



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

(AMENDED)

IN THE MATTER OF

JAMES WAHL

W50475

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 17, 2019**

DATE OF DECISION: **July 16, 2020**

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 2, 1991, in Suffolk Superior Court, James Wahl pleaded guilty to the second degree murder of James DeRosa, age 23, in Boston. Mr. Wahl was sentenced to life in prison with the possibility of parole. On that same date, he pleaded guilty and received concurrent sentences of 22 to 32 years for armed robbery and 3 to 5 years for carrying a dangerous weapon.

On Friday May 11, 1990, at approximately 10:30 p.m., Boston police responded to a residence at Columbus Avenue to answer a call of shots fired. Upon arrival, police found James DeRosa lying face up, with his head in the lap of his friend, and bleeding from the back of his head. Earlier, James Wahl (age 22) and an associate robbed Mr. DeRosa of 10 pounds of

marijuana in Mr. DeRosa's basement apartment. The associate held a gun to Mr. DeRosa and his friend, while Mr. Wahl filled a duffle bag with marijuana. Mr. Wahl and his associate fled the apartment and proceeded down an alley with Mr. DeRosa in pursuit. The associate got into a car, while Mr. DeRosa and Mr. Wahl struggled outside the vehicle. During the altercation, Mr. Wahl shot Mr. DeRosa in the back of the head. Mr. Wahl then got into the car and sped away. Mr. DeRosa died three days later at Boston City Hospital, as a result of the gunshot wound inflicted by Mr. Wahl.

Mr. Wahl made an unsuccessful motion to withdraw his guilty plea and for a new trial in the lower court. On appeal, the order denying his motion to withdraw his guilty plea and for a new trial was affirmed on November 21, 1995 (39 Mass.App.Ct.1116.).

II. PAROLE HEARING ON SEPTEMBER 17, 2019

After James Wahl's initial parole hearing in May 2005, he was granted parole after six months in pre-release. On February 22, 2007, Mr. Wahl was released to Rhode Island via Interstate Compact, where he resided with his father in Providence. While on parole, he incurred two parole warnings. The first warning, in 2008, was for continued association with a former inmate. The second warning, in 2011, was for alcohol use after a positive urine test. On February 24, 2012, Mr. Wahl was returned to custody for his inability to adhere to the conditions of parole, including his failure to attend Alcoholics and Narcotics Anonymous meetings. In addition, Mr. Wahl was investigated for arson and, on January 7, 2014, in the United States District Court of Rhode Island, he was sentenced to 18 months and three years of supervised probation for conspiracy to commit wire fraud. The sentence was served concurrent with his life sentence.

Mr. Wahl, now 51-years-old, appeared before the Parole Board on September 17, 2019, for a review hearing. He was not represented by counsel. This is Mr. Wahl's second appearance before the Board since his return to custody. Mr. Wahl provided an opening statement expressing his deep regret and remorse for taking the life of James DeRosa. He acknowledged that his actions were senseless, stating that it still haunts him today since Mr. DeRosa was an innocent bystander. Mr. Wahl also apologized for squandering the opportunity of parole after his initial hearing. He acknowledged that his actions were reckless, and that he was living a double life. He also provided the Board with insight as to how he has invested in rehabilitation since his return to custody. Mr. Wahl does not dispute the facts of the governing offense; he takes full responsibility for taking the life of Mr. DeRosa.

Mr. Wahl spoke candidly as to the illegal activities he engaged in (or had knowledge of), including organized crime, arson, insurance fraud, forgery, and wire fraud. It remains unclear as to how much he profited from his illegal actions while on parole supervision. By his own admission, he had a total disregard for the law and the rules and regulations of parole.

The Board discussed Mr. Wahl's institutional adjustment; he has been incarcerated at MCI-Concord since September 22, 2016, and is currently employed as a cook in staff dining. Mr. Wahl has not incurred any disciplinary infractions since 1993. Since his last hearing, Mr. Wahl has completed numerous programs, including Cognitive Skills – Problem Solving, Leadership and Transformational Thinking/End of Violence, and Criminal Thinking. He has also

received vocational program certificates in the areas of ServSafe, Companion Training, and Blood Spill/Sewage Clean Up.

Several members of Mr. Wahl's family attended the hearing. The Board considered testimony from Mr. Wahl's brother in support of parole.

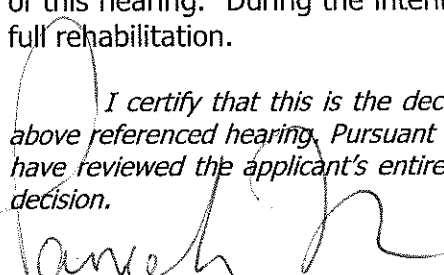
III. DECISION

It is the opinion of the Board that James Wahl has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Wahl has served approximately 24 years for the murder of 23-year-old James DeRosa during a drug transaction. He was on parole supervision for five years when he was returned to custody. The Board remains concerned as to the criminal behavior he engaged while on parole supervision. It wasn't until the recent hearing that he began to disclose as to how entrenched he was involved in illicit activity in the community.

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

Mr. Wahl's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages him to continue working towards 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

7/16/2020
Date