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Paul M. Treseler
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DECISION

IN THE MATTER OF

STEVEN NICHOLSON

W34618

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 27, 2016

DATE OF DECISION: March 13, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, 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, 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 that the inmate is a suitable candidate for parole.¹ Parole is granted to an approved home plan with special conditions.

I. STATEMENT OF THE CASE

On June 7, 1974, in Suffolk Superior Court, a jury convicted Steven Nicholson and his co-defendants of rape, armed robbery, and armed assault in a dwelling. Mr. Nicholson was subsequently sentenced to life in prison with the possibility of parole for the conviction of rape. Mr. Nicholson also received an 8 to 10 year consecutive sentence for armed robbery and an 8 to 10 year consecutive sentence for armed assault in a dwelling.

On November 23, 1973, Steven Nicholson (then 17-years-old), Gary Mitchell, and Thomas King invaded the home of a 32-year-old woman in Boston. The three men forced their way into the victim's apartment, knocked her to the floor, and covered her with a rug. The men demanded money from the victim, taking \$60 from her purse. The three men then took

¹ Five Board Members voted to reserve Mr. Nicholson to an approved home plan. One Board Member voted to deny parole with a review in three years.

turns raping the victim and also threatened to kill her if she did not cooperate. Eventually, the men tied up the victim and fled with the money and a number of other personal items.

II. PAROLE HEARING ON SEPTEMBER 27, 2016

Mr. Nicholson was released on parole supervision in 1993, but was returned to custody on June 1, 1995, after he was charged with armed robbery. The case was later nolle prossed, and Mr. Nicholson was re-paroled on July 14, 1995. Following an arrest for larceny from a building on January 11, 1996, Mr. Nicholson's parole was revoked.

Mr. Nicholson, now 61-years-old, appeared before the Parole Board for a review hearing on September 27, 2016. Review hearings in 1998, 2001, 2006, and 2011 each resulted in the denial of parole. In his opening statement to the Board, Mr. Nicholson apologized for participating in the crime. He stated that he is now a "better man" and no longer a threat to anyone. When the Board questioned him about the rape (on the night of the underlying crime), Mr. Nicholson said that he had been a "coward." According to Mr. Nicholson, he raped the victim after his co-defendants raped her. He stated, "I was afraid what might happen if I didn't go along with them." When asked when he first admitted to participating in the rape, Mr. Nicholson said that it was after he was re-incarcerated. Mr. Nicholson had maintained his innocence regarding the rape until his second parole violation. He did not want to accept the fact he had been "part of that event" and stated, "I couldn't lie about it anymore." He said that it was a "terrible thing to do" and that it would break his heart if it ever happened to his children or wife.

Board Members questioned Mr. Nicholson about his time on parole. He said that he lived in Cambridge and worked as a barber in Mattapan. Mr. Nicholson maintains that he had nothing to do with the armed robbery during his first parole. He said that he had loaned his car to a relative, not knowing that the relative was going to commit an armed robbery. The police called Mr. Nicholson to let him know where his vehicle was located. When he arrived, the proprietor (of the business that had been robbed) informed police that Mr. Nicholson was not one of the men who had robbed him.

Mr. Nicholson also addressed his history of substance abuse. He started sniffing heroin when he was 11-years-old and, by age 14, was addicted to injecting the drug. Roughly a year and a half into his first parole, Mr. Nicholson began using heroin. Two to three months after being re-paroled, Mr. Nicholson began using heroin again. Regarding the charge of larceny from a building during his second parole, Mr. Nicholson acknowledged that he went into an office building with the intent of finding something to steal in order to support his heroin addiction. He located a purse and stole the wallet from it. Mr. Nicholson said that the last time he used drugs or alcohol was five or six years ago, when he smoked some marijuana.

Since his return to custody, Mr. Nicholson has participated in the Correctional Recovery Academy (CRA) twice. He has also taken Alternatives to Violence Program (AVP) and participated in a computer program. When questioned as to why he has not engaged in sex offender treatment since returning to prison, Mr. Nicholson said that he "procrastinated" and, when it came time for him to do the sex offender treatment program that he had signed up for, he ended up in a different facility (due to health issues) that does not have the program. His health problems over the past few years include internal bleeding, Hepatitis C, glaucoma, and

heart issues, and have impacted his ability to participate in programming. He is unable to frequently attend Alcoholics Anonymous (AA)/Narcotics Anonymous (NA) due to dialysis treatment, but said that he reads the Big Book periodically. Mr. Nicholson is presently focused on addressing his health problems.

The Board considered oral testimony from Mr. Nicholson's mother, wife, sister, and nephew, all of whom spoke in support of parole. Prisoner's Legal Services of Massachusetts submitted a letter on Mr. Nicholson's behalf. The Board received letters from Boston Police Commissioner William B. Evans and Suffolk County Assistant District Attorney Charles J. Bartoloni, both of whom expressed opposition to parole.

III. DECISION

Mr. Nicholson was returned to custody 20 years ago. He has serious medical issues, but also has a strong support network. The Board is of the opinion that Mr. Nicholson has demonstrated rehabilitative progress and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. Re-incarceration has served its purpose. In forming this opinion, the Board has taken into consideration Mr. Nicholson's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Nicholson's risk of recidivism.

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. After applying this standard to the circumstances of Mr. Nicholson's case, the Board is of the opinion that Mr. Nicholson merits parole at this time to an approved home plan with special conditions.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for 2 weeks; Electronic monitoring – GPS at PO's discretion; 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; Must have mental health evaluation; Must have substance abuse evaluation; AA/NA at least 3 times/week.

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.


Gloriann Moroney, General Counsel

3/13/17
Date