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*The Commonwealth of Massachusetts*  
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**PAROLE BOARD**

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**Paul M. Treseler**  
Chairperson

**Michael J. Callahan**  
Executive Director

**DECISION (AMENDED)**

**IN THE MATTER OF**

**JAMES GRAHAM**  
**W51628**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** January 5, 2016

**DATE OF DECISION:** May 2, 2016

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, 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. Parole is denied with a review scheduled in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On December 9, 1991, in Suffolk Superior Court, James Graham pled guilty to both the second degree murder of Charles Holmes and to armed robbery. A sentence of life in prison, with the possibility of parole, was imposed on Mr. Graham for the murder of Mr. Holmes. Mr. Graham was also sentenced to a term in prison of not more than 20 years and not less than 18 years for his conviction of armed robbery, to be served concurrent with the life sentence.

On July 9, 1992, in Roxbury District Court, Mr. Graham pled guilty to the unlawful possession of a firearm that was used in the murder of Giovanni McLemore. A sentence of 18 months in custody was imposed on Mr. Graham for this conviction. On May 23, 1994, in Suffolk Superior Court, Mr. Graham pled guilty to the second degree murder of Mr. McLemore. A sentence of life in prison, with the possibility of parole, was imposed on Mr. Graham for the murder of Mr. McLemore.

On June 13, 1988, in the Grove Hall section of Boston, James Graham shot 19-year-old Giovanni McLemore once in the head, killing him. The two men were acquaintances, but had a disagreement regarding a ring that Mr. McLemore had purchased from Mr. Graham. After the purchase, the victim learned that Mr. Graham had taken the ring from his girlfriend in order to sell it, whereupon the victim returned the ring to Mr. Graham's girlfriend. The girlfriend, upon learning of Mr. Graham's actions, then broke up with Mr. Graham. Seeking revenge, Mr. Graham waited for the victim to leave a Devon Street residence and then attacked him at 2:45 a.m. An elderly neighbor heard Mr. Graham hit the victim as the victim said, "Please don't kill me." The neighbor also heard Mr. Graham say, "You have to show me respect," and then heard a gunshot. Mr. Graham fled first to Pennsylvania and then to California.

By 1990, however, Mr. Graham returned to Boston. On February 14, 1991, Mr. Graham had a dispute over money and drugs with Charles Holmes. Mr. Graham believed that Mr. Holmes owed him money from a previous delivery of crack cocaine. Mr. Graham tried to shoot Mr. Holmes, but the gun jammed without firing. Mr. Graham then beat and stabbed Mr. Holmes numerous times, taking money from his pocket. Mr. Holmes died as a result of the stab wounds.

## **II. PAROLE HEARING ON JANUARY 5, 2016**

Mr. Graham appeared before the Parole Board on January 5, 2016 for a review hearing. This was his third appearance before the Board. Mr. Graham's initial appearance before the Board on January 3, 2006 resulted in the denial of parole. Mr. Graham then appeared before the Board on January 4, 2011 for a review hearing and parole was, again, denied.

In Mr. Graham's opening statement to the Board, he apologized for his actions and expressed his remorse. Mr. Graham discussed his reactions to the past decisions of the Board which denied his release to parole. Mr. Graham explained that although he was initially angry and confused by the Board's decisions, he decided to concentrate his efforts on programming. Mr. Graham described the benefits he gained through such programs as Alternatives to Violence and Toastmasters, as well as the benefits of having a positive attitude. According to Mr. Graham, these programs not only helped him realize that he has anger management issues, but also helped him deal with those issues. Mr. Graham stated that he now responds to difficult situations or conflicts by listening to others, as well as respecting the opinions of others.

Upon inquiry by the Board, Mr. Graham cited traumatic childhood experiences as the source of his anger issues. Mr. Graham explained that, as a child, he witnessed his father physically abuse his mother and then later witnessed his mother murder his father. After his mother's incarceration, Mr. Graham developed anger management issues while attending school. Despite these difficulties, Mr. Graham went on to graduate high school and described himself as a good student, who played football and basketball and participated in an extracurricular culinary arts program. During this time, however, Mr. Graham also started to drink beer and smoke marijuana.

Mr. Graham stated that he fell into criminal activity after graduating from high school. Mr. Graham started to sell drugs, including marijuana and cocaine. Mr. Graham also abused marijuana, cocaine, and alcohol. According to Mr. Graham, he had a reputation as an up and coming "gangster" or "thug." He started carrying a firearm at age 19 or 20 and, although he



was not always armed, Mr. Graham indicated that he had access to weapons whenever necessary.

Mr. Graham explained that both Mr. McLemore and Mr. Holmes were acquaintances of his at the time he murdered them. Mr. Graham explained that he and Mr. McLemore had known each other for approximately three years prior to Mr. McLemore's murder. During that time, Mr. Graham and Mr. McLemore participated in joint criminal activities, such as selling drugs or robbing outside drug dealers who attempted to sell narcotics in their neighborhood. According to Mr. Graham, he was less familiar with Mr. Holmes. Mr. Graham described having only met Mr. Holmes on two prior occasions, both of which involved drug deals.

Mr. Graham spoke about the day of Mr. McLemore's murder. He told the Board that he had been smoking marijuana with Mr. McLemore in his bedroom during the day. A ring belonging to Mr. Graham's girlfriend was on his dresser. Later that day, Mr. Graham received an angry call from his girlfriend, who accused him of selling the ring. Mr. Graham learned that Mr. McLemore had given his girlfriend's ring to the sister of Mr. Graham's girlfriend. That evening, Mr. Graham confronted Mr. McLemore on the street. The confrontation escalated from a verbal argument to a fist fight. While Mr. Graham was beating Mr. McLemore, Mr. McLemore's pistol fell onto the street. Mr. Graham then shot Mr. McLemore. He later fled to California to avoid apprehension before eventually returning to Massachusetts.

After returning to the Boston area, Mr. Graham quickly fell back into selling drugs and carrying a weapon. Mr. Graham spoke about the day of the murder of Mr. Holmes. Mr. Graham explained that he had only met Mr. Holmes on two prior occasions. During their second encounter, Mr. Graham provided Mr. Holmes with drugs, along with the promise that Mr. Holmes would pay him in the future. Coincidentally, Mr. Graham later ran into Mr. Holmes during another drug deal. Mr. Graham was armed with a pistol at the time. Having never received payment from the prior drug deal, Mr. Graham wanted to collect payment from Mr. Holmes. When Mr. Holmes could not pay him, Mr. Graham attempted to shoot Mr. Holmes in the leg. After his pistol jammed, however, Mr. Holmes pushed Mr. Graham up against a wall. Mr. Graham then took a knife from a nearby table and stabbed Mr. Holmes multiple times. Prior to fleeing the scene, Mr. Graham took money out of Mr. Holmes' boot. A few days later, Mr. Graham learned that Mr. Holmes died. He was apprehended by authorities shortly thereafter.

The Board considered testimony from Mr. Graham's older and younger sisters, daughter, cousin, and nephew, all of whom expressed support for his release. The Board considered testimony from Mr. McLemore's sister, who expressed opposition to Mr. Graham's parole. Testimony from Mr. Holmes's brother, former wife, daughter-in-law, and son was expressed in opposition to Mr. Graham's release, as well. The Board received testimony in opposition to parole from Suffolk County Assistant District Attorney Charles Bartoloni.

### **III. DECISION**

The Board is of the opinion that Mr. Graham has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Graham's 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 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. Graham'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 whether risk reduction programs could effectively minimize Mr. Graham's risk of recidivism. After applying this standard to the circumstances of Mr. Graham's case, the Board is of the unanimous opinion that Mr. Graham is not yet rehabilitated, and therefore, does not merit parole at this time.

Mr. Graham's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Graham 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.*

  
Gloriann Moroney, General Counsel

6/8/16  
Date