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DECISION

IN THE MATTER OF

JAMES SWEENEY
W61396

TYPE OF HEARING: **Review**

DATE OF HEARING: **May 10, 2016**

DATE OF DECISION: **October 13, 2016**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, 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 the 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 a suitable candidate for parole.

I. STATEMENT OF THE CASE

On October 7, 1996, in Middlesex Superior Court, James Sweeney pled guilty to second degree murder and was sentenced to life in prison with the possibility of parole.

On April 19, 1996, James Sweeney shot and killed his 74-year-old father Arthur Sweeney in Malden. Mr. Sweeney was 42-years-old, addicted to crack cocaine and alcohol, and living with his father at the time of the murder. After smoking crack cocaine and drinking beer for most of the day and evening, Mr. Sweeney returned to his father's home sometime after 10:00 p.m. While his father slept on the living room couch, Mr. Sweeney shot him once in the head. Mr. Sweeney utilized a .22 caliber rifle belonging to his father.

II. PAROLE HEARING ON MAY 10, 2016

Mr. Sweeney, now 63-years-old, appeared before the Parole Board on May 10, 2016, for the second time. He was denied parole in 2011 with a five year review. In Mr. Sweeney's opening statement, he took full responsibility for taking his father's life, expressed remorse for his actions, and hoped that he would be able to prove himself deserving of parole. The Board asked Mr. Sweeney to express his present understanding as to why the Board denied him parole in 2011. Mr. Sweeney stated that the Board felt he did not have a full understanding as to why he had committed the crime and believed that he was still a threat to society.

Mr. Sweeney recounted a life ruined by drugs and alcohol, as well as being raised by parents who were heavy drinkers where he "fit right in." Mr. Sweeney described a downward spiral in which he had a father whom he never really knew, as he was always away. Mr. Sweeney said that he could not hold a job and stole (predominantly larceny by check) to support his drug and alcohol addictions. He divorced his wife and moved back in with his parents. He failed in his rehabilitation efforts with the Salvation Army in Worcester. He moved back in with his father after his mother passed, at which time he continued to abuse drugs and alcohol, stealing from his father on at least one occasion to fund his habit.

In describing the crime, Mr. Sweeney stated that after drinking and using crack cocaine for the entire day with a friend, he returned to his father's home. His father gave Mr. Sweeney "a look of total disgust," reaffirming what Mr. Sweeney was feeling about himself. Mr. Sweeney then went to his bedroom, where he kept his father's rifle. Mr. Sweeney had been intermittently sleeping with the rifle because of his paranoia. The next thing Mr. Sweeney knew, the rifle had gone off, and his father was dead. The sound of the rifle brought Mr. Sweeney "back to reality." Mr. Sweeney left the house, drove around for a while (ending up in Lynn to get high), and then came home to get speakers from the house to sell. Mr. Sweeney told a cousin the next day what he had done. The cousin called the police.

The Board asked Mr. Sweeney to explain again why he shot his father. Mr. Sweeney stated that he still has "no clue," that he "never truly understood," and that prison mental health staff told him he "may never understand why." However, when pressed, Mr. Sweeney referenced his drug addled state, his paranoia, his father's expression of disgust towards him that night, and his history of blackouts and auditory hallucinations. Additionally, in a post-hearing letter to the Board, submitted at the Board's invitation in lieu of a closing statement, Mr. Sweeney stated that he now realizes that he blamed his father for his mother's death. Mr. Sweeney posited that this resentment, along with the influence of drugs and alcohol, caused him to commit the crime. The Board noted that Mr. Sweeney had no history or record of acts of violence until the murder, and no history of violence while incarcerated. Mr. Sweeney has received only one disciplinary report during his incarceration. The report involved Mr. Sweeney keeping his medication unsecured in an unlocked footlocker (the matter was continued without a finding). The Board also noted Mr. Sweeney's "exceptional history of rehabilitation," starting with addiction treatment begun immediately upon incarceration and continuing to the present with his involvement in Alcoholics Anonymous, where he is a board member.

Since his last parole hearing in 2011, Mr. Sweeney has participated in many programs, including Violence Reduction, Criminal Addictive Thinking, and Jericho Circle. Mr. Sweeney had previously participated in various programs, including Alternatives to Violence - Basic,

Alternatives to Violence - 2nd Level, and Spectrum-Correctional Recovery Academy. Mr. Sweeney is on a waiting list for the Emotional Awareness Program. He stated that since his last hearing, and at the urging of the Board, he sought mental health counseling. However, he said that clinicians would not open a case file for him and discouraged him from filing sick slips on an individual basis. Mr. Sweeney attends church regularly, participating in four different choirs. He has been employed for his entire incarceration (working in the MassCor clothing shop from 1998 to the present) and has received consistently positive work evaluations. He has been a sewing machine mechanic since 2011, and teaches others how to fix the machines. He proudly stated that he made the shirt he was wearing. When asked about his parole plan, Mr. Sweeney said that he would need to step down slowly in order to acclimate himself to changes in society. He intends to seek counseling, employment, and a church, as well as continue his AA participation, which he described as a way of life. Mr. Sweeney stated that his cousin and her husband support him and have offered him a place to live.

Mr. Sweeney did not present any witnesses in his support. The Board considered testimony in opposition to parole from Middlesex County Assistant District Attorney Jason Chandler.

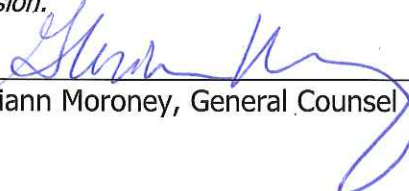
III. DECISION

Mr. Sweeney has maintained a positive adjustment throughout his 20 year incarceration. He has addressed the factors which gave rise to his crime and has served as a productive member of the inmate community. The Board is of the opinion that Mr. Sweeney has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. In forming this opinion, the Board has taken into consideration Mr. Sweeney's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Sweeney's risk of recidivism.

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. After applying this appropriately high standard to Mr. Sweeney's case, the Board is unanimously of the opinion that Mr. Sweeney merits parole at this time, subject to special conditions, and after nine months in lower security.

SPECIAL CONDITIONS: Waive work for 2 weeks; Must be at home between 10 pm and 6 am; GPS for six months, thereafter at parole officer'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; Must have mental health counseling for adjustment/transition; Reserve to LTRP (Long Term Residential Program) on or after nine months in lower security; Attend AA/NA at least three times per 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.



Gloriann Moroney, General Counsel

10/13/16

Date