



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

*Telephone # (508) 650-4500
Facsimile # (508) 650-4599*



Charlene Bonner
Chairperson

Janis DiLoreto Smith
Executive Director

DECISION

IN THE MATTER OF

JAMES WAHL

W50475

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: September 25, 2014

DATE OF DECISION: December 12, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five 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 murder in the second degree for killing James DeRosa, age 23, in Boston. Wahl was sentenced to life in prison with parole eligibility after fifteen years. 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 pm, Boston Police responded to a residence at Columbus Avenue to answer a call of shots being fired. Upon arrival, police found DeRosa lying face up with his head in the lap of his friend, Neil Moffat. DeRosa was bleeding from the back of his head.

Wahl, then age 22, and an associate robbed DeRosa of 10 pounds of marijuana. The robbery occurred in DeRosa's basement apartment. The associate held a gun to Moffat and DeRosa, while Wahl filled a duffle bag with marijuana. Wahl and his associate fled the apartment and proceeded down an alley with DeRosa in pursuit. The associate got into a car

while DeRosa and Wahl struggled outside the vehicle. During the altercation, Wahl shot DeRosa in the back of the head. Wahl then got into the car and sped away. DeRosa died three days later at Boston City Hospital as a result of the gunshot wound inflicted by Wahl.

II. INSTITUTIONAL HISTORY

Wahl, now age 46, is serving his first adult state sentence and is currently incarcerated at MCI-Norfolk. His overall adjustment has been deemed good. He has incurred four disciplinary infractions, the last of which occurred in April 1993, after testing positive for morphine. He was subsequently returned to higher security.

Wahl has participated in numerous organized programming since his return to custody including Jericho Circle, Alternatives to Violence, Non-violent Conflict Resolution, and Assertive Communication. In addition, he successfully completed the ServSafe Certification Examination (a food and beverage safety training and certificate program). He is employed in the Culinary Program, where he tutors inmates and facilitates the ServSafe program.

III. PAROLE HEARING ON SEPTEMBER 25, 2014

On September 25, 2014, Wahl appeared before the Massachusetts Parole Board for a Review Hearing. This is his second appearance before the Board. His initial appearance was on May 10, 2005, at which time he was granted a parole reserve after six months in pre-release. On February 22, 2007, James Wahl was released to Rhode Island on an Interstate Compact, where he resided with his father in Providence. While on parole, Wahl incurred two parole warnings. The first warning was in January 2008 for continued association with a former inmate. The second warning was in September 2011 for alcohol use after a positive urine test. Regarding the latter, Wahl explained that he had one glass of wine to celebrate the news that he was to become a father. He acknowledged that he was knowingly in violation of his parole condition, but denied that he was intoxicated.

On February 24, 2012, Wahl was returned to custody for his inability to adhere to the conditions of his parole, including failure to attend Alcoholics and Narcotics Anonymous meetings. In addition, Wahl was investigated for arson and on January 7, 2014, in the United States District Court for the District of Rhode Island, Wahl was sentenced to 18 months and three years of supervised probation for conspiracy to commit wire fraud. The Parole Board has significant concern regarding such conduct.

Wahl seeks a re-parole to a transitional program, Project Outreach, in Quincy. He has secured employment with D&R Gravel Contracting and Paving. Wahl states that his family is positive and supportive and will aide him as he reintegrates.

Wahl provided an emotional opening statement to the Board by offering an apology to the family of James DeRosa and acknowledging the impact of his senseless and cowardly actions. He also recognized how he violated the trust of the Parole Board and the community, due to his criminal behavior while on parole. Wahl acknowledges that a gradual reintegration, that includes counseling, will be necessary if he is to be successful.

Suffolk County Assistant District Attorney Charles Bartoloni submitted a letter in opposition to parole at this time contending that Wahl still poses a threat to public safety. Family members attended the hearing and spoke in support of his petition for parole. In closing, Wahl acknowledged that the decisions he made and his behavior on parole supervision were in violation of his conditions of parole.

IV. DECISION

James Wahl murdered his victim during a drug related robbery. While on parole, Mr. Wahl incurred warnings and parole violations (that included substance abuse) and was the subject of a criminal investigation for arson. As a result of his conduct, he sustained criminal convictions related to wire fraud. This conduct may operate as a presumption against re-parole and indicates that Mr. Wahl is not yet rehabilitated. The Board is concerned that Mr. Wahl is unable to live, and remain at liberty, without violating the law. The Board is of the opinion that Mr. Wahl needs to demonstrate his rehabilitative progress and success through a longer period of positive institutional adjustment and programming, before his release is considered compatible with the welfare of society.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that James Wahl does not merit parole at this time. The review will be in five years from the date of this hearing.

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.


Janis DiLoreto Smith, Executive Director

12/12/14
Date