

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

STEPHEN HEMPHILL
W41925

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **November 30, 2023**

DATE OF DECISION: **February 29, 2024**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted two weeks after the date of decision to Mission Care or another therapeutic residential program that can address his complex neuro-psychiatric needs.

PROCEDURAL HISTORY: On November 22, 1985, in Suffolk Superior Court, Stephen Hemphill pleaded guilty to murder in the second degree and was sentenced to life in prison with the possibility of parole. After his initial hearing in 2000, Mr. Hemphill was denied parole. At his 2004 review hearing, he was granted parole. However, he was returned to custody on August 30, 2007, when he was arraigned on a charge of domestic assault and battery in Somerville District Court. The charge was disposed of by nolle prosequi on October 5, 2007, after which Mr. Hemphill was again paroled. On January 25, 2008, following an arrest for assault and battery with intent to murder, Mr. Hemphill violated parole and was again returned to custody. He was denied parole in 2013 and postponed his 2018 hearing. At his 2023 hearing, Mr. Hemphill was represented by Attorney Richard Goldman. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Hemphill's November 30, 2023 hearing.

STATEMENT OF THE CASE: On February 11, 1985, 25-year-old Stephen Hemphill repeatedly stabbed his friend Peter Basso, age 27, during an argument in Mr. Basso's Boston apartment. Both men had been drinking together for several hours prior to the incident. Two days later, on February 13, Mr. Basso's father went to the apartment and found his son's body. He observed a large amount of dried blood on the back of Mr. Basso's head and multiple puncture wounds. A three and a half-inch knife blade was at the scene. An autopsy report confirmed that Peter Basso

suffered from over 50 incising and penetrating stab wounds to his head, face, neck chest, and abdomen.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize their risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

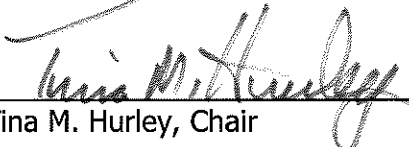
DECISION OF THE BOARD: Mr. Hemphill has had significant health declines since his last appearance before the Board. He has not received any d[isciplinary] reports since his return to custody in 2008. He has acknowledged his issues with alcohol use and states he has maintained his sobriety for 15 years. Mr. Hemphill attends AA/NA meetings and participated in substance use programming. He attends a monthly mental health group. The Board reviewed Mr. Hemphill's re-entry plan and notes that he has been deemed eligible for DMH (Department of Mental Health) services. The Board acknowledges Dr. Katherine Herzog's report and testimony, and her recommendations for a therapeutic residential program, so Mr. Hemphill can address his neuro-psychiatric needs in the community.

The Board notes that ADA Montez Haywood appeared before the Board on behalf of the Suffolk County District Attorney's Office.

The Board concludes by unanimous decision that Stephen Hemphill has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work - disabled; Must be home between 10 pm and 6 am at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned Massachusetts Parole Office on day of release; No contact with victim(s)' family; No contact with victim(s); Must have mental health evaluation - neuropsychiatric evaluation and follow recommendations; Must have mental health counseling for major depression and cognitive decline; Residential program - Mission Care or residential program that can meet his neuropsychiatric needs; Mandatory - sign releases of information.

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.


Tina M. Hurley, Chair

2/29/24
Date