



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMES COLANTONIO

W44855

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 8, 2018**

DATE OF DECISION: **February 21, 2019**

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.¹ Parole is denied with a review scheduled in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 27, 1986, at approximately 10:55 p.m., 20-year-old James Colantonio murdered William Moran during an altercation near the Jeffries Point Yacht Club in East Boston. Mr. Colantonio's friend, James All, Jr., had confronted and grabbed Mr. Moran outside of the club. Mr. Colantonio then struck Mr. Moran on the head with a baseball bat, fracturing his skull. Mr. Moran lapsed into a coma and died two days later from the injuries inflicted by Mr. Colantonio. Both Mr. Colantonio and Mr. All, Jr.² were indicted for first degree murder.

¹ One Board Member voted to deny parole with a review scheduled in four years from the date of the hearing.

² James All Jr., pleaded guilty to manslaughter and was sentenced to 20 years.

On May 10, 1988, in Suffolk Superior Court, a jury found Mr. Colantonio guilty of murder in the second degree. Mr. Colantonio appealed his conviction and filed a motion for a new trial, both of which were denied. The Appeals Court affirmed the denials. See *Commonwealth v. James Colantonio*, 31 Mass. App. Ct. 299 (1991) and *Commonwealth v. James Colantonio*, 83 Mass. App. Ct. 1111 (February 5, 2013). Further appellate review was denied. See *Commonwealth v. James Colantonio*, 464 Mass. 1109 (2013).

II. PAROLE HEARING ON MAY 8, 2018

James Colantonio, now 52-years-old, appeared before the Parole Board for a review hearing on May 8, 2018. Mr. Colantonio was not represented by counsel. Parole was denied after his initial hearing in 2003. Paroled was again denied after review hearings in 2008 and 2013. In his opening statement to the Board, Mr. Colantonio offered his sincere apology to the Moran family and expressed his shame and guilt for causing Mr. Moran's death. Upon questioning by the Board, Mr. Colantonio explained that he attacked Mr. Moran without any provocation on the night of the murder, largely because he was an immature, overly-aggressive young man. Mr. Colantonio accepted full responsibility for his actions, which he characterized as "deplorable, reactionary, [and] thoughtless." Had he approached the victim and his co-defendant as a "peacemaker," instead of as an aggressor, Mr. Colantonio believes that Mr. Moran would be alive today.

The Board questioned Mr. Colantonio as to his understanding of the 2013 Record of Decision, to which he responded it was "right on the money." He acknowledged that he was "right on the cusp" (at that time) of fully gaining insight into his behavior and the full extent of his crime. He explained that since his last hearing, he has participated in a number of programs, including Cognitive Behavioral classes, that have assisted him in developing new values like "kindness, consideration, and caring" for others. He stated that he previously had little insight into his volatile behavior, but has spent the last five years reflecting on other people's perspectives, instead of defaulting to aggression and violence. Mr. Colantonio said that, although he did not have any substance abuse issues, he attended Alcoholics Anonymous in order to gain a fuller understanding of his mother's alcoholism and the effect that it had on his development. Mr. Colantonio said that he is on the waiting list for welding classes, building trade classes, and a program sponsored by Emerson College.

The Board questioned Mr. Colantonio about the disciplinary reports he received throughout his incarceration, noting a history of fighting with other inmates. Mr. Colantonio described a 2006 incident, in which he broke another inmate's jaw, as the most serious of the approximate 15 incidents of fighting for which he has been disciplined. He explained to the Board that he has not had a disciplinary report since his last hearing in 2013. He credited his change in behavior to recognizing that he needed to live out his sentence by leading a "productive" life focused on rehabilitation, rather than by following an "inmate code" of conduct. The Board questioned Mr. Colantonio as to why he felt that he was ready to be paroled at this time, when so much of his incarceration has been rife with issues. In response, he described how his newly-discovered insights into his behavior have transformed him into a mature, non-reactionary person. Mr. Colantonio's parole plan is to move to a minimum security setting before being released to the Gavin House, a long-term residential program. He also explained that he has multiple employment opportunities, if released, including a guaranteed job with the Bricklayer's Union after completion of a five month apprenticeship.

Mr. Colantonio's niece, friend, and former attorney all testified in support of parole. The sister of the victim testified in opposition of parole. Suffolk County Assistant District Attorney Houston Armstrong and Boston Police Commissioner William Evans sent letters in opposition to parole.

III. DECISION

The Board is of the opinion that James Colantonio has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Although he has made strides in his rehabilitation, he needs to further address his causative factors. Mr. Colantonio has squandered many years of this incarceration and (only) recently began making strides in his rehabilitation.


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 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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Colantonio'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 programs could effectively minimize Mr. Colantonio's risk of recidivism. After applying this standard to the circumstances of Mr. Colantonio's case, the Board is of the unanimous opinion that James Colantonio is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Colantonio's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Colantonio to continue working 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.



Shara Benedetti, Acting General Counsel



Date