho Circle. Mr. Boone said that he cannot enroll in other programs until he finishes his current programs. He also told the Board that he has a heart aneurism and recently had pneumonia.

The Board noted that Mr. Boone claimed to have set the fire in an attempted suicide. He was asked if this was his first suicide attempt. Mr. Boone told the Board that he made two attempts prior to the arson. Each time, he had overdosed on pills and alcohol. He was committed to a state hospital for 12 weeks after the first attempt and 6 months after the second. When the Board questioned him as to whether he was being treated for depression at the time of the suicide attempts, Mr. Boone said that he was, but had stopped taking his medication because the pills made him sick. In 1976, when Mr. Boone was about 16-years-old, he stabbed his grandmother (multiple times) while she was sleeping. When asked about this, Mr. Boone said that he stabbed his grandmother because he was drunk, claiming that he drank something laced with PCP (Phencyclidine).

When questioned by the Board as to whether he knew others were in the apartment building when he set it on fire, Mr. Boone stated that he did. When the Board asked if he knew the names or ages of any of his victims, Mr. Boone said that he knew his victims were very young and that the mother's name was Shirley, but that he did not know the names of the children. The Board noted that Mr. Boone had made statements to Parole Board staff that he thought his sentence was too long. Mr. Boone said he thought his sentence should have been a term of years, stating, "I thought the public defender was working for me, but he was working against me." The Board noted that Mr. Boone seemed to either struggle with expressing empathy for his victims, or feeling empathy, and suggested that he enroll in the Restorative Justice Program. Mr. Boone said he would try to enroll, but that he has not often been accepted to the programs he requests.

Board Members questioned Mr. Boone as to why, after just being convicted, he spent 6 years at Bridgewater State Hospital. Mr. Boone explained that a psychiatrist said he wasn't stable enough to be housed at MCI-Walpole. Mr. Boone told the Board that since being transferred from Bridgewater State Hospital to MCI-Norfolk in 1987, he has not had any continuing mental health counseling. Mr. Boone said that he prefers to have mental health counseling, if released. The Board noted that while Mr. Boone had completed several programs and had relatively few disciplinary reports, he did not attend Alcoholics Anonymous/Narcotics Anonymous. Mr. Boone

¹ 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.

said that he feels his participation in Jericho Circle, Quaker meetings, and Jehovah's Witness services is similar to that of Alcoholics Anonymous/Narcotics Anonymous.

The Board was concerned that Mr. Boone had not spoken to anyone in his family since 1989, and seemed to have no contacts or support in the community, as well. Mr. Boone told the Board that he has no one in the community who supports him. He has applied for housing with the Boston Housing Authority, but is on a five year wait list. He prefers a step down to lower security, and then release to a long term residential program. The Board noted that many residential programs, as well as landlords, may not give him housing because he is a convicted arsonist.

Both Shirley Jennings' brother and her surviving son testified in opposition to parole. Essex County Assistant District Attorney Elin Graydon testified in opposition to parole and submitted a letter of opposition.


III. DECISION

The Board is of the opinion that James Boone has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. It is the opinion of the Board that there is little to suggest that there has been any change with respect to the concerns of prior Boards. He continues to minimize his culpability and criminal behavior.

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 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 also considered a risk and needs assessment and whether risk reduction 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 unanimous opinion that James Boone does not merit parole at this time.

Mr. Boone's next appearance before the Parole Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Boone to continue to work 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/Executive Director

12/10/18
Date