



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

**PAROLE BOARD**

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Josh Wall  
*Chairman*

**DECISION**

**IN THE MATTER OF**

**STEVEN NICHOLSON**

**W34618**

**TYPE OF HEARING:** Revocation Review Hearing

**DATE OF HEARING:** September 13, 2011

**DATE OF DECISION:** April 23, 2013<sup>1</sup>

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall.

**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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years. The next hearing will be in September of 2016.

**I. STATEMENT OF THE CASE**

On September 13, 2011, Steven Nicholson appeared before the Parole Board as a parole violator for a revocation review hearing. He was released to parole supervision in 1993, but was returned to custody on June 1, 1995, after he was charged with armed robbery. The case was nolle prossed, and Mr. Nicholson was re-paroled on July 14, 1995. Following an arrest for larceny from a building on January 11, 1996, and the initiation of revocation proceedings, Mr. Nicholson's parole was revoked.

On November 23, 1973, Steven Nicholson and his co-defendants, Thomas King and Gary Mitchell, brutally raped a 32-year-old woman in Boston. On June 7, 1974, after a jury trial, he

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<sup>1</sup> This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

was convicted of rape, armed robbery, and armed assault in a dwelling, and sentenced to serve life in prison.

On the night of the incident, Mr. Nicholson and his co-defendants forced their way into the victim's Beacon Street apartment, knocked her to the ground, and threw a rug over her head. One of the men had a gun, put it to her head, and threatened to blow her head off if she did not keep quiet and keep her eyes closed. One of the men took \$60.00 from her purse.

The men were about to call a cab and leave when Mr. King stated that he was not going to do so until he raped the victim. The three men discussed raping her, and Mr. King pulled off her pants. The three men took turns raping her, and Mr. Nicholson threatened to kill her unless she cooperated. During the brutal assault, Mr. King brandished a knife, threatened to cut off one of her breasts, and threatened to stick the knife inside of her vagina. Eventually, they tied her up with telephone and television cords, taped her mouth shut, and put a pillow case over her head. They fled, taking the \$60.00 and a number of other personal items.

## **II. PAROLE HEARING ON SEPTEMBER 13, 2011**

Steven Nicholson said that "I am sorry for the crime." In describing the crime, he said that: "we got high, we were looking for someone to rob; we all took turns having sex with her." He was questioned about a robbery charge in 1995 while on parole and his 1997 crime on parole which resulted in parole revocation. He said that "I was using drugs again, that's why I was committing new crimes." He said that he was using heroin on parole.

When asked about his failure to participate in sex offender treatment, Mr. Nicholson said that he did not go for several years, but planned to go in 2010 before he got sick. He has 29 disciplinary reports, including two in 2010. In 2009, he fought with another inmate for which he received a disciplinary report. He acknowledged that he has done little programming since his last hearing. He said that at certain points since his return as a parole violator "I gave up."

Mr. Nicholson's wife and daughter testified in support of parole. Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition.

## **III. DECISION**

Steven Nicholson received parole in 1995 but quickly returned to heroin use with violent criminal activity on parole. Since his return, he has "given up" at certain points and has not worked towards rehabilitation. Despite being incarcerated for a sexual assault, he is unmotivated to seek sex offender treatment. Mr. Nicholson's crimes on parole demonstrated that he is not rehabilitated, and since his return he has not actively sought to rehabilitate.

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, the Board finds that Mr. Nicholson is not a suitable candidate for parole at this time. Accordingly, parole is denied.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.*

Josh Wall

Josh Wall, Chairman

April 23, 2013

Date