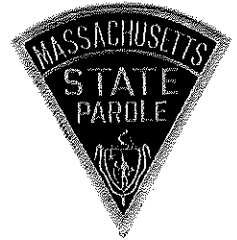


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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Lieutenant Governor

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Gloriann Moroney
Chair

DECISION

IN THE MATTER OF

JAMES STOKES

W32648

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 21, 2018

DATE OF DECISION: July 10, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

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. Two weeks from the issuance of the Record of Decision, parole is granted to a Long Term Residential Program (Gavin House preferred), after 1 year in lower security and subject to special conditions.¹

I. STATEMENT OF THE CASE

On March 12, 1970, James Stokes was convicted of first-degree murder in the death of 52-year-old Armand Cerbone. He was sentenced to life in prison without the possibility of parole. He was also sentenced to serve a concurrent 8 to 15 year prison term for breaking and entering with intent to commit a felony. Mr. Stokes filed an appeal. On November 5, 1971, the Supreme Judicial Court affirmed the convictions, but reduced the verdict to second-degree murder.²

¹ Two Board Members voted to deny parole with a three year review.

² *Commonwealth v. Joseph F. Rego*, 360 Mass. 385 (1971)

On January 18, 1969, 16-year-old James Stokes, his brother John, and Joseph Rego murdered Armand Cerbone, a maintenance worker at the Pollak Corporation in Dorchester. Mr. Cerbone had been beaten to death, suffering numerous gaping lacerations to his head. The right and left sides of his skull had been fractured. On the night of the murder, James Stokes and his co-defendants plotted to break into Pollack's to commit a robbery. While there, Mr. Cerbone came upon James Stokes as he was performing a security check of the premises. As Mr. Cerbone confronted James Stokes, Joseph Rego struck Mr. Cerbone from behind and continued to beat him. At the time of the murder, John Stokes (James' brother) was breaking into vending machines that were located in another part of the building. A witness in the case testified that earlier that day, James Stokes, who was in possession of a sawed off shotgun, had made direct statements that he intended to break into the Pollak Corporation. The witness further testified to having a conversation with the defendants the following day, during which James Stokes allegedly told him that a guard had caught them and cornered him. He said that during that confrontation, Mr. Rego came up behind the guard and hit him in the head. James Stokes stated that after the man fell to the floor, Mr. Rego beat the victim "to a pulp." Mr. Stokes denied being present at, or participating in, the murder.

II. PAROLE HEARING ON AUGUST 21, 2018

James Stokes, now 65-years-old, appeared before the Parole Board on August 21, 2018, for a review hearing. He was represented by Attorney Jeffrey Harris. Mr. Stokes received a positive parole vote on June 25, 1984, but was returned to custody on September 18, 1989. He received a second opportunity for parole in January 1996. However, on April 8, 1997, the Norwood Police Department notified the Parole Board that Mr. Stokes had reportedly been involved in a motor vehicle accident the day before. While at the police department, Mr. Stokes admitted to using cocaine with his brother, two days prior. His urine test screen was positive for cocaine, and he was arrested. Mr. Stokes was returned to custody as a result of that violation.

On August 14, 1997, Mr. Stokes was re-paroled, but on October 25, 1999, he tested positive for cocaine and was returned to custody. On November 15, 2002, Mr. Stokes was re-paroled. In February 2003, Mr. Stokes' vehicle was stopped by Lakeville police for erratic driving. He was taken into custody for associating with a person known to have a criminal record and for failing to remain abstinent from alcohol. On March 14, 2003, Mr. Stokes was re-paroled with added conditions. On December 24, 2003, Mr. Stokes was arrested by Taunton police for operating under the influence and was returned to custody. Mr. Stokes was subsequently denied parole in 2004, 2007, and 2012.

In his opening statement to the Board, Mr. Stokes apologized to the Cerbone family, wishing that he could give closure to them. Mr. Stokes also apologized to his own family and to the Parole Board. He indicated that his position and story has stayed the same since his trial in 1970. Mr. Stokes agreed that he was convicted of the murder of Mr. Cerbone, but stated that he has always maintained his innocence. The Board questioned Mr. Stokes about his issues during his first parole supervision. He responded that he purchased a six pack of beer and continued to drink. He stated that he went on the run for four years. During that time, he had a son, but continued to drink and use drugs. When the Board noted that he was paroled five times, Mr. Stokes agreed that drugs and alcohol have been an issue for him on each parole release.

Mr. Stokes told the Board that he has been in custody over 14 years since his last revocation. He indicated that he served approximately 40 years, as he was 16-years-old when he entered prison. Mr. Stokes acknowledged to having grown up in prison and, although he had been given opportunities on parole, he was not ready. He explained that he is now ready for parole because he has a support team that is willing to help him, which he did not have in the past. Mr. Stokes indicated that he is willing to take medication for his addiction, and envisions a life "living in sobriety," hoping to be reunited with his children and grandchildren. Mr. Stokes said that drugs and alcohol are not in his life anymore, and that he is a changed man. He told the Board that Alcoholics Anonymous/Narcotics Anonymous (AA/NA) was his most beneficial program. He participated in AA/NA for 14 years, as well as, completed Correctional Recovery Academy (CRA).

If paroled, Mr. Stokes would like to help others, just as he has been helped with recovery. Pre-release will help him reintegrate back into society slowly. He hopes to attend Gavin House for a year and then attend a sober house. Mr. Stokes told the Board that he is currently working and has been offered future employment. If paroled, he will surround himself with people that are sober. He plans to continue with a sponsor and to attend meetings. Mr. Stokes explained that his son passed away from a drug overdose, and that he decided to change his life because of that incident. When Board Members noted that his demeanor has changed since his last hearing, Mr. Stokes responded that he took steps to change.

The Board considered oral testimony in support of parole from Mr. Stokes' sister, social worker, daughter, and ex-wife. The Board considered testimony from Mr. Cerbone's son. The Board considered testimony in opposition to parole from Suffolk County Assistant District Attorney Charles Bartoloni.

III. DECISION

The Board is of the opinion that James Stokes has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Stokes has been incarcerated since 2003. He has made significant progress towards his rehabilitation. He appears motivated to live a drug-free lifestyle. He has a strong release plan and positive institutional adjustment. He meets the legal standard. The Board strongly recommends that he use Vivitrol to maintain sobriety.

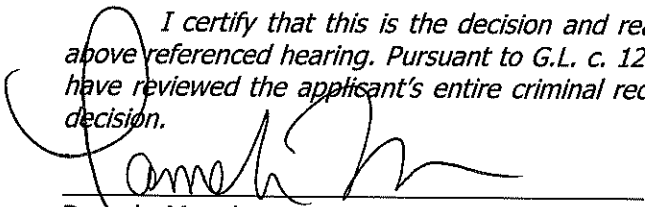
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second degree murder, who was a juvenile at the time 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 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-

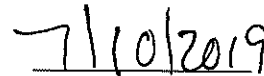
taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk reduction programs could effectively minimize Mr. Stokes' risk of recidivism. After applying this standard to the circumstances of Mr. Stokes' case, the Board is of the opinion that James Stokes is rehabilitated, and his release is compatible with the welfare of society. Mr. Stokes, therefore, merits parole at this time. Two weeks from the issuance of the Record of Decision, parole is granted to a Long Term Residential Program (Gavin House preferred), after 1 year in lower security and subject to special conditions

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be at home between 10:00 pm and 6:00 am; 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 victims; Must have mental health evaluation and must comply with recommended treatment plan; Long Term Residential Treatment Program; AA/NA at least 3 times/week.

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