

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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**Charlene Bonner**  
*Chairperson*

**DECISION**

**IN THE MATTER OF**

**STEPHEN GRUNING**

**W60275**

**TYPE OF HEARING:** **Review Hearing**

**DATE OF HEARING:** **February 12, 2015**

**DATE OF DECISION:** **April 27, 2015**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Lee Gartenberg, Ina Howard-Hogan, 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 from the date of the hearing.

**I. STATEMENT OF THE CASE**

On March 14, 1996, after a jury trial in Essex County Superior Court, Stephen Gruning was convicted of second degree murder and sentenced to life in prison. He was also convicted of home invasion and received a 20 to 30 year sentence concurrent with a 4 to 5 year sentence for firearm possession. He also received a 15 to 20 year sentence for manslaughter, which was ordered to run from and after the life sentence, a 5 to 10 year sentence for armed assault with intent to kill, and a 5 to 7 year sentence for assault and battery with a dangerous weapon ordered to run concurrent with one another and from and after the 15 to 20 year manslaughter sentence. On March 18, 1996, the 20 to 30 year sentence for home invasion was revoked in

Essex Superior Court. A sentence on that felony would have been duplicative. Therefore, the home invasion conviction was placed on file.<sup>1</sup>

Rhonda Stuart and Stephen Gruning began a dating relationship in August 1993. Domestic violence permeated their relationship, with several instances of physical and emotional abuse by Gruning toward Ms. Stuart. At one point in late 1994, Gruning stated to a friend of Ms. Stuart's that he had gone to Ms. Stuart's house armed with a knife intending to kill her, but he could not follow through with his plan. The relationship ended soon thereafter, but there was ongoing contact between Gruning and Ms. Stuart.

On February 12, 1995, after being out with a friend, Ms. Stuart paged Gruning on his beeper at 1:49 a.m. to tell him that she was going home. She testified that she did this because she thought that if she did not, Gruning would telephone her all night long. Ms. Stuart then paged Nelson DeOliveira, a man whom she had been dating for approximately one month. After meeting Mr. DeOliveira the two drove to Ms. Stuart's apartment in Lynn, which she shared with her brother, Richard Stuart. Upon arriving at approximately 3:30 a.m., the pair were met by Gruning, who had been waiting outside the apartment. Gruning began arguing with Ms. Stuart, and she gave her keys to Mr. DeOliveira and asked him to go inside her apartment and call the police. Gruning continued to argue with Ms. Stuart, pushing and striking her.

The police arrived and separated Ms. Stuart and Gruning. Ms. Stuart went inside with Mr. DeOliveira and her brother, and Gruning then left in a taxi to go home. During the ride to Somerville, Gruning told the taxi driver that his girlfriend had cheated on him. He stated that his blood pressure was boiling and that he would "like to pop him, and if she is there, then she will be going down with him." Giving the taxi driver a large tip, Gruning said that he would not be around to spend any more money.

At approximately 6:30 a.m., Ms. Stuart's neighbors called the police after hearing gunshots. When the police arrived, they noticed that the apartment door had been broken open and there was a strong odor of gun powder. Mr. Stuart's body was lying between the bedroom and the hallway. He had died from a gunshot wound to the chest. The police proceeded down a hallway leading to a rear bedroom. A sledgehammer was lying on the hallway floor and the bedroom door had been broken. The police discovered Mr. DeOliveira's body lying on the floor in the doorway of the bedroom. He had been fatally shot in the chest and head. Ms. Stuart was found lying in her bed. Like the other two victims, she had been shot in the chest. Unlike the others, she survived with significant injuries. She was taken to a hospital and had one of her lungs surgically removed.

There was no dispute at trial that Gruning was the person who shot Ms. Stuart, Mr. Stuart and Mr. DeOliveira. Evidence at trial showed that approximately one hour after the shootings, Gruning went to the home of an ex-girlfriend and told her that he took his .38 caliber pistol and his uncle's shotgun, drove to Ms. Stuart's apartment and broke down the door with a

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<sup>1</sup>At Gruning's hearing, he is being considered for parole to his 15 to 20 year from and after sentence due to 120 CMR 200.08. If granted parole at this time, Gruning would have to parole to the 5 to 10 year sentence after completing the minimum term on the manslaughter offense and then would be eligible for parole to the community after completing the minimum term on the 5 to 10 year sentence.



sledgehammer. He then shot Mr. Stuart, fought with Mr. DeOliveira before shooting him, and then shot Ms. Stuart.

## **II. PAROLE HEARING ON FEBRUARY 12, 2015**

Stephen Gruning is 48 years-old and has been incarcerated for 20 years. This was Gruning's second appearance before the Massachusetts Parole Board. Gruning was represented at the hearing by Maggy Hansen, student attorney from Northeastern University School of Law Prisoner's Assistance Project.

Gruning, in conjunction with his attorney, opened the hearing by offering an apology to his victims, his family, the community, and all of the people affected by his actions. He also provided a basis for his request for parole. He said there is no excuse for his actions and he takes full responsibility for the murders of Richard Stuart and Nelson DeOliveira, as well as the attempted murder of Rhonda Stuart. Gruning said that he is now a changed person, as he has taken the necessary steps to come a better person. He said that he has channeled the guilt and shame he feels for these crimes into the pursuit of rehabilitation and wants to be a positive presence in the lives of others. Gruning said that he tried to "force a relationship" with Ms. Stuart and blamed her for his pain, insecurities, and anger. Gruning stated that he lives with the painful memories and regret every day. He emphasized that the only way he can atone for his actions is to become a better person.

A Board Member asked Gruning to discuss his accomplishments since his 2010 hearing. Gruning said that he has completed all phases of Alternatives to Violence and assumed the role of facilitator. He told the Board that the experience has helped him to understand who he was 20 to 30 years ago. He said that he had a lot of insecurities, which included the anger and loneliness that he had been holding inside for years. Gruning said that he attended AA and NA, but "didn't make a connection" because he "didn't really drink" and "never did drugs." However, through these meetings, he discovered that "his addiction is anger." Gruning found that Jericho's Circle "really fit his need" and immediately connected with the program in his capacity as a circle guide. He further stated that it's the safest environment he has been in over the last 48 years and it has allowed him to identify many unresolved issues.

Gruning told the Board that one of the main things he needs to work on "first and foremost, is his anger." He explained that it stems from his childhood and his perception that, as the oldest, he had to be the best. As a result, he garnered a persona that "he knew everything, and no one could tell him differently." He said that he had to be in control at all times and if he didn't get what he wanted, his anger took over. Gruning currently works on the Walks and Grounds crew at Norfolk. Prior to that, Gruning was employed as the institution's electrician.

When asked to describe his background and upbringing, Gruning said he grew up in Somerville, the oldest of five children. He was very close to his parents and siblings. He told the Board that his parents gave them everything they wanted. He graduated from Somerville High School in 1984 and played on the hockey and baseball teams. He said that he had a handful of relationships both in high school and after graduation. Gruning described some of the relationships as "good" and some as "bad." Upon graduation, he worked at different places. It was during this time that he began to realize he had control issues and said that if he



didn't like something about a job, he quit. Shortly before the crime, Gruning landed a position at the Massachusetts Maritime Academy, a job that he said he enjoyed immensely.

Gruning said that after a fun-filled start, his relationship with Rhonda Stuart quickly turned tumultuous. He said that he was verbally abusive to her and others. He told the Board how, on one occasion, he pushed Ms. Stuart, causing her to fall down. He believes that he wanted to settle down and be "the man," but since Ms. Stuart was six years younger than him, she was still going out to clubs. He said that he had a difficult time accepting what she wanted in the relationship. Gruning said that he got along with Ms. Stuart's brother, Richard, but didn't know Nelson DeOliveira. After a brief conversation with Ms. Stuart in January 1995, he had an "inkling" that something was going on between her and Mr. DeOliveira. In the hours leading up to the murders and attempted murder, Gruning and his friends attended a lacrosse game at the Boston Garden. Following the game, they met up with other friends at a bar. Gruning said he consumed three to four beers during the evening. At about 1:00 a.m., Gruning received a page from Rhonda Stuart. Although they had their ups and downs, at this time, Gruning believed they were still together. They arranged to meet and when Ms. Stuart did not show up, he went to her house and waited. When she arrived at her apartment, Gruning saw that she was with Nelson DeOliveira. An argument then ensued between Gruning and Ms. Stuart. The police arrived and separated them and called a cab to take Gruning home.

When Gruning arrived home, he called Ms. Stuart. They argued and called each other all kinds of names. He said that he threw his pager against the wall and when he attempted to call her again, the phone had not disconnected from their previous call. He listened for about 20 minutes and heard what he thought was sexual activity between Rhonda Stuart and Nelson DeOliveira. At that moment, Gruning said he "completely lost it." He said that he became "so angry, so irate, and so enraged" that he armed himself with his .38 pistol, his uncle's shotgun, and a sledgehammer. Gruning said that he had purchased the pistol years before for work-related purposes and explained that he also belonged to a gun club. He then jumped into the car and drove to Lynn.

When a Board Member asked him the distance from his house to the victim's home, he replied "about 26 to 28 miles." When asked why he continued, when he had substantial time to reconsider his actions, Gruning said "I didn't think one single solitary thing." When he arrived at Ms. Stuart's house, Gruning said that he believed he knew who was inside the house. After he broke down the front door, he shot Richard Stuart first as he approached him. He then walked down the hall and broke in the door to Ms. Stuart's bedroom with the sledgehammer. Nelson DeOliveira jumped onto his back. Gruning said that he pointed his gun behind Mr. DeOliveira and shot him twice. After he fell to the ground, he shot him again in the head. He then grabbed Ms. Stuart and pulled her out of the bed. As she broke loose, he shot her twice.

Following the event, Gruning said he left and drove to a friend's home in Everett. He said he was very scared and "didn't understand" what had happened. According to Gruning, "it was very surreal. There were no smells, no sounds, nothing." He said that it was as though he was "in a tunnel" and "nothing else was around." Gruning said "I had never been that angry in all of my life." When asked about a prior domestic incident with Ms. Stuart, Gruning said that he got into an argument with Ms. Stuart. He said that he was "very loud" and that he gathered everything he had bought for her and left. She called the police and he was charged with domestic violence. When asked about appealing the murder case, Gruning said that he



appealed the charges in the past on the basis of "small matters of law," but has never denied his guilt.

Gruning has had two returns to higher security and a total of 17 disciplinary reports during his incarceration. His disciplinary reports involve impulsive anger and insolence towards staff. His most recent disciplinary report was on August 24, 2009 for the use of obscene language. Gruning described the incident as a "big mouth" ticket. He admitted that he has let "his mouth" get him into trouble in the past. Gruning, in conjunction with his student attorney, provided a parole plan that would allow him to parole to his next from and after sentence (15 to 20 years for manslaughter), so that he can proceed with the next steps in his rehabilitation and eventually work his way down to lower security. When he becomes eligible on the manslaughter charge, which is no earlier than 15 years, he will ask for parole to his third from and after sentence.

Gruning's sister spoke in support of his parole. The mother and brother of Rhonda and Richard Stuart testified in staunch opposition, as did Nelson DeOliveira's brother-in-law. Essex County Assistant District Attorney Elin Graydon also spoke in opposition to parole.

### **III. DECISION**

Gruning has been incarcerated for 20 years. While his disciplinary infractions have decreased in frequency and severity and he has completed some therapeutic programs, Gruning acknowledged that he only began to focus on his rehabilitation and the reasons for his explosive anger within the last seven years. Gruning explained that his biggest regret over the past 20 years is that he didn't get involved in programs when he was first incarcerated.

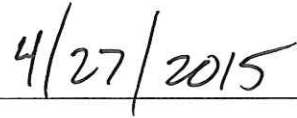
Before the fateful incident, Gruning had ample opportunity to reflect upon his actions. Instead, in a fit of uncontrollable rage, he murdered two young men and attempted to murder his ex-girlfriend. When asked where his anger stems from, he said "it could be anywhere." Gruning's vagueness and lack of specificity are concerning and do not provide much of a basis for concluding that he fully understands the motivating factors of his behavior. In addition, it appears that little has changed regarding Gruning's reluctance to admit the role of alcohol in his life and in the domestic violence incidents with Ms. Stuart before the murders.

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 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 Stephen Gruning does not merit parole at this time because Gruning is not rehabilitated. The review will be in five years, during which time Gruning should continue his self-assessment that addresses his underlying and unresolved issues of anger, domestic violence, and substance abuse.

*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.*

A handwritten signature in black ink, appearing to read 'Peter M. Mimmo', written over a horizontal line.

Peter M. Mimmo, Staff Attorney

A handwritten date '4/27/2015' in black ink, written over a horizontal line.

Date