



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*

**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*



Deval L. Patrick  
*Governor*

Timothy P. Murray  
*Lieutenant Governor*

Mary Elizabeth Heffernan  
*Secretary*

*Telephone # (508) 650-4500*

*Facsimile # (508) 650-4599*

Josh Wall  
*Chairman*

**DECISION**

**IN THE MATTER OF**

**JAMES COX**

**W35225**

**TYPE OF HEARING:** **Review Hearing after Revocation**

**DATE OF HEARING:** **July 10, 2012**

**DATE OF DECISION:** **September 14, 2012**

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

**DECISION OF THE BOARD:** Re-parole to a long-term residential treatment program, after six months completed in lower security. The decision is unanimous.

**I. STATEMENT OF THE CASE**

Betty Ann Newman, age 51, was walking from a movie theatre in Leominster Massachusetts on May 22, 1975 back to her hotel room. Her husband remained in the theatre to finish the movie; however, Ms. Newman stated she did not like the movie and would meet him back at the hotel nearby. She was robbed at knifepoint by James Cox just outside her hotel. As she struggled to get away, Mr. Cox stabbed her in the chest. A hotel employee heard Ms. Newman scream and called police. Ms. Newman died of the stab wound at a nearby hospital. Witnesses were able to identify Mr. Cox fleeing in a vehicle.

James Cox, who was 24 at the time of the offense, admitted to abusing drugs, primarily opiates, for many years prior to the commission of this offense. He was struggling off and on to refrain from heroin abuse by engaging in methadone maintenance treatment. On the day of the offense, Mr. Cox stated he was looking for someone to rob in order to purchase more drugs. He was in withdrawal at the time and desperate to feed his addiction. Mr. Cox stated that he saw Ms. Newman walking through a parking lot alone and intended to sneak up behind her and rob her. He admits to carrying a buck folding knife on that evening and he stabbed Ms.

Newman with it while struggling with her to take her purse. Mr. Cox stated that his intention that evening was to rob a person, not to kill or harm anyone, but admits to doing so solely in an effort to take whatever he could from her and sell it immediately for the purchase of drugs. After robbing and stabbing Ms. Newman, Mr. Cox fled in a car he had stolen earlier that day.

Mr. Cox was arrested on May 25, 1975 at a methadone clinic in Brighton Massachusetts. While in custody, Mr. Cox stated he was advised by his father not to discuss any details of the offense without having an attorney present. Mr. Cox however, began to reveal what had happened shortly after being detained.

Mr. Cox pled guilty to murder in the second degree for which he received a sentence of life with the possibility of parole, and armed robbery, for which he received a concurrent 20 to 25 year sentence.

## **II. INSTITUTIONAL ADJUSTMENT**

This is Mr. Cox's first incarceration of any kind. He is now 61 years old. He has had several returns to custody for relapsing on drugs or alcohol while on parole. Mr. Cox began serving his sentence in 1975. He has incurred a minimal amount of disciplinary reports since that time, the most recent in 1988 when he walked away from a furlough release program where he had been for two years. He turned himself in several weeks later. Mr. Cox successfully completed over 100 furloughs. He has had no disciplinary reports that have involved violence. Mr. Cox has completed numerous available programs throughout his institutional commitments that have been relevant to the nature of his criminal behavior and his addiction. He has remained program involved and invested in rehabilitation throughout his incarceration. Mr. Cox also completed his Bachelor of Arts from Boston University and has completed seven courses toward his master's degree. In addition, Mr. Cox completed an EMT course and an auto repair course in an effort to build his job skills for eventual employment.

## **III. PAROLE HISTORY**

Mr. Cox was first paroled, after a period in pre-release, in 1990. The Board noted his positive history of institutional adjustment and commitment to rehabilitation as primary factors supporting his release. Mr. Cox has been returned to custody multiple times for violations consisting of relapsing on alcohol or drugs. Throughout his parole history, Mr. Cox has maintained a positive relationship with parole, and has successfully completed several treatment programs during his history of parole. Mr. Cox has been returned to custody when parole has felt he was not able to maintain his sobriety in the community, even with supportive treatment. Mr. Cox has not been charged with any offenses while on parole, nor has he committed any acts of violence.

Mr. Cox has maintained consistent employment throughout his parole history. Mr. Cox was most recently paroled to a treatment program in 2000, which he did complete. He again relapsed in 2009 and agreed to immediately enter a detoxification program. He completed recommended treatment and moved in with his current wife. He also started his own painting company. Mr. Cox has developed a significant support system within the 12 step community and participated in numerous speaking engagements to reach out to youth programs and others struggling with addiction as a means to give back to society.

During the month of February 2012, Mr. Cox relapsed again on opiates and used on and off for six days before reporting to parole and admitting to his relapse. Mr. Cox discussed recent multiple deaths in his family, as well as over-working and over-committing to volunteer groups as sources of significant stressors that precipitated his relapse. Following his use, Mr. Cox isolated himself and then self-reported to his parole officer that he had relapsed. He was described by his parole officer as cooperative and forthcoming about his relapse, and voluntarily reported to the parole office to be detained. The Board revoked parole and conducted a hearing on July 10, 2012 to determine whether Mr. Cox should be re-paroled.

#### **IV. DECISION**

Mr. Cox committed the governing offense in 1975. He is currently 61 years old and continues to serve out his first incarceration of any kind due to relapsing while on parole. He has been re-incarcerated for five months awaiting his parole hearing. Mr. Cox presented as forthcoming in his parole hearing with a commitment to further rehabilitation and a comprehensive plan preparing himself for his eventual release back into society. His overall institutional record has included accomplishments in higher education, completion of numerous programming and job training skills, and minimal disciplinary issues (none since 1988). The Board vigorously questioned Mr. Cox about his parole failures as a result of his inability to maintain sobriety. Mr. Cox responded with insight into his addiction, pattern of relapse and choices that have resulted in his returns to custody. Based on his documented history with his parole officers, Mr. Cox has cooperated with each intervention and recognized the need for his return to custody. Mr. Cox did not commit another offense during his periods on parole, nor did he demonstrate any violent behavior. The Board also noted that Mr. Cox's relapses were brief, and he did not seek to deceive parole. Though he struggled, Mr. Cox appears to have continued investment in and a desire to live a sober and productive life.

Mr. Cox has a minimal criminal history prior to the governing offense. His institutional adjustment and commitment to rehabilitation have been positive. Mr. Cox had over 30 supporters present at his hearing, and the maximum number of supporters (five) spoke on his behalf. His letters of support and testimony provided were consistent with Mr. Cox's institutional record and self-described progress and failures in the community. Mr. Cox continues to have a significant amount of support in the community, including his wife, and employment opportunities. Although members of the victim's family were not present to testify, their written input was considered. Mr. Cox first and foremost included his remorse and responsibility for the offense in his testimony, and made a point to address how he views such failures on parole as a further injustice to the Newman family.

After careful consideration of all the factors involved in making a parole decision, the Parole Board concluded unanimously that after a period of re-incarceration sufficient to hold him accountable, Mr. Cox would benefit from parole to a structured, supportive parole plan that includes strict supervision to promote treatment compliance and sobriety. Mr. Cox will need to successfully complete six months in lower security as part of his reintegration plan and then transition to a long term treatment program. This decision will result in re-incarceration for at least one year. Following completion of the residential program, Mr. Cox will be closely monitored for continued adherence to all conditions of parole. GPS electronic monitoring will be required, along with counseling and monthly drug tests. Under these conditions, it is the Parole Board's opinion that it is reasonably probable that Mr. Cox will not commit a new offense if paroled and that his release is compatible with the welfare of society.

**SPECIAL CONDITIONS:** Re-parole to a long term residential treatment program, after six months completed in lower security; no drug or alcohol use with monthly testing required; AA or NA three times weekly; one-on-one counseling to address substance abuse issues; GPS required after completion of long term residential program for two years minimum (thereafter at parole officer's discretion).

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*



Josh Wall, Chairman



Date