

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



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

**JAMES PERRYMAN
W35259**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 16, 2022

DATE OF DECISION: October 18, 2022

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre¹, Tina Hurley, Colette Santa²

STATEMENT OF THE CASE: On December 1, 1975, in Suffolk Superior Court, James Perryman pleaded guilty to second-degree murder in the death of 25-year-old Thomas Valentine and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Perryman also pleaded guilty to Entering a Dwelling/House while being Armed with a Dangerous Weapon, Assault with Intent to Commit a Felony, and Armed Robbery. He received concurrent 10 to 12-year sentences for each of these offenses. Mr. Perryman was 17 years old at the time of the offense.

Mr. Perryman appeared before the Parole Board for a review hearing on June 16, 2022 and was represented by Attorney Tabitha Ortiz. This was Mr. Perryman's first appearance before the Board since his final revocation hearing in March 2022. The entire video recording of Mr. Perryman's June 16, 2022, hearing is fully incorporated by reference to 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 by a unanimous vote that the inmate is a suitable candidate for parole.

Reserve to an approved home plan. Mr. Perryman was first paroled in 1993 and successfully remained in the community for twenty-eight years. His return to custody involved a domestic

¹ Board member Dupre was present for the hearing but was no longer a board member at the time of the vote.

² Chair Moroney was recused.

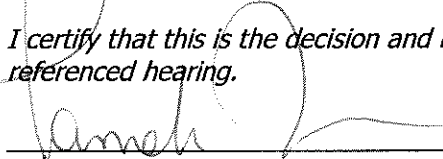
violence offense to which he pleaded guilty. At his hearing, Mr. Perryman was forthcoming and insightful as to the precipitants for his return. He states he would benefit from counseling for grief as he self-medicated with alcohol before his return. He has invested in his rehabilitation as he completed CRA and Violence Reduction. The Board considered the factors relevant to his status as a juvenile offender.

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 the context of an offender convicted of first or second-degree murder, who was a juvenile at the time of the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed the murder, has "A real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressure, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

The Board considered Mr. Perryman's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Perryman's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Perryman's case, the Board is of the unanimous opinion that James Perryman is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to approved home plan; Waive work for two weeks; Curfew at PO's discretion; ELMO-electronic monitoring at PO'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 follow all recommendations; Counseling for relationship/grief; AA/NA at PO's discretion.

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



Pamela Murphy, General Counsel

10/18/22
Date