

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

STEVEN JAMES

W58406

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 23, 2022**

DATE OF DECISION: **December 5, 2022**

PARTICIPATING BOARD MEMBERS¹: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On April 11, 1995, after a jury trial in Plymouth Superior Court, Steven James was convicted of first-degree murder in the beating death of 22-year-old Edward Sullivan and was sentenced to life in prison without the possibility of parole. On the same date, Mr. James was convicted of Assault and Battery by Means of a Dangerous Weapon and received a concurrent sentence of eight to ten years, and three counts of Assault and Battery, for which he received concurrent sentences of two and one-half years. Mr. James was 17 years old at the time of the offense, making him eligible for parole².

Mr. James appeared for a parole review hearing on August 23, 2022. He was represented by Attorney Rosemary Scapicchio. Mr. James was denied parole after his initial hearing in 2019. He postponed his 2014 hearing. The entire video recording of Mr. James' August 23, 2022, hearing is fully incorporated by reference to the Board's decision.

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

¹ Former Chair Gloriann Moroney was no longer a board member at the time of the vote.

² *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013).

expressed at the hearing or in written submissions to the Board, we conclude that the inmate is a suitable candidate for parole³.

Reserve to LTRP after 18 months in lower security. On February 21, 1994, 17-year-old Steven James struck 22-year-old Edward Sullivan in the head three times with a baseball bat, killing him. Mr. James was born to young teenage parents. Mr. James had a difficult childhood during which he was sexually assaulted and exposed to substance abuse. He suffered physical abuse and was eventually placed in foster care. As a child and adolescent, Mr. James was repeatedly violent with others which caused him to be removed from school at various stages. The Board considered the evaluation of Dr. DiCataldo. Since his last hearing his institutional adjustment has improved and has committed to positive programming and rehabilitative involvement in the institution. He presented a thoughtful parole plan and will benefit from the structure of an LTRP. The Board also considered the concerns of Mr. Sullivan's family and will impose the condition of a mandatory mental health evaluation and to follow all recommended treatment.

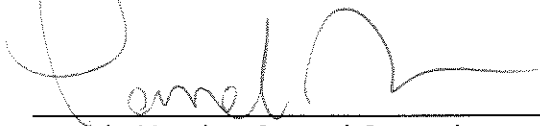
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board in Mr. James' case include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. In forming this opinion, the Board has taken into consideration Mr. James' 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. James' risk of recidivism. Applying this standard to the circumstances of Mr. James' case, the Board is of the opinion that Steven James is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to LTRP – must complete; Waive work for program; Curfew at PO's discretion; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health evaluation and follow recommended treatment; Must have substance abuse evaluation and follow recommended treatment; Counseling for adjustment/transition.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.

³ Four board members voted to grant parole and two board members voted to deny parole with a review in two years.



Pamela Murphy, General Counsel

12/5/22

Date