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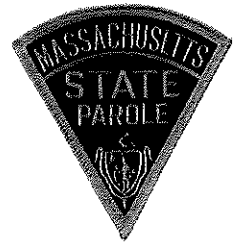
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Tina M. Hurley
Chair

Lian Hogan
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RECORD OF DECISION

IN THE MATTER OF

JAMES GRAHAM
W51628

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **January 23, 2024**

DATE OF DECISION: **April 23, 2024**

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

VOTE: Parole is granted after 6 month stepdown to lower security, then to approved home plan.

PROCEDURAL HISTORY: On December 9, 1991, in Suffolk Superior Court, James Graham pleaded guilty to the second-degree murder of 40-year-old Charles Holmes and was sentenced to life in prison with the possibility of parole. On that same date, he pleaded guilty to armed robbery and was sentenced to a concurrent term of 18 to 20 years in state prison.

On July 9, 1992, in Roxbury District Court, Mr. Graham pleaded guilty to unlawful possession of a firearm and was sentenced to 18 months in the House of Correction. The firearm that Mr. Graham pleaded guilty to possessing was the murder weapon used in the shooting death of 19-year-old Giovanni McLemore. On May 23, 1994, in Suffolk Superior Court, Mr. Graham pleaded guilty to the second-degree murder of Mr. McLemore. He was sentenced to life in prison with the possibility of parole.

Parole was denied following an initial hearing in 2006, and after review hearings in 2011, 2016, and 2021. On January 23, 2024, James Graham appeared before the Board for a review hearing. He was represented by student attorneys Rachel Serebrenik and Abigail Finn under the supervision of Attorney John Fitzpatrick from Harvard Prison Legal Assistance Project. The Board's decision fully incorporates, by reference, the entire video recording of James Graham's January 23, 2024 hearing.

STATEMENT OF THE CASE: On June 13, 1988, in the Grove Hall section of Boston, 21-year-old James Graham shot Giovanni McLemore once in the head, killing him. Although the two men were acquaintances, they had a disagreement over a ring that Mr. McLemore had purchased from Mr. Graham. After the purchase, Mr. McLemore learned that Mr. Graham had taken the ring from his girlfriend to sell it, whereupon Mr. McLemore 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 Mr. McLemore to leave a Devon Street residence and then attacked him at 2:45 a.m. A neighbor heard Mr. Graham hit Mr. McLemore, as Mr. McLemore said, "Please don't kill me." The neighbor also heard Mr. Graham say, "You have to show me respect," which was followed by 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 (age 23) 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. When Mr. Graham tried to shoot Mr. Holmes, the gun jammed without firing. Mr. Graham then beat and stabbed Mr. Holmes numerous times, taking money from his pocket. Mr. Holmes succumbed to his stab wounds.


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 incarcerated individual'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 incarcerated individual'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 incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual'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).

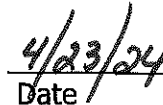
DECISION OF THE BOARD: Mr. Graham has been incarcerated for approximately 33 years. The Board noted Mr. Graham's age at the time of the offense. Mr. Graham has multiple and significant medical issues, including diabetes, liver disease, and other co-morbidities. He currently uses a wheelchair. He is employed in the HSU Department. Since his last hearing, he has completed several programs, including Criminal Thinking and Culinary Arts. Mr. Graham has a minimal disciplinary record while incarcerated. He has expressed remorse for his actions and has outlined his plans for seeking support in the community and from his family. Suffolk ADA Montez Haywood spoke in opposition. The victims' families also expressed opposition to parole. Mr. Graham's family testified in support.

The Board concludes by unanimous decision that James Graham has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for two weeks; Curfew must be home between 10PM & 6AM or at Parole Officer's discretion; Electronic Monitoring or at Parole Officer's discretion; 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; Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for Post-Incarceration Syndrome.

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