



**Charles D. Baker**  
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Lieutenant Governor

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Secretary

# *The Commonwealth of Massachusetts*

## *Executive Office of Public Safety*

### **PAROLE BOARD**

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**Charlene Bonner**  
Chairperson

**Janis DiLoreto Smith**  
Executive Director

### **DECISION**

#### **IN THE MATTER OF**

**RALPH HAMM**

**W32301**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 9, 2014

**DATE OF DECISION:** February 26, 2015

**PARTICIPATING BOARD MEMBERS:** 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, 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 in five years.

### **I. STATEMENT OF THE CASE**

On June 27, 1969, after a bench trial, Ralph Hamm was found guilty of two counts of armed robbery, two counts of mayhem, and one count each of assault with intent to rape and assault with intent to kill. He received two concurrent life sentences and several sentences ordered to run from and after the life sentences that were later reduced by the Appellate Division of the Superior Court.<sup>1</sup>

<sup>1</sup> "As reduced, the sentences are as follows: Terms of life imprisonment, to be served concurrently, were imposed for the armed robbery of [Victim B] and assault with intent to rape her. Upon completion of service of those sentences, the following sentences will come into effect, consecutively: fifteen to twenty years for the armed robbery of [Victim A]; two and one-half to five years for the mayhem on him; two and one-half to five years for the mayhem on [Victim B]; and six to ten years for the assault with intent to kill her, for a total term of imprisonment of life, to be followed by a term of twenty-six to forty years." *Commonwealth v. Ralph C. Hamm*, 19 Mass. App. Ct. 72, 81 n. 1 (1984).

The facts are culled from the Massachusetts Appeals Court decision denying his motion for a new trial. *Commonwealth v. Ralph C. Hamm*, 19 Mass.App.Ct. 72 (1984). On November 23, 1968, Victim A, a male, and Victim B, a female,<sup>2</sup> were parked in a wooded area of Lawrence. It was in this area, at approximately 1:00 am, when the couple was attacked inside their vehicle by Ralph Hamm, then 17 years old, Robert Preston, and Emanuel Smith. After rocking the car, the men opened the driver's door and dragged Victim A from the vehicle, punching and beating him about the face until he lost consciousness. Victim B was also dragged out of the vehicle. She was beaten and stripped of her clothing. After the beating, an eleven inch branch was forced into her vagina to the point of perforating her abdominal cavity. Victim A, who had been unconscious, awoke to see the three men leaving the scene after setting the couple's car on fire. Evidence presented at the trial revealed that it was Ralph Hamm who thrust the tree branch into the Victim B's vagina.

## **II. INSTITUTIONAL/CRIMINAL HISTORY**

Ralph Hamm's criminal history began with the heinous crimes he committed the night of November 23, 1968. Subsequently, in 1971, he was convicted of assault on a correctional officer and sentenced to one year to one year and a day to be served from and after his current life sentence. He also received a three to five year concurrent sentence for assault and battery with a dangerous weapon, which is a crime he committed while incarcerated.

Ralph Hamm had a poor adjustment to incarceration in his early years, as he engaged in violent and assaultive behavior. He would fight and threaten inmates and correctional staff. Throughout the 1970's and into the 1980's, Hamm continued to experience difficulty adjusting to prison life. His behavior included fighting, being disruptive, using obscene language, threatening staff members, disobeying orders, and being insolent. Hamm's behavior improved throughout the 1980's and 1990's and he has only incurred five discipline reports since 1990. His last violation was in 2007, which was for being out of place and being disruptive.

Hamm earned his high school equivalency diploma in Walpole in 1973, continued to pursue his education, and graduated from Bunker Hill Community College with an Associate's Degree in Liberal Arts in 1986. In 1999, he became a Certified Legal Assistant through the Blackstone School of Law. Between 2002 and 2004, he earned three diplomas from The College of Divine Metaphysics. In 2012, Hamm graduated Magna Cum Laude in Liberal Studies from Boston University's Metropolitan College. In June 2014, he earned a diploma from the Prisoner Assistance Scholastic Service (PASS) in Personal Psychological Development. During Hamm's incarceration, he became a prolific writer and had some of his works published. If paroled, Hamm hopes to continue his education in a graduate program. Since his last parole hearing, he has completed numerous programs relevant to his rehabilitation. He is currently unemployed at MCI-Norfolk. He stated that he is employed at The Little Red Cell Publishing Company as a writer and editor.

## **III. PAROLE HEARING ON SEPTEMBER 9, 2014**

This is Hamm's fourth time before the Parole Board. His most recent hearing was in 2009, when he received a denial with the maximum five year review. The Parole Board asked

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<sup>2</sup> The Board will use pseudonyms to identify the victims. See G.L. c. 265 § 24C, the "Rape Shield law."



Hamm about his last hearing and his understanding of why he was denied. Hamm stated that he was "emotionally shaken because of the last hearing." He stated that since the hearing, he came to the realization that he may die in prison. He also stated that he did not want any of his supporters to attend this hearing, as he felt that he was "creating new victims." Hamm insisted that he was not treated well by the Parole Board and did not agree with its decision. Hamm stated that he has been incarcerated for 45 years and is not a danger to society, but rather a success story for the Department of Correction.

The Parole Board questioned Hamm regarding previous recommendations that he engage in the Sex Offender Treatment Program (SOTP). Given the vicious sexual assault that he has been convicted of, the Parole Board conveyed that there is a significant concern that he has not addressed this portion of the crime. In fact, Hamm has distanced himself from the sexual victimization of the crime. Hamm maintained that he did not sexually assault the victim with a stick or in any other way. He acknowledged, however, that he has been convicted of participating in the sexual offense. Hamm then explained that although he engaged in SOTP, he did not benefit, nor did he need, such treatment due to the mandates of the program and the risk assessments that are used. Hamm also stated that he was considered to be "a fighter" because he questioned many aspects of the program. Thus, he was in jeopardy of being terminated. Hamm provided several examples as to why the program was not valid and stated that he terminated it on his own. In addition, Hamm cited details in prior police reports that supported his version of the offense. One Board Member asked Hamm why he admitted to details that constituted a sexual offense when he was engaged in SOTP. Hamm stated, "The reason why I said that to her (staff) was because, at the time, I was under the impression I had to admit that to get through the program." When asked if any part of the program was helpful, he stated, "I've assisted them (the staff) more than they assisted me." When asked if he would be willing to engage in SOTP again, now that the program has been revised, he stated that he has heard the SOTP program has changed, but acknowledged that he had other priorities, specifically in pursuing his education, as opposed to re-engaging in SOTP. However, throughout the hearing, Hamm maintained that he did not commit a sexual offense.

The Parole Board questioned Hamm on his version of the offense. According to a cooperating witness regarding the crimes for which he was convicted of, Hamm continues to present a conflicting version. One Member of the Parole Board reminded Hamm that throughout the years, no one has believed his version. This places Hamm in a difficult position since it calls into question his level of rehabilitation. Hamm acknowledged the conflict and stated that he understands his conviction. He also understands that he would have to comply with the recommendations of the Parole Board in order to be seriously considered for parole. The Parole Board questioned Hamm on some controversial statements that he wrote in one of his books. He was asked if those writings would be viewed by the public as someone who is ready to cooperate and transition back to society. He explained that the passages that were called into question were related to "what happened in the '70's. I was trying to be honest about how I felt in the '70's." He was asked if he had a different perspective now versus some of his published opinions in 2008. Hamm stated, "All of it. I have new books that will show that. The changes described are a result of maturity, change in circumstances, meditation, and education." Hamm stated that his writings are a great source of his rehabilitation.

Hamm stated that he has progressed in his rehabilitation and has moved beyond his prior behavior and reputation as being "a fighter." He said that he has committed himself to his



writing and works with a publisher for a stipend of \$100 per month. Hamm's writings include issues of social justice and political essays. He stated that he is currently writing a collection of short stories and that he is working on his memoir. Hamm also stated that he has completed numerous programs related to all aspects of his rehabilitation and that he is not 17 years-old anymore. He stated that, "I've done enough time, even if I did every crime they said." He said that he has addressed all of those issues and that he came into the prison system during a violent period in the state prison system. He emphasized that he has progressed from an angry young boy to a 63 year-old man who is not a threat to society. Hamm stated that he maintains a close support system and outlined a parole plan that includes living with his long-time companion, continuing his writing career, engaging in mental health counseling, and obtaining computer training. Hamm stated that he has identified two job opportunities. He also reminded the Parole Board that he had approximately 20 supporters attend his last hearing, but asked them not to attend this hearing.

Speaking in opposition to Hamm's parole was Essex County Assistant District Attorney Catherine Semel. ADA Semel also provided a detailed written statement of opposition from the District Attorney's Office. In her testimony before the Parole Board, ADA Semel emphasized that Hamm has never accepted responsibility for the offenses that he committed. She stated that the victim of the sexual assault testified at his trial and identified Hamm as her assailant. ADA Semel also pointed to additional evidence that disputed Hamm's claims. ADA Semel concluded that Hamm has not committed to any meaningful rehabilitation and that he continued with litigation to alleviate his responsibility. On behalf of the District Attorney's Office, ADA Semel requested that the Parole Board deny Hamm's parole.

#### **IV. DECISION**

Ralph Hamm was convicted of several crimes, including armed robbery and assault with intent to rape. He received two concurrent life sentences that were aggregated with his several consecutive sentences to create an initial parole eligibility date of April 15, 1998.<sup>3</sup> These crimes relate to a vicious and sexually sadistic attack perpetrated by Hamm and two cohorts on a young woman and young man who, unfortunately, just happened to cross their paths that evening. Evidence presented at trial revealed that it was Hamm who thrust an eleven inch branch into the victim's vagina, perforating the female victim's abdominal cavity.

Despite serving 45 years in prison, Hamm has not completed SOTP and maintains that he did not commit any sexual offense. The Parole Board notes that Hamm has engaged in rehabilitative programs and his conduct has significantly improved throughout his incarceration. The Parole Board also commends Hamm for committing himself to higher education; however, Hamm has chosen to prioritize certain areas of rehabilitation that he deems of higher importance than others. The Parole Board verbalized concerns that Hamm has not come to terms with the offenses he committed, thus demonstrating a resistance to meaningful rehabilitation.

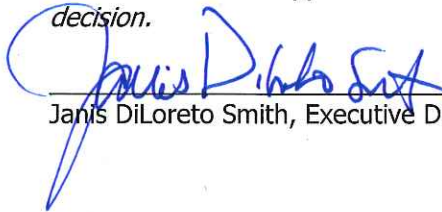
The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the

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<sup>3</sup> As Mr. Hamm's non-life sentences were for crimes committed *before* January 1, 1988, and were ordered to run consecutive to his life sentences, they were aggregated to create a single parole eligibility date.

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 Hamm does not merit parole at this time because he is not rehabilitated. The review will be in five years, during which time Hamm should commit to a more comprehensive rehabilitation that addresses specific areas of need, including his lack of candor.

*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.*

  
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Janis DiLoreto Smith, Executive Director

2/26/15  
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Date