

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 FOLEY
W96622

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 2, 2023

DATE OF DECISION: July 31, 2023

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On June 7, 2010, following a jury trial in Middlesex Superior Court, James Foley was convicted of murder in the second degree and sentenced to life imprisonment with the possibility of parole. On June 26, 2008, Mr. Foley stabbed Steven Raftery twice in the chest, causing Mr. Raftery's death.

Mr. Foley appeared before the Board for his initial hearing on May 2, 2023. He was not represented by counsel. The entire video recording of Mr. Foley's May 2, 2023 hearing is fully incorporated by reference into the Board's decision.

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 that the inmate is not a suitable candidate for parole.

The Board is of the opinion that James Foley has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Parole denied, 2-year review.¹ Mr. Foley was convicted of second-degree murder of Steven Raftery on June 7,

¹ One Board Member voted to deny parole with a 3-year review.

2010. On June 26, 2008, Mr. Foley stabbed [the] victim to death. Mr. Foley presented for his initial hearing. Mr. Foley admits to stabbing the victim; however, claims this was in self-defense and that the victim was armed. Mr. Foley stated he was under the influence of crack cocaine at the time of the offense. Mr. Foley stated he had an addiction and, despite a long period of sobriety, had recently relapsed (1 mo. prior) prior to offense. Mr. Foley has been sober since the offense.

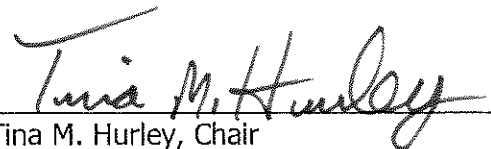
He has completed alternatives to violence, violence reduction, criminal thinking and recently enrolled in restorative justice. He has been in a prison fellowship for 7 months, and stated that his faith has been his primary source of rehabilitation. Mr. Foley has limited institutional work history and admits to selling food that he makes to support himself and his family. He stated he knows being a "food vendor" is a violation of institutional rules and did not appear to have intentions of stopping. Mr. Foley otherwise has excellent institutional adjustment with only 3 D-Reports. Mr. Foley remains committed to his sobriety and expressed interest in further restorative programming and culinary arts vocational training. [The] Board is of the opinion that he should continue with such rehabilitation, establish authorized employment, and explore any counseling opportunities to address his own history of trauma.

Mr. Foley's girlfriend of over 25 years spoke in support of parole. Several members of the victim's family spoke in opposition. The Middlesex County Assistant District Attorney also spoke in opposition of parole, emphasizing the need for more intense individual counseling and concerns with his position of self-defense, lengthy criminal history, and lack of programming.

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 into consideration Mr. Foley's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Foley's risk of recidivism. After applying this standard to the circumstances of Mr. Foley's case, the Board is of the opinion that Mr. Foley is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Tina M. Hurley, Chair

07/31/2023

Date