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**PAROLE BOARD**

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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**JAMES BOONE**

**W37819**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** April 23, 2013

**DATE OF DECISION:** May 28, 2013

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

**I. STATEMENT OF THE CASE**

On March 11, 1980, Haverhill Police responded to a fire at a multi-family residence. Five victims died as a result of the fire. The victims were Shirley Jennings (23), Sherry Jennings (5), Mickey Jennings (1) and Michael Gonyer (9). As a result of an investigation, police interviewed James Boone (20), who was a resident of the building, and was seen fleeing after the fire erupted. The fire was determined to have been deliberately set. Mr. Boone was interviewed at a shelter provided by the Red Cross. He initially gave a false statement to the police, insisting that the fire started by accident when he tossed and extinguished a match that fell on a couch in a vacant apartment. Mr. Boone stated he was in the apartment looking for wood to repair his damaged front door. He then gave a series of additional false statements, until finally admitting that he intentionally set the fire. Mr. Boone stated that his motive and plan at that time was to commit suicide by smoke inhalation, but he panicked once he saw the fire had erupted. He stated that he did not intend to hurt anyone else.



On September 5, 1980, in Essex Superior Court, Mr. Boone pled guilty to four counts of second degree murder, for which he received four concurrent life sentences. He also received a concurrent sentence of 15 to 20 years for arson of a dwelling. Mr. Boone did file, but did not pursue, a motion to withdraw the guilty pleas.

## **II. PAROLE HEARING ON APRIL 23, 2013**

James Boone provided a history of his development and relationships prior to committing the arson murders. He described a troubled history that was comprised of mental health issues, substance abuse issues, and poor family relationships. Mr. Boone was first hospitalized for emerging mental health issues at the age of 16 or 17 following a suicide attempt via overdosing on drugs. He described his poor family relationships as being both the cause and the precipitant to his abuse of substances and depression. Mr. Boone stated that he would sporadically abuse substances to cope with his feelings of abandonment and loneliness. Mr. Boone stated that on one occasion, while under the influence of PCP (Phencyclidine, which causes hallucinogenic effects), he stabbed his grandmother. This event increased fear and anger among his family members, who distanced themselves from him more.

Mr. Boone stated that he had numerous treatment experiences, including outpatient, half-way houses, and hospitalizations, but admits he never felt completely stabilized or comfortable in any setting he was placed in. Mr. Boone stated that his parents ultimately terminated contact with him, and not being welcome into their home precipitated a further decline. His siblings also refused to have contact with him. He stated that he would have periodic contact with his parents throughout the years, but never regained their full trust.

At the time of these offenses, Mr. Boone was estranged from his family, he was struggling financially as he was only able to secure part time work as a janitor, and he had no supports. Mr. Boone had been struggling with addiction to various substances and alcohol for years, and had recently left a drug treatment facility prior to renting an apartment. Mr. Boone stated that he attempted to gain full time employment, and felt rejected by prospective employers. He was told he was no longer eligible for public assistance, and he had no significant relationships. These stressors contributed to his feeling despondent and suicidal. Mr. Boone stated that he decided that he would commit suicide by lighting a fire in the neighboring abandoned apartment, and he would lie down in his apartment and wait to die of smoke inhalation. Mr. Boone stated that after realizing the fire had not ignited as planned, he went and checked the apartment. He insisted that he still saw nothing, so he returned to his apartment. Mr. Boone then provided a detailed series of events that entailed his surprise that the fire had eventually ignited, his efforts to extinguish the fire, and his efforts to save the residents in the building once he learned they were in danger. Mr. Boone insisted that his only plan was to commit suicide, and thought he had developed such a plan that would spare any other occupants of the building from being harmed.

The Board questioned Mr. Boone regarding his state of desperation at that time, and whether his knowledge of who may have been in the building, and his actions that followed were truly accurate. He was also questioned regarding the many versions he initially provided to the police upon his arrest. Mr. Boone maintained throughout the hearing that his intentions were to commit suicide, and that he did make every effort to save those in the building once he learned about the seriousness of the fire and that there were occupants in the building. When



confronted with eyewitness statements that conflicted with his stated efforts, Mr. Boone insisted that he was telling the Board exactly what happened. He also acknowledged that his many past versions have compromised his credibility.

Shortly after being sentenced, Mr. Boone was committed to Bridgewater State Hospital from January 1981 to January 1987. Mr. Boone described the need for this lengthy commitment as primarily being due to his adjustment problems within the penal system. Mr. Boone was specifically questioned regarding his mental health issues as they related to his adjustment, rehabilitation and potential release into the community. Mr. Boone acknowledged a history of depression with suicidal ideation and attempts; however, he did not and does not view himself as an individual with serious mental health issues or functional impairments. Once returned to the penal setting, Mr. Boone stated he received some counseling, but has since adjusted well. He emphasized that he is not currently an open mental health case, which Mr. Boone suggested is evidence that he is not in need of such services.

The Board questioned Mr. Boone regarding his history of decompensating, suicide attempts, and potential for facing similar circumstances upon his release. The Board also expressed concerns that he has always appeared to have significant conflict with himself and his relationships, and thus questioned if he had ever been able to address the root of his issues. Mr. Boone stated that he learned from one treatment provider that he needed to be more honest and direct with his family as to how he was feeling. Mr. Boone generally responded in concrete terms that he did not feel he would become so despondent again, and that he would be able to manage any stressors that he would face in the future. He did not elaborate further as to what insights or skills he had obtained that demonstrated his growth or positive change.

The Board questioned Mr. Boone regarding the apparent lack of rehabilitation he has engaged in, based primarily on his minimal program participation. Although Mr. Boone feels his rehabilitation has been sufficient, upon further questioning he described barriers to his consistent progress that were similar to those he experienced in society. He provided reasons for not completing his pursuit of a degree from Boston University being secondary to grief issues related to his father's death. Mr. Boone found he was unable to concentrate and invest in his studies. He stated that he has had some issues with institutional employment due to conflicts with peers and feeling that people were "talking behind my back." He described additional difficulties engaging in activities or programs secondary to conflicts with others. Mr. Boone stated that he currently works in the sewing shop and is invested in his religious organization (Jehovah Witness), which he finds have provided him with a good foundation for his parole into the community. He did not feel that he was in need of ongoing substance abuse programs, as he stated he has few disciplinary reports for substance abuse and does not feel that he will be at risk for resuming his substance use as a form of coping with any potential negative feelings.

Mr. Boone did not provide a specific parole plan, as he stated that he believes his crime of arson will preclude him from acceptance to many programs. He requested to be paroled through pre-release and believes he will be able to secure employment and transition into either supportive housing or his own apartment. Mr. Boone stated that he would seek the services of St. Francis House during his initial period of release. The Board expressed concern regarding his current lack of relationships and positive supports. Mr. Boone stated that his mother and grandmother initially visited him, but he has since been estranged from his family, which now



includes his mother and five siblings. Mr. Boone stated he would like to have the opportunity to reunite with his family, in particular his mother. He did not feel that a lack of current supports would be a significant issue for his successful transition into the community.

Essex Assistant District Attorney Elin Graydon spoke in opposition to Mr. Boone's parole, emphasizing his lack of any progress in his rehabilitation, and his lack of a formulated, supportive parole plan as being significant factors that support a denial of his parole. In addition, members of the Jennings and Gonyer family spoke in opposition to Mr. Boone's parole. Several members provided statements that directly conflicted with Mr. Boone's insistence that he tried to help those trapped in the fire. The surviving members also provided details of how their lives have been directly affected by the loss of their loved ones, and their concerns that Mr. Boone does not seem to appreciate their loss.

### **III. DECISION**

This was Mr. Boone's fourth appearance before the Parole Board. Mr. Boone has been denied by the Parole Board for his lack of progress in his rehabilitation, his lack of overall programming, his conflicting versions of the offense as reported to the Parole Board, his continued adjustment issues within the institution, and the opinion that he remained at high risk to public safety.

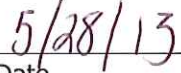
Mr. Boone's presentation during this hearing offered little to suggest that there has been any change with respect to the prior Board's concerns. Although Mr. Boone provided more details concerning the precipitants to lighting the fire, there are many questions that remain regarding his actions that followed. What appears to be paramount to Mr. Boone's lack of progress in his rehabilitation are obstacles with his ability to establish and maintain positive relationships and supports. Such issues have been consistent throughout his life, and have led to his abuse of substances, increasing despair and frustration and his lack of concern for others. This pattern has contributed to his numerous suicide attempts and his need for psychiatric and detox hospitalizations. Mr. Boone appears to lack insight into how little he has progressed, and how significant the risk is for his decompensation in the absence of supports, investment in treatment and awareness that he has such needs. Although Mr. Boone is not currently an open mental health case, that is likely due to his ability to keep a low profile, invest in employment that allows for more isolative tasks, and his own acceptance of living in an institutional setting. Although Mr. Boone has not received significant disciplinary reports in many years, his past behavior has demonstrated that when confronted with unmanageable stressors, he has required at least one lengthy psychiatric commitment, he has abused substances on several occasions, he has acted out in a disruptive or insolent manner, or he has retreated from participation in educational or rehabilitative programs. Mr. Boone has offered little to demonstrate that his insight, coping skills, and ability to function in the community in the absence of institutional structure and supports has significantly improved.

The standard for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such an 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." Applying that appropriately high standard, due to his insufficient rehabilitation, and his lack of understanding of his ongoing treatment needs and supports, the Parole Board

concludes that Mr. Boone is not currently suitable for parole. It is the unanimous decision of the Parole Board to deny Mr. Boone's parole with a review in five years. During that time, Mr. Boone should make a greater commitment to rehabilitation through program participation and gain significantly more insight into the many issues that he needs to address.

*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.*

  
Caitlin E. Casey, Chief of Staff

  
Date