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PAROLE BOARD

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Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

JAMIE RICHARDS

W58925

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 12, 2017

DATE OF DECISION: October 2, 2018

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 July 5, 1995, in Worcester Superior Court, Jamie Richards pleaded guilty to the second degree felony murder of Paxton Police Chief Robert Mortell and was sentenced to life in prison with the possibility of parole. On that same date, he also received multiple concurrent sentences: a 9-10 year sentence for two counts of breaking and entering in the daytime, a 14-15 year sentence for theft of a motor vehicle, 4-5 year sentences for three counts of assault with a dangerous weapon, unlawful possession of a firearm in a motor vehicle, removing/mutilating a firearm serial number, and two counts of larceny over \$250.

In addition, on January 13, 1998, in Worcester Superior Court, Mr. Richards was convicted of three counts of armed robbery-masked and received three life sentences with the possibility of parole. He was also convicted of one count of confining or putting in fear and received a life

sentence with the possibility of parole. He received a 10-12 year sentence after being convicted of receiving a stolen motor vehicle. He was convicted on five counts of assault with a dangerous weapon (handgun) and received 4-5 year sentences on each count. These charges stemmed from the January 6, 1994 armed robbery of the Mechanics' Bank in Auburn, Massachusetts. These sentences were ordered to be served concurrent with any sentence already being served.

On Feb. 1, 1994, at age 23, Jamie Richards was involved in breaking into homes with Michael Souza and Kenneth Padgett. When their stolen minivan got stuck in a snowbank, Mr. Souza carjacked a Department of Public Works truck at gunpoint, and the trio drove off. The Department of Public Works truck also got stuck in a snowbank, and the three men fled into the woods. Paxton Police Chief Robert Mortell drove to the area, saw the three men, and chased them into the woods near Route 31 in Holden. At some point during the chase, Mr. Richards and Mr. Padgett split off from Mr. Souza. Mr. Souza and Chief Mortell exchanged gunfire. Mr. Souza shot at Chief Mortell 11 to 13 times, killing him. Police apprehended Mr. Souza shortly after the shooting and apprehended Mr. Padgett and Mr. Richards the following day.

On January 6, 1994, Jamie Richards and Michael Souza donned ski masks and held up Mechanics' Bank in Auburn at gunpoint. The duo fled the scene in a stolen car. As they fled, the red dye pack in the stolen money exploded. Mr. Richards and Mr. Souza ditched the stolen car and duffle bag full of red stained money in a nearby skating rink parking lot. From there, the two men fled in a second stolen car they parked at the rink. They went to Mr. Souza's house, where they showered and changed clothes. In February 1994, while investigating the murder of Chief Mortell, police learned of Mr. Richards' and Mr. Souza's involvement in the Mechanics' Bank robbery, as well as details of prior offenses, including home invasions and the armed robbery of a jewelry store.

II. PAROLE HEARING ON OCTOBER 12, 2017

Jamie Richards, now 46-years-old, appeared before the Parole Board for an initial hearing on October 12, 2017. He was not represented by counsel. Mr. Richards told the Board that while he had prepared an opening statement, he was too nervous to read it. When Board Members questioned Mr. Richards about his childhood, he said that he began drinking and smoking marijuana with his friends at around age 12 or 13. His use quickly escalated and grew to include cocaine and acid. By age 15, he stopped going home and dropped out of school. Mr. Richards said that as a teen, he was breaking into cars and houses, stealing cars, and committing armed robberies to support himself and his drug habit. From about age 18, he said he always had a gun.

Board Members questioned Mr. Richards as to the events leading up to Police Chief Mortell's murder. According to Mr. Richards, when Chief Mortell began chasing them, Mr. Souza ran in one direction, and he and Mr. Padgett ran in another. Mr. Richards said that he and Mr. Padgett hid in the pool area behind a house. When he heard an exchange of gunfire, he assumed that Mr. Souza had been caught. Mr. Richards said it was not until he was arrested the next day, that he learned that Chief Mortell had been killed. When a Board Member questioned him about his culpability in Chief Mortell's death, Mr. Richards said, "I am culpable under the law for exactly what I pled guilty to – felony murder, joint venture, but I did not shoot [Police Chief Mortell], nor would I have ever chose to do so." When asked what he knew about the victim, Mr. Richards said he knew that Chief Mortell was very popular in the community and that he didn't deserve to die. He understood that Chief Mortell had children, a wife, and parents.

When Board Members questioned Mr. Richards about his involvement in the jewelry and bank robberies, he said that they were both planned ahead of time. Mr. Richards said that he and Mr. Souza had stolen a car and drove to Mechanics' Bank. They donned face masks and held the banks' occupants at gunpoint. Mr. Richards guarded the door, while Mr. Souza emptied the bank draws into a duffle bag. The two men drove to a skating rink, where they left the stolen car and fled in another stolen car they had parked there in advance. Mr. Richards said that he and Mr. Souza robbed a jewelry store in a similar way.

The Board noted that Mr. Richards' institutional history has not been good. Mr. Richards has had 34 disciplinary reports, including reports for possession of weapons, possession of heroin, and fighting. Mr. Richards said most of the reports were from his early years, when he was housed at MCI-Cedar Junction. He said that he did not have any serious reports from 2004 until the fight in 2011. When a Board Member asked Mr. Richards whether he had any contact with his co-conspirators, he said that he had no contact with Kenneth Padgett, but that he was housed with Mr. Souza on the same unit at MCI Cedar Junction and MCI Souza. He has had no contact with him, however, since moving to Old Colony Corrections Center (OCCC). When a Board Member asked if Mr. Richards had any friends or role-models in prison, he said that he has a few friends. He stated that he never had any role-models, except his co-defendant Michael Souza.

The Board questioned Mr. Richards as to his participation in rehabilitative programs. Mr. Richards said that 2004 was a turning point in his life: he got sober, began attending Alcoholics Anonymous and Narcotics Anonymous meetings, and started one on one mental health counseling. He completed Emotional Awareness, Anger Management, Victim Empathy, Alternatives to Violence, and Violence Reduction. Mr. Richards said that he works in utilities and tutors people in computer classes. He would like to take Correctional Recovery Academy (CRA) and more vocational classes, but he cannot transfer out of Old Colony Correction Center (to these programs) because he has an open mental health case. Mr. Richards says he has learned through programming that his life would be better, if he made better choices.

Board Members questioned Mr. Richards as to why he doesn't have a parole plan. Mr. Richards said he was unprepared for the hearing, but since he had already postponed the hearing once, he felt he could not postpone it again. Mr. Richards said that he is not prepared to be released, has no support in the community, and has never had a real job outside prison. He would like a step-down to a lower security facility. Mr. Richards said he has had no contact with his two children, or their mother, in years. He talks with his sister and his mother, but hasn't seen either since 1995.

Chief Mortell's daughter and her cousin spoke in opposition to parole. Chief Mortell's family and friends sent letters of opposition. State Police Col. Richard McKeon, Trooper Phillip Martin, and Assistant District Attorney Michelle King also spoke in opposition to parole. Many law enforcement officers attended the hearing and sent letters to the Board in opposition to parole.

III. DECISION

The Board is of the opinion that Jamie Richards has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Richards has an extremely concerning offense, coupled with a poor presentment. Mr. Richards has yet to be rehabilitated. His release does not meet the legal standard.

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

Mr. Richards' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Richards 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.


Gloriann Moroney, Executive Director/General Counsel

10/2/18
Date