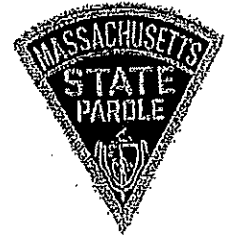




The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JASON SALVATORE

W88464

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: December 3, 2019
DATE OF DECISION: October 28, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of this hearing.¹

I. STATEMENT OF THE CASE

On October 26, 2010, in Essex Superior Court, Jason Salvatore pleaded guilty to the second-degree murder of Donald Edwards and was sentenced to life in prison with the possibility of parole.

On June 26, 2002, Jason Salvatore killed 72-year-old Donald Edwards by repeatedly striking him in the head with a hatchet. The two men had been engaged in an intimate relationship since Mr. Salvatore was approximately 18-years-old. Initially, Mr. Salvatore purchased a hatchet from a hardware store with the intent on harming Al Porter,² a family

¹ Two Board Members voted to deny with a review in three years. One Board Member voted to deny with a review in one year.

² Al Porter was Mr. Salvatore's daughter's custodian at the time of the governing offense. Mr. Porter has applied for two restraining orders on Mr. Salvatore in 1999 and 2000, both on behalf of Mr. Salvatore's daughter.

friend that had custody of Mr. Salvatore's daughter. After purchasing the hatchet, however, Mr. Salvatore decided not to harm him. The next day, Mr. Salvatore went to Mr. Edwards' home in Lynn. Later that evening, Mr. Salvatore beat Mr. Edwards with the hatchet, causing his death by blunt force trauma to the head.

Mr. Salvatore contacted Lynn police several times before confessing to the murder. He told officers that he never had any intent on killing Mr. Edwards; rather, he believed Mr. Edwards to be a child molester and murderer, so he acted out of protection.

II. PAROLE HEARING ON DECEMBER 3, 2019

Jason Salvatore appeared before the Parole Board on December 3, 2019, for an initial hearing. He was represented by Attorney Michael Phelan, who provided an opening statement on his behalf. Attorney Phelan reported to the Board that Mr. Salvatore has been a "model" inmate, has not incurred any significant disciplinary reports, and has participated in various programming efforts. Additionally, Attorney Phelan stated that it was never Mr. Salvatore's intent to kill Mr. Edwards, despite his admission of "striking" him with his roofing hammer.

The Board questioned Mr. Salvatore as to the events leading up to the governing offense. Mr. Salvatore and Mr. Edwards met in Lynn, where they had both resided. Mr. Salvatore was approximately 17-years-old when he met Mr. Edwards, who was approximately 60-years-old. According to Mr. Salvatore, the two men engaged in a consensual relationship when he turned eighteen. Mr. Salvatore told the Board that he was unaware of the age gap until he was arrested for the murder. When asked how often they would see each other, Mr. Salvatore indicated that it was "anywhere from once a week to once a month." The Board noted that, prior to the murder, Mr. Salvatore had not been medicine compliant, which caused him to hear voices and receive "telepathic messages." Mr. Salvatore explained that he heard voices regarding Mr. Porter, and that he bought the hatchet from the hardware store with the intent to harm him. When Board Members questioned him as to why, Mr. Salvatore indicated that Mr. Porter was hurting children, and that he "didn't like what was going on." Mr. Salvatore further stated, "I wasn't going to kill him, I was just going to bust him up." Shortly after having these feelings, Mr. Salvatore decided against assaulting Mr. Porter, believing that "violence is never the answer." Board Members noted, however, that shortly after Mr. Salvatore came to that conclusion, he nonetheless murdered Mr. Edwards.

On the night of the governing offense, Mr. Salvatore claimed that he went to Mr. Edwards house to obtain the receipt for the hatchet. Throughout the course of the hearing, Mr. Salvatore consistently told the Board that he had no intent of either hurting, or killing, Mr. Edwards. When asked if there was an event or incident that led to the murder, Mr. Salvatore denied any such occurrence. When the Board questioned him as to whether he was still hearing voices, Mr. Salvatore explained that they were "coming and going" as the night went on. The voices told him that Mr. Edwards had murdered children, which resulted in him "assaulting" Mr. Edwards. Board Members noted that Mr. Salvatore consistently used the term "assault," when describing the murder of Mr. Edwards. When asked what triggered the attack, Mr. Salvatore described his act as "prophylactic" and "telepathic." He justified his actions by claiming that, if he caused enough of an injury, Mr. Edwards could not harm anymore children. Mr. Salvatore subsequently admitted to the Board that he heard voices regarding both Mr. Edwards and Mr. Porter for approximately one year before the murder. At the time, Mr.

Salvatore contacted police regarding Mr. Edwards, stating that it was "more than the voices" telling him that Mr. Edwards was hurting children. When asked to clarify, Mr. Salvatore stated, "I believe the sins die with the sinner and I'll leave it at that." The Board, however, inquired as to why Mr. Salvatore continued a sexual relationship with Mr. Edwards despite having such suspicion. Mr. Salvatore claimed that he continued the relationship, so that he could "snoop around."

Board Members also questioned Mr. Salvatore as to his substance abuse issues, as well as his mental health. Mr. Salvatore abused hallucinogens and inhalants at age 14 and, at age 16, used heroin and crack-cocaine. Mr. Salvatore's initial diagnosis from his first hospitalization (at age 14) was depression. At age 18, he moved out of his mother's home. He was on the verge of homelessness at the time of the governing offense. When Board Members questioned him as to his current diagnosis, Mr. Salvatore stated that he has schizoaffective disorder, although he was unaware of his mental health problems when he was younger. Mr. Salvatore stated that he has no problem with being medication compliant, but admitted that there were times when he did not take his medication, such as when "[he] was not seeing a psychiatrist" or when "[they] were unavailable." Mr. Salvatore indicated that he hears voices "every day," but described the voices as mostly "noises." Board Members also questioned Mr. Salvatore as to a series of restraining orders taken out against him, prior to the governing offense. Mr. Salvatore minimized the significance of the restraining orders and did not take any responsibility. Further, he claimed that the restraining orders had no basis and indicated that applying for a restraining order was the "in thing to do" at the time.

The Board noted Mr. Salvatore's institutional adjustment, which included an incident involving threats to a female correctional officer. When asked to explain, Mr. Salvatore claimed that the officer lied, and that he was "set up." Additionally, Mr. Salvatore has incurred three disciplinary infractions since being incarcerated. His last report was in 2016. Mr. Salvatore has been employed as a runner in the housing corridor for approximately four years. Previously, he had been employed as a kitchen worker. Mr. Salvatore earned his GED during his incarceration and currently participates in cognitive behavioral therapy and different religious programs. He is currently on medication and speaks to a clinician once a month. As he has not received a psychological evaluation in many years, Board Members encouraged Mr. Salvatore to receive an updated evaluation to gain further insight. When the Board raised concerns over his inconsistency with AA/NA, Mr. Salvatore explained that he would attend sporadically, but ultimately, the meetings conflicted with his work schedule.

The Board considered oral testimony and letter in opposition to parole from Essex County Assistant District Attorney Elin H. Graydon.

III. DECISION

Mr. Salvatore has served approximately 18 years for the brutal murder of 72-year-old Donald Edwards. Mr. Salvatore has a long well documented history of mental illness and substance abuse. His history includes medication non-compliance and a pattern of manipulative and malingering behavior. It is the opinion of the Board that he lacked candor during his recent hearing. In addition, he has yet to figure out his priorities, as he has chosen institutional employment over participation in meaningful rehabilitative treatment and programming. He is encouraged to obtain a forensic evaluation prior to his next hearing. This will afford him a

better understanding of his current mental health issues, and he will be better prepared to address his causative factors and identify his risks and needs. He needs to fully understand the importance of treatment. Release is incompatible with the welfare of society.

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. Salvatore'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. Salvatore's risk of recidivism. After applying this standard to the circumstances of Mr. Salvatore's case, the Board is of the opinion that Jason Salvatore does not merit parole at this time.

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

10/28/2020
Date