

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 GRAHAM
W51628

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 7, 2021

DATE OF DECISION: September 27, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney,¹ Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

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 in three years from the date of the hearing.²

I. STATEMENT OF THE CASE

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 a House of Correction. The firearm that Mr. Graham pleaded guilty to possessing was the murder weapon 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.

¹ Chair Gloriann Moroney was not present for the hearing, but participated in the vote.

² Three Board Members voted to deny parole with a review in two years from the date of the hearing.

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 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 him. 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 yelled, "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 him numerous times, taking money from his pocket. Mr. Holmes succumbed to his stab wounds.

II. PAROLE HEARING ON JANUARY 7, 2021

James Graham, now 54-years-old, appeared before the Board on January 7, 2021, for a review hearing. He was represented by Attorney Donald Frank. Mr. Graham was denied parole after his initial hearing in 2006, and after his review hearings in 2011 and 2016. Mr. Graham described how he witnessed the shooting death of his father at the hands of his mother (a victim of domestic violence) when he was a young child. Mr. Graham explained that he only realized the extent of the trauma he experienced after his incarceration. His exposure to violence at such a vulnerable age led to his development of anger and behavioral issues. However, through the support of school counselors and athletics, Mr. Graham did well in school, graduating from high school as an accomplished athlete. Unfortunately, he immersed himself in the "street lifestyle" after leaving school, as he no longer had access to healthy outlets for his anger. Because of his size, he was accepted by older men who taught him how to earn "fast money" by selling drugs and how he could improve his reputation by fighting others. In addition to selling drugs, Mr. Graham also regularly used marijuana and cocaine. Mr. Graham told the Board that he would fight others, but rarely needed to use a weapon because of his intimidating reputation. He admitted, however, to shooting at others to maintain his reputation.

Mr. Graham explained that he and Mr. McLemore had been friendly acquaintances prior to the murder. A conflict arose between the two men when, as Mr. Graham detailed, Mr. McLemore stole a ring from him and fabricated a story that caused problems with his girlfriend. The two men argued, which escalated into an incident where Mr. McLemore pulled a gun on Mr. Graham. Later that day, Mr. Graham encountered Mr. McLemore on the street and jumped him, knocking him unconscious. During the fight, Mr. McLemore dropped his gun, and Mr. Graham picked it up and shot him. Mr. Graham denied that he had planned to murder Mr. McLemore; rather, he "went overboard" when he had access to the gun.

The Board noted that Mr. Graham fled to California after the murder, where he lived with his aunt, maintained employment, and stayed out of trouble. When asked why he returned to Boston, Mr. Graham claimed that he was "homesick." Upon his return, he resumed his prior criminal lifestyle of selling drugs and engaging in violence. Mr. Graham met his second victim, Charles Holmes, when he loaned Mr. Holmes cocaine. A couple of months later, when Mr. Holmes wanted to buy more, Mr. Graham confronted him about owing money from the prior loan, which Mr. Holmes denied. Mr. Graham told the Board that he felt "disrespected," so he attempted to shoot Mr. Holmes in the leg. When the gun jammed, the two men fought, and

Mr. Graham stabbed him 17 times, killing him. He robbed him of the money in his pockets and then left the scene.

When the Board questioned him as to the commission of two violent murders, Mr. Graham claimed that his desire for street status made him a violent person. He had no coping skills to deal with anger, nor did he have any empathy for his victims at the time of the murders. Now, through his programming efforts, as well as reflection of his criminal activity, Mr. Graham explained that he has begun to understand his anger issues and realizes how many lives he damaged through his actions. The Board noted that Mr. Graham has been sober since 1991 and is employed in the institution. He has completed Alternatives to Violence, Violence Prevention, and the Culinary Program since his last hearing. Mr. Graham has also been a facilitator for Violence Reduction. He is on the waitlist for the Graduate Maintenance Program and the Peace Program. While Board Members recognize that Restorative Justice is not offered at his current institution, they believe that Mr. Graham's participation in that program is "critical" to his ongoing rehabilitation.

Despite his progress, the Board noted that Mr. Graham has incurred some disciplinary infractions during his incarceration. As to a 2019 physical fight with another inmate, Mr. Graham said that he takes full responsibility and should have walked away. He explained that the fight cost him his job as head baker in the institution. Further, he realized that he has more work to do to ensure that he has healthy coping mechanisms to deal with his anger. The Board noted that Mr. Graham has good relationships with his three daughters and, if released, would rely on their support, and that of other relatives, to aid in his reentry.

The Board considered testimony in support of parole from Mr. Graham's family members. The Board considered testimony in opposition to parole from the family members of Mr. McLemore and Mr. Holmes. The Board also considered letters in opposition to parole submitted by Suffolk County District Attorney Rachael Rollins and Boston Police Commissioner William Gross.

III. DECISION

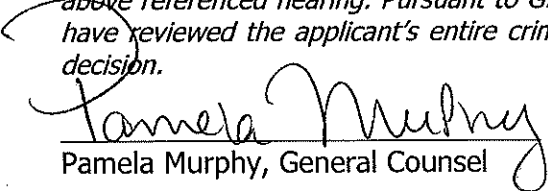
The Board is of the opinion that James Graham has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Graham has served approximately 29 years for the death of Giovanni McLemore in 1988 and Charles Holmes in 1991. Since his last hearing, he has completed Culinary Arts, Serv Safe, and Foundations, and is a facilitator for AVP. Mr. Graham has yet to engage in treatment and programming to address victim impact and empathy. The Board did consider his underlying medical issues in rendering their decision in light of COVID-19. Mr. Graham needs to maintain a positive adjustment; he was engaged in a physical altercation in 2019.

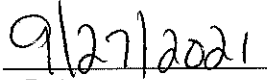
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 a risk and needs assessment and 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 opinion that James Graham is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Graham'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. Graham 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.


Pamela Murphy, General Counsel


Date