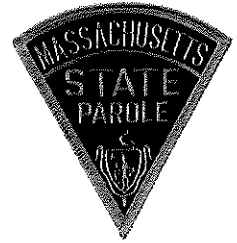


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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RECORD OF DECISION

IN THE MATTER OF

JAMIE FULLER
W53395

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 25, 2024

DATE OF DECISION: August 20, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse¹

VOTE: Parole is denied with a review in three years from the date of the hearing.²

PROCEDURAL HISTORY:

On October 23, 1992, following a jury trial in Essex Superior Court, Jamie Fuller was convicted of murder in the first degree in the death of Amy Carnevale. Mr. Fuller was sentenced to life in prison without the possibility of parole, but ultimately became parole eligible as a result of the Supreme Judicial Court's decision in *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013).

On May 12, 1994, Mr. Fuller pleaded guilty to Attempted Escape, as well as Conspiracy to Attempt Escape in Middlesex Superior Court. He received a sentence of nine and a half to ten years in state prison for the Attempted Escape and three to five years in state prison for the Conspiracy to Attempt Escape; both sentences were ordered to run concurrently with his life sentence for murder.

On April 25, 2024, Mr. Fuller appeared before the Board for an initial hearing. He was represented by Attorney Catherine J. Hinton. The Board's decision fully incorporates by reference the entire video recording of Mr. Fuller's April 25, 2024 hearing.

¹ Board Member Coughlin was not present for the hearing but reviewed the entire hearing and record prior to vote.

² Two Board Members voted to deny parole with a review in four years from the date of the hearing.

STATEMENT OF THE CASE:

The following statement is largely taken directly from Supreme Judicial Court's decision in *Commonwealth v. Fuller*, 421 Mass. 400 (1995):

Jamie Fuller, 16, and Amy Carnevale, 14, had had an intense and troubled romantic relationship for two years leading up Ms. Carnevale's death on August 23, 1991. During this relationship, Mr. Fuller spoke several times of killing Ms. Carnevale, and in the months before the killing, he also spoke of having Ms. Carnevale killed.

On August 22, 1991, Ms. Carnevale took a trip to Gloucester with two girls and two boys. When Mr. Fuller learned of this, he pledged to kill Ms. Carnevale so she would not be able to date anyone else. The next morning, Mr. Fuller called Ms. Carnevale repeatedly and insisted that she come to his house to meet him. He then met two friends, told them that he was going to kill Ms. Carnevale, and invited them to come along.

At some point, Mr. Fuller and his friends met Ms. Carnevale and two others, and the group walked along a path into a field near Mr. Fuller's home. Mr. Fuller and Ms. Carnevale eventually separated from the others, and while they were alone, the rest of the group heard screams. When Mr. Fuller rejoined the group, he was bloody, had a "smirk on his face", and said, "It's done." He also showed the group his knife and said it had broken during the attack. As the group walked away from the scene, Mr. Fuller described in graphic detail how he killed Ms. Carnevale by stabbing her in the stomach and back, cutting her throat, and stomping on her head.

After the killing, Mr. Fuller washed the blood off his arms, took a member of the group to see the body, and warned his companions that they would "be next" if they "were to say anything." He then led his friends in the task of disposing Ms. Carnevale's body in Shoe Pond. Thereafter, Mr. Fuller denied knowing of Ms. Carnevale's whereabouts to the police and his friends and joined the search for her. On August 28, 1991, five days after the killing, one of Mr. Fuller's friends led the police to Ms. Carnevale's body, and Mr. Fuller was arrested.

On October 23, 1992, Mr. Fuller was convicted of first-degree murder in the death of Ms. Carnevale and sentenced to life in prison without the possibility of parole. During the first year of his sentence, Mr. Fuller and his mother devised an elaborate plan for Mr. Fuller escape prison by stabbing himself so that he would be transported to an outside hospital, where he and his mother would overpower and/or kill the guards keeping him in custody. The pair then unwittingly allowed law enforcement to infiltrate the operation by enlisting an undercover ATF agent and an undercover trooper as accomplices.

In furtherance of their plan, Mr. Fuller and his mother attempted to secure a firearm and continued to update the undercover officers on their progress. On August 11, 1993, Mr. Fuller's mother was scheduled to pick up the firearm she and her son had arranged to purchase but she was arrested before the gun was secured.

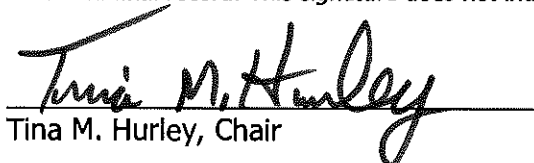
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the

views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

In the context of an incarcerated individual 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 meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile'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." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the incarcerated individual's right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

DECISION OF THE BOARD: This was Mr. Fuller's first hearing before the Board. Mr. Fuller was 16 years old at the time of the offense. He is now 49 years old. Mr. Fuller identified several adverse childhood experiences as contributing factors to the offense. Mr. Fuller was on probation for violent offenses at the time of the murder. Mr. Fuller began receiving mental health services as early as age 6 due to behavioral issues that were related to significant dysfunction in his family. Mr. Fuller was identified in early evaluations as developing issues with attachment, depression, and anxiety, which led to daily substance use by age 14. The Board reviewed the most recent evaluation by Dr. Robert Kinscherff, who outlined Mr. Fuller's history of prior evaluations and treatment. Mr. Fuller disclosed a significant history of trauma and abuse to Dr. Kinscherff that was not known to other evaluators. Mr. Fuller has sought to address his complex mental health issues via programming. The Board notes that he has not had any disciplinary reports since 2006. He was convicted of conspiracy and escape in 1994, when he plotted with his mother to escape from the DOC. He has engaged in minimal programming given his history. The Board questioned his prior affiliations with a white supremacy gang. He denies any recent affiliation and insists such ideology is not who he is today. He reports he is a practicing Buddhist, which he has been studying for approximately 20 years. The Board noted Mr. Fuller has been sober since 1991. Given the extraordinarily violent nature of the offense, the Board recommends he engage in opportunities that will address domestic violence, victim empathy, trauma, and emotional awareness. The Board considered the expert evaluation and testimony of Dr. Kinscherff in rendering its decision. Mr. Fuller's aunt also spoke in support of parole. Three of Ms. Carnevale's family members, as well as an ADA, spoke in opposition to parole.

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.


Tina M. Hurley, Chair


Date