

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JAMES WALDEN**

**W81469**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** October 18, 2016

**DATE OF DECISION:** April 6, 2017

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 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 five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On February 25, 2003, in Hampshire Superior Court, James Walden pled guilty to three counts of forcible rape of a child under 16, two counts of indecent assault and battery on a child, one count of possession of child pornography, and one count of open and gross lewdness. The victim of these charges was his girlfriend's 10-year-old daughter. Mr. Walden was initially sentenced to 25-30 years (concurrent) on two of the rape charges; 10 years probation (concurrent) on the third rape charge; 3-5 years (concurrent) on the possession of child pornography charge; 2-3 years (concurrent) on the open and gross charge; 8-10 years (concurrent) on one indecent assault and battery charge; and 10 years probation (from and after all concurrent sentences) on the other indecent assault and battery charge.

Mr. Walden appealed his initial sentence and, in May 2004, the Appellate Division of the Superior Court Department ordered the judgment amended. His two 25-30 year concurrent sentences for rape of a child were changed to two concurrent life sentences with the possibility of parole after serving 15 years. Mr. Walden's other sentences remained unaltered.

On November 23, 2001, Easthampton police received a complaint of child sexual abuse from the victim's mother, who was Mr. Walden's girlfriend. The mother reported to police that her 10-year-old daughter had said her "daddy"<sup>1</sup> came into her room around 3:00 a.m. and repeatedly (anally) raped her. She said that she was crying because it hurt. When she had asked him to stop, he slapped her in the face and told her to "shut up." The victim was transported to a local hospital for exam, and a rape kit was conducted. Several days later, when the victim was interviewed by a child forensic interviewer, she disclosed that Mr. Walden had forcibly raped her, both anally and orally, for the past two years (beginning when she was around eight-years-old). The victim also disclosed that Mr. Walden sometimes forced her to "look at pictures of naked boys and girls" on the computer with him. Evidence in the rape kit, as well as evidence gathered from items in the victim's room, tested positive for seminal fluid. DNA testing found the fluid was a match to Mr. Walden.

While Mr. Walden was held pre-trial, he made recorded telephone calls to his sister and to his girlfriend (the victim's mother). Transcripts of these calls provided evidence of Mr. Walden trying to intimidate them in order to lessen the chances of him receiving a lengthy sentence. Mr. Walden also spoke to the victim on several occasions (with the help of his girlfriend), in violation of the restraining order that was in place at the time. During several of these recorded phone conversations, Mr. Walden indicated that he was the victim in this situation because, he claimed, the 10-year-old girl initiated the sexual activity.

## **II. PAROLE HEARING ON OCTOBER 18, 2016**

James Walden, now 52-years-old, appeared before the Parole Board for his initial hearing on October 18, 2016. He was not represented by an attorney. He is currently housed at NCCI-Gardner, where he has been steadily employed in the optical shop since 2007. He has not participated in any programming since his incarceration began over 15 years ago. Mr. Walden declined to make an opening statement, telling the Board "I had something, but decided at the last minute not to bring it." Board Members, however, questioned Mr. Walden about his failure to participate in any sort of institutional or rehabilitative programming. He responded that his job takes up lots of his time and that he is not interested in institutional programming. He told the Board, "It's not that I don't ever plan on participating in such programming, just not in the institution." Mr. Walden acknowledged that he had registered for the Sex Offender Treatment Program five times, but, at the end of orientation each time, he signed a refusal form and withdrew from the program.

Mr. Walden admitted to the Board that alcohol and drugs were a daily part of his life for the years leading up to his arrest for these offenses. He said that he cannot remember many parts of his life due to substance abuse. The Board questioned Mr. Walden as to why he has not participated in any substance abuse programming or attended any AA/NA meetings. Mr. Walden replied that he has been sober for the past 15 years, which has been the longest period

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<sup>1</sup> Although the victim is not Mr. Walden's biological daughter, the victim's mother reported that Mr. Walden had been the only father figure in her life since she was 2-years-old, so she called him "Daddy."

of sobriety in his life to date. He said that alcohol and drugs are not a part of his life anymore, and he does not need programming to keep him sober.

Mr. Walden was repeatedly asked about his underlying crimes. He refused to provide any detail, claiming he could not remember anything. When pressed by a Board Member to tell them anything that he could recall, he said, "It was like a dreamlike state...you see yourself and you are doing something, and it's like, what is going on? I can't believe that it happened, to be honest, but it happened and there is nothing I can do or say to ever change that or make it go away." The Board then asked Mr. Walden about his pre-trial phone calls from jail (to his sister and girlfriend) about the victim initiating sexual conduct. He told the Board that he does not remember any such phone calls or contact with the victim or her mother, despite the numerous transcripts of these phone calls that were used as evidence in his case. The Board expressed concern that he has squandered the past 15 years in prison by failing to address either the causative factors of his crimes and his substance abuse, or his lack of victim empathy. Mr. Walden declined to provide a closing statement.

There was no one in attendance in support of parole for Mr. Walden. The Board considered testimony in opposition to parole from Northwestern Assistant District Attorney Caleb Weiner.

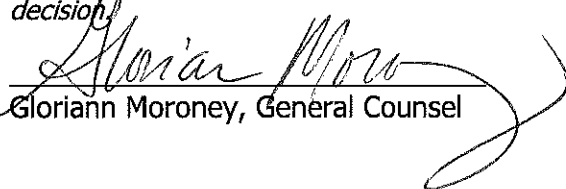
### **III. DECISION**

James Walden has served 15 years for his governing offenses, but was ill-prepared for his initial parole hearing. He has not engaged in any programming to address his causative factors and, in fact, refuses to engage in the Sex Offender Treatment Program. In addition, Mr. Walden blames his 10-year-old victim for his criminal behavior.

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. Walden's institutional behavior, as well as his participation (or lack thereof) 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. Walden's risk of recidivism. After applying this standard, the Board is of the unanimous opinion that Mr. Walden is not rehabilitated and, thus, does not merit parole.

Mr. Walden's next appearance before the Board will take place 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.*

  
Gloriann Moroney, General Counsel

4/6/17  
Date