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PAROLE BOARD

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Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

STEPHEN GRUNING

W60275

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 11, 2020

DATE OF DECISION: July 22, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in two 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 in the death of Richard Stuart and sentenced to life in prison with the possibility of parole. He was also convicted of home invasion and received a 20 to 30 year sentence,¹ to run concurrent with a 4 to 5 year sentence for firearm possession. He also received a 15 to 20 year sentence for manslaughter in the death of Nelson DeOliveira, which was ordered to run from and after the life sentence. Finally, for the shooting of Rhonda Stuart, Mr. Gruning received 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, which was ordered to run

¹ On March 18, 1996, the 20 to 30 year sentence for home invasion was revoked in Essex Superior Court, and the conviction was placed on file.

concurrent with one another and from and after the 15 to 20 year manslaughter sentence.² Mr. Gruning unsuccessfully appealed his convictions.³

On February 12, 1995, after being out with a friend, Rhonda Stuart paged 28-year-old Stephen Gruning (her ex-boyfriend) 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, Mr. Gruning would telephone her all night long. Ms. Stuart then paged her new boyfriend, Nelson DeOliveira. Ms. Stuart and Mr. DeOliveira met and drove to her Lynn apartment, which she shared with her brother, Richard Stuart. Ms. Stuart and Mr. DeOliveira arrived at the apartment, at approximately 3:30 a.m., and were confronted by Mr. Gruning, who was waiting outside. Mr. Gruning engaged in an argument with Ms. Stuart, at which time she instructed Mr. DeOliveira to go inside and call the police. Mr. DeOliveira complied, while Mr. Gruning continued to argue with Ms. Stuart. He then pushed and struck her. The police arrived and separated them. Ms. Stuart went inside with Mr. DeOliveira and Mr. Stuart, while Mr. Gruning left in a taxi to go home to Somerville. During the taxi ride, Mr. Gruning told the driver that his girlfriend had cheated on him. He stated 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, Mr. 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 police arrived, they noticed that the apartment door had been broken open and there was a strong odor of gun powder. Mr. Stuart was lying between the bedroom and the hallway, dead from a gunshot wound to the chest. Mr. DeOliveira had been fatally shot in the chest and head. Ms. Stuart was found lying in her bed, shot in the chest. Unlike the others, however, Ms. Stuart survived, but with significant injuries. She was taken to a hospital, where she had one of her lungs surgically removed.

II. PAROLE HEARING ON FEBRUARY 11, 2020

Stephen Gruning, now 53-years-old, appeared before the Parole Board on February 11, 2020, for a review hearing. He was represented by student attorneys from Northeastern University School of Law. Mr. Gruning was denied parole after both his initial hearing in 2010, and after his review hearing in 2015. In his opening statement to the Board, Mr. Gruning said that he was "deeply sorry for the harm and pain [he] selfishly caused" and for "inflicting lifelong fear and pain" on Ms. Stuart. He acknowledged that he was a "domestic abuser" at the time of the offense and, although he was 28-years-old, did not think or act his age. Instead, he was "immature" and selfish and did not believe that other people mattered. Mr. Gruning further explained that he had no understanding of his anger issues and, therefore, was incapable of controlling his temper.

The Board discussed, at length, their concern that Mr. Gruning's relationship with Ms. Stuart had many indications of domestic abuse. Mr. Gruning agreed that he and Ms. Stuart would argue about "anything and everything." He explained that he broke up with her numerous times during their relationship, in part due to "poor communication." The Board questioned Mr. Gruning

² At this hearing, Mr. Gruning is being considered for parole to his 15 to 20 year from and after sentence. If granted parole, Mr. Gruning would parole to the 5 to 10 year sentence, after completing the minimum term on the manslaughter offense. He would then be eligible for parole to the community, after completing the minimum term on the 5 to 10 year sentence.

³ *Commonwealth v. Gruning*, 46 Mass. App. Ct. 842, 710 N.E.2d 621 (1999).

as to the status of his relationship with Ms. Stuart, leading up to the governing offense. Mr. Gruning admitted that, in late 1994, he appeared at Ms. Stuart's home with a knife because he wanted to "intimidate" another man she may have been seeing. Then, approximately one month before the crime, Mr. Gruning admitted to showing up at Ms. Stuart's home because she had not answered the telephone. He then waited for her for nearly an hour until she arrived home in a car with other people. Mr. Gruning stated that Ms. Stuart was seated on another person's lap and, upon seeing him, drove off. He continued to wait until she returned, at which time they engaged in a verbal argument. He denied that this argument became physical. When Board Members asked why he believed that they were still a couple, despite constant fighting and breakups, Mr. Gruning replied that he "assumed" they were together because they still talked and saw one other.

On the night of the attacks, Mr. Gruning explained that he was infuriated at the idea that Ms. Stuart was not responding to him because she may have been with another man. He decided to wait outside her home until she returned. Upon seeing Ms. Stuart with Mr. DeOliveira, he felt "very jealous, disrespected, and like a loser." He told the Board that he was "angry enough to do harm," even before police sent him home in a taxi. At home, hearing Mr. DeOliveira and Ms. Stuart on the phone put him over the edge. He told the Board that he does not remember gathering the guns and traveling back to Ms. Stuart's apartment, likely in a "blackout rage." He acknowledged that his anger had been building throughout the night, and that he was "seething" by the time he armed himself. Mr. Gruning stated that he had some memory of smashing down the doors in the apartment. He "gave no thought" to shooting Mr. Stuart, despite the two men having had a good relationship. When asked why he shot Mr. DeOliveira in the head, after already shooting him twice, Mr. Gruning stated that it was a "hard question to answer." He told the Board that he did not have a plan to harm Ms. Stuart, but that he shot her twice when she broke free from his grasp.

Mr. Gruning explained that his programming efforts, like Restorative Justice and Jericho Circle, have allowed him to empathize with what he put his victims through that night. He recognized that, having survived, Ms. Stuart likely felt "scared to death" for the rest of her life. At the time of the offense, he had no respect for himself or anyone else. He agreed with the Board that he did not have a full understanding of his anger issues at his last parole hearing. The Correctional Recovery Academy taught him that all lives "matter" in a conflict. Since then, Mr. Gruning said that he has worked to understand what triggers his anger and how to deal with it in a positive way. The Board noted that Mr. Gruning is a facilitator in Jericho Circle and has completed numerous rehabilitative programs.

Board Members told Mr. Gruning, however, that they were concerned about his lack of rehabilitative programming that specifically addressed domestic violence. Although the Board recognizes that a traditional domestic violence program is not available at his institution, they asked Mr. Gruning why he had not enrolled in a correspondence course or asked his (supportive) family to send him books or materials, so that he could educate himself on domestic violence. Mr. Gruning said that he is still "trying to piece together what domestic violence is fully" and agreed with the Board that he would benefit from this type of education.

Mr. Gruning's sister testified in support of parole. Mr. and Ms. Stuart's stepfather testified in opposition to parole and read a letter in opposition to parole that Ms. Stuart wrote before she passed away. A member of the Victim Services Unit read a letter in opposition to parole, authored

by Mr. and Ms. Stuart's mother. Essex County Assistant District Attorney Elin Graydon testified and submitted a letter in opposition to parole. Lynn Police Chief Michael Mageary submitted a letter in opposition to parole.

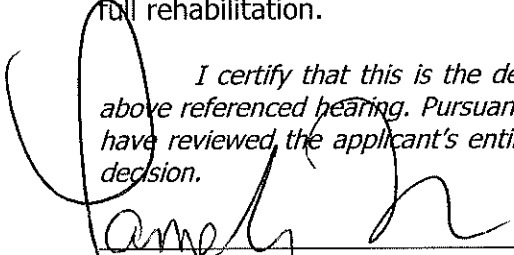
III. DECISION

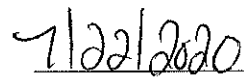
Mr. Gruning is currently incarcerated for shooting his former girlfriend, Rhonda Stuart, and murdering her brother Richard and her boyfriend Nelson DeOliveira. Ms. Stuart passed away in 2018, due to complications from her injuries. He has served approximately 25 years. Although he has completed numerous programs, Mr. Gruning lacks insight as to the pattern of domestic violence he inflicted upon the victim over the course of their relationship and leading up to the shooting. He has done little over the years to address his propensity for domestic violence. Mr. Gruning, as articulated during the hearing, is encouraged to pursue opportunities to educate himself in the area of domestic violence. Mr. Gruning has yet to demonstrate a level of rehabilitation that meets the legal standard for parole to his from and after sentence at this time.

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

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


Date