

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 BRESCIA
W92480

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 4, 2025

DATE OF DECISION: May 15, 2025

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to CRJ after 6 months in lower security.¹

PROCEDURAL HISTORY: On June 24, 2008, following a jury trial in Middlesex Superior Court, James Brescia was convicted of murder in the first-degree for the death of Edward Schiller. He was sentenced to life in prison without the possibility of parole. On that same date, he was convicted of conspiracy and sentenced to a concurrent term of 18 to 20 years in state prison. In 2015, the Supreme Judicial Court affirmed the Superior Court's 2011 allowance of Mr. Brescia's motion for new trial. On October 4, 2018, Mr. Brescia pleaded guilty to second-degree murder and was sentenced to life in prison with the possibility of parole. Parole was denied following an initial hearing in 2021. On February 4, 2025, James Brescia appeared before the Board for a review hearing. He was represented by student attorneys Ciara Tisdale-Vakos and Chole Suzman from the Harvard Prison Legals Assistant Program under the supervision of Attorney John Fitzpatrick. The Board's decision fully incorporates by reference the entire video recording of James Brescia's February 4, 2025, hearing.

STATEMENT OF THE CASE: On January 13, 2006, at around 7:45 a.m., 39-year-old Edward Schiller was shot in the head and killed in the parking garage adjacent to the office building where he worked. The murder of Mr. Schiller had been planned by Mr. Brescia and his co-defendant, Scott Foxworth, since September 2005. At that time, Mr. Brescia contacted Mr.

¹ One Board Member voted to deny parole with a review in 2 years. Two Board Members voted to deny parole with a review in 3 years.

Foxworth, whom he had known for several years, for the express purpose of procuring Mr. Foxworth's services in "sending a message" to Mr. Schiller. Throughout the fall and early winter of 2005, the two men had frequent contact during which the plot evolved from a contemplated beating to a murder for hire. Mr. Brescia and Mr. Foxworth agreed on the financial terms of the contract murder, where Mr. Brescia would pay Mr. Foxworth cash; half "up front" and the remainder upon completion.

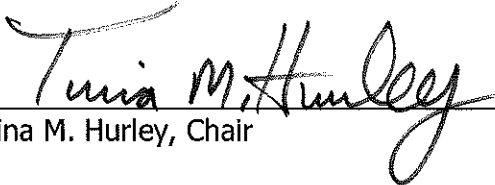
After the murder, the two men made a considerable effort to avoid detection and apprehension for their roles in the death of Mr. Schiller and related criminal offenses. They were arrested on April 4, 2006, after an extensive joint investigation involving Newton police and Massachusetts State Police.

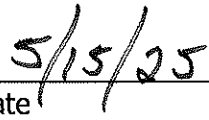
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: Mr. Brescia was 46-years-old at the time of the offense and has been incarcerated for the past 19 years. Since he was last before the Board in 2021, Mr. Brescia has participated in significant programming based on the concerns raised by the Board at that time, including programs related to domestic violence and victim empathy. Mr. Brescia is currently enrolled in the Alternative to Violence advanced course. While incarcerated, Mr. Brescia has never had a disciplinary report for violence and has assisted fellow incarcerated individuals in obtaining academic degrees. He maintains a strong network of support and has a robust release plan, which includes significant family and community support networks. A friend of Mr. Brescia testified in support of parole. Several members of the victim's family testified in opposition to parole. Middlesex County Assistant District Attorney Alicia Walsh testified in opposition to parole. The Board concludes that James Brescia has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: CRJ program; Waive work for program; Electronic monitoring for first six months of release; 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 victim(s)' family; Counseling for transition issues.

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.


Tina M. Hurley, Chair


Date