

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



PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMES STEWART

W82981

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: November 2, 2021

DATE OF DECISION: June 27, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, 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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review scheduled in one year from the date of the hearing.

I. 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. He 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.

On October 8, 2001, while operating a stolen motor vehicle during the commission of an unarmed robbery in Dedham, James Stewart caused the death of William Sullivan, a gas station

¹ Three Board Members voted to deny parole and three Board Members voted to grant parole. A majority vote is required for parole to be granted. Accordingly, Mr. Stewart is scheduled to see the Board in one year from the date of the hearing.

attendant. Mr. Sullivan was knocked back from the motor vehicle that Mr. Stewart was operating and struck his head on the pavement. Mr. Sullivan succumbed to his injuries on October 23, 2001.

II. PAROLE HEARING ON NOVEMBER 2, 2021²

James Stewart, now 57-years-old, appeared before the Parole Board for an initial hearing on November 2, 2021, and was not represented by counsel. He postponed his hearing in 2017. In his opening statement, Mr. Stewart apologized to the Sullivan family, explaining that he thinks about what he did each day. He knew Mr. Sullivan from the gas station for "a year or two" before the murder. Mr. Sullivan was a "good man," who did not deserve what he did to him. Mr. Stewart explained that he knew what it was like to grow up without a father and recognized the impact that his actions had on Mr. Sullivan's children. The Board noted that Mr. Stewart's father died when he was a teenager. Although he began drinking alcohol at the age of seven, Mr. Stewart reported that drinking became a "problem" after the death of his father, and he soon became a "blackout drinker." He told the Board that he abused cocaine and painkillers in addition to alcohol. He also used heroin at the time of the murder. Mr. Stewart's family held numerous interventions for him, and he entered detox facilities on multiple occasions.

At the time of the governing offense, Mr. Stewart had relapsed (after being sober for some time) and was in a detox facility. He was released from this facility on the morning of the murder and began drinking immediately. Mr. Stewart reported that he was in a "blackout" and decided to steal a running car to take himself to another rehabilitation center. He drove the stolen car to the gas station, at which time he requested that Mr. Sullivan fill the tank. Mr. Sullivan did so, while holding the money given to him by Mr. Stewart in his hand. For reasons that he does not fully understand, Mr. Stewart slapped the money out of his hand and attempted to drive off. As he did, Mr. Sullivan was dragged a short distance before falling and hitting his head on a gas pump. Mr. Stewart acknowledged that police told him that he also ran over Mr. Sullivan's head. The Board noted that Mr. Stewart first lied to police about what transpired, but then eventually "owned up" to what he did after speaking with his brother. He told the Board that he "couldn't believe what [he] did."

Although he has had an overall positive institutional adjustment, Mr. Stewart began accruing disciplinary reports in 2014, when he used suboxone to treat his leg pain. The Board recognized that Mr. Stewart's toe had been amputated, and that he had a bone infection. Mr. Stewart earned his GED in 2009. He also engaged in programming efforts to include Alternatives to Violence and substance abuse. Although Board Members commended Mr. Stewart on his accomplishments, they explained that he needs to establish a more consistent pattern. Mr. Stewart began CRA, but he was terminated from the program due to a positive drug screen. The Board also expressed its concern with his problematic adjustment at Souza Baranowski, where Mr. Stewart used suboxone, threatened staff members, and engaged in disruptive behavior. Mr. Stewart agreed that he had trouble adjusting to the rules of the maximum-security facility and did not engage in that facility's programs. Mr. Stewart stated that he is getting assistance on how to cope with his depression and ADHD issues.

² The entire video recording of Mr. Stewart's November 2, 2021 hearing is fully incorporated by reference to the Board's decision.

Mr. Stewart reported that he is very close with his family and would benefit from their support, if released. He hopes to attend a long-term residential program and engage in AA/NA in the community to prevent a substance abuse relapse.

A member of the Victim Services Unit read into the record four statements in opposition to parole, as authored by Mr. Sullivan's family members. The Board also considered testimony in opposition to parole from Norfolk County Assistant District Attorney Mike McGee.

III. DECISION

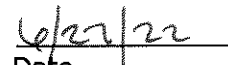
The Board is of the opinion that James Stewart has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Stewart has served approximately 20 years for the death of William Sullivan in Dedham, Massachusetts. A longer period of positive adjustment is necessary. Mr. Stewart's adjustment remains concerning and he needs to demonstrate a longer period of sobriety.

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. After applying this standard to the circumstances of Mr. Stewart's case, the Board is of the opinion that James Stewart is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Stewart's next appearance before the Board will take place in one year from the date of this hearing. During the interim, the Board encourages Mr. Stewart 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