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PAROLE BOARD

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Tina M. Hurley
Chair

RECORD OF DECISION

IN THE MATTER OF

JAMES STEWART

W82981

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 8, 2022

DATE OF DECISION: January 18, 2023

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

STATEMENT OF THE CASE: On December 9, 2003, in Norfolk County Superior Court, James Stewart pleaded guilty to second-degree murder in the death of 49-year-old William Sullivan and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Stewart also pleaded guilty to knowingly receiving stolen property and leaving the scene of personal injury. He was sentenced to concurrent terms of 9-10 years in state prison and 2 years in the House of Correction, respectively. These sentences were ordered to run concurrently with the life sentence.

Mr. Stewart appeared before the Parole Board for a review hearing on November 8, 2022. He was not represented by counsel. Mr. Stewart was denied parole at his 2021 initial hearing but was granted parole after his 2007 review hearing. The entire video recording of Mr. Stewart's November 8, 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 that the inmate is a suitable candidate for parole.¹

Reserve to skilled nursing facility. On October 8, 2001, Mr. Stewart caused the death of 49-year-old William Sullivan after striking him with a stolen car. He accepts responsibility for the

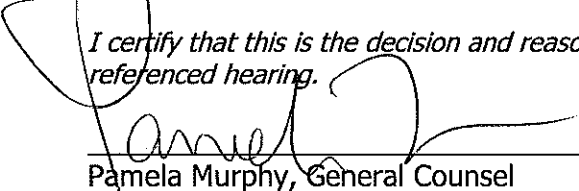
¹ One board member voted to deny parole with a review in two years.

offense. He has engaged in multiple rehabilitative programs to include Emotional Awareness, Anger Management, and Relapse Prevention Group. He obtained his GED while incarcerated. He has positive family support. The Board notes he has maintained institutional employment and pursued tablet programming. Mr. Stewart lives with significant medical issues to include diabetes, chronic pain, COPD, and other diagnoses that severely impact his quality of life. The Board considered the evaluation of social worker Rachel Deery in making its decision. Mr. Stewart will be best served with release to a facility that can accommodate his complex needs.

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. Stewart'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. Stewart's risk of recidivism. Applying this standard to the circumstances of Mr. Stewart's case, the Board is of the opinion that James Stewart is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to skilled nursing facility; Waive work for medical issues; Curfew – Must be at home between 10pm and 6am; ELMO-electronic monitoring; 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 mental health evaluation and follow recommendations.

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


Pamela Murphy, General Counsel

1/18/23
Date