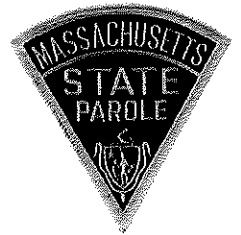


The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**STUART LOATMAN**

**W34654**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** September 25, 2018

**DATE OF DECISION:** May 7, 2019

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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. Parole is granted to a Long Term Residential Program, but not before an additional 12 months in lower security (the Board would prefer time in pre-release) and with special conditions.

**I. STATEMENT OF THE CASE**

On June 26, 1974, in Suffolk Superior Court, Stuart Loatman pleaded guilty to the second degree murder of 67-year-old William Vemis (A.K.A. Basilios Vemis) and was sentenced to life in prison with the possibility of parole. Mr. Loatman also pleaded guilty to each of the non-homicide offenses for which he had been charged and received 12-20 year sentences for four counts of armed robbery, a 12-20 year sentence for unlawful possession of a shotgun, a 9-10 year sentence for assault with intent to murder, and a 9-10 year sentence for assault and battery with a dangerous weapon. All sentences were ordered to run concurrently.

In the early morning of December 22, 1973, 16-year-old Stuart Loatman and an accomplice held up the Roosevelt Café on Washington Street in Boston's South End. Mr. Loatman, carrying a twelve-gauge shotgun, put the shotgun to the head of the owner of the café and announced, "This is a holdup." Mr. Loatman searched the owner and took his .38 caliber revolver. A male patron came out of the men's room and was accosted by Mr. Loatman. An argument ensued, but quickly ended when Mr. Loatman threatened him with the shotgun. Mr. Loatman then ordered the bartender, William Vemis, to stand near the owner. Mr. Loatman searched him, but failed to uncover the gun that Mr. Vemis had in his belt. Mr. Loatman went behind the bar to the cash register and removed \$1,000. He then took approximately \$400 from the owner. Mr. Vemis, who had been a police officer in Greece, pulled his gun and fired one shot at Mr. Loatman, but missed. Mr. Loatman fired his shotgun at Mr. Vemis, hitting him in the face and head. The owner was shot in the throat and suffered a serious, but non-fatal, injury.

After the shooting, Mr. Loatman and the accomplice fled. Mr. Vemis later died from his gunshot injuries. On December 28, 1973, Mr. Loatman was arrested while committing an armed robbery on Newbury Street in Boston. Mr. Loatman had the café owner's revolver when he was arrested.

## **II. PAROLE HEARING ON SEPTEMBER 25, 2018**

On September 25, 2018, Stuart Loatman, now 60-years-old, appeared before the Parole Board for a review hearing. Mr. Loatman was represented by Attorney Robert Hennessy. Mr. Loatman was denied parole at his initial hearing in 1988. After his review hearing in 1989, Mr. Loatman received a positive vote and was released in 1992. In 1993, Mr. Loatman's parole was revoked, however, after he was arrested for various criminal offenses and was found to be associating with a known felon. Mr. Loatman's criminal charges were ultimately dismissed. The Board voted to re-parole him after his 1995 hearing. In 1999, Mr. Loatman was released again. In 2001, Mr. Loatman tested positive for drugs, and he was ordered to go to a 2 month detox center. His parole was subsequently revoked for avoiding mandatory drug screens. In 2002, the Board voted to parole Mr. Loatman for a third time, contingent on successfully stepping down to a lower security facility for two years. In 2006, however, the Board rescinded Mr. Loatman's parole after he was returned to higher custody for accumulating 4 disciplinary reports. Mr. Loatman was denied parole after his 2007, 2010, and 2013 review hearings.

In his opening statement to the Board, Mr. Loatman apologized to the families of his victims, stating that he was remorseful for the "ripple-effect" that his crimes had on the community. He told the Board that he left home and began using heroin around age 13. He was an addict at the time of the crimes. The Board noted that Mr. Loatman had just turned 16-years-old on the day of the murder and was still 16 when incarcerated at MCI-Cedar Junction. The Board considered youthful factors, such as recklessness and impulsiveness, which contributed to Mr. Loatman's criminal activities and early disciplinary reports. Mr. Loatman reported that he had no disciplinary reports since his last hearing. He had only two minor disciplinary reports in the last 10 years, and both were continued without a finding.

The Board questioned Mr. Loatman about his arrest for stealing a car, as well as his association with a known felon, that resulted in his 1993 parole revocation. Mr. Loatman explained that he took a bus out to a job interview and ran into a former inmate, who offered him a ride home. He accepted, but said that he did not know that the car was stolen. He claimed that he was a passenger and had no part in stealing the car or the subsequent police chase. He

confessed that when the stolen car crashed, both he and the driver fled. Mr. Loatman said that he returned to the car and was arrested. He noted that the charges against him were dismissed, but admitted that he should not have been associating with a known felon.

When the Board questioned Mr. Loatman as to what transpired during his 1999 parole supervision that led to his re-incarceration, Mr. Loatman admitted that he started using heroin about 4 months after being released from prison. He told the Board that he was released (from a pre-release facility) onto the street and did not go through a treatment program. Mr. Loatman acknowledged that he did not take his sobriety seriously and was too ashamed to ask for help from his support network, his counselors, or his parole officer. Currently, Mr. Loatman said that he stepped down to a minimum security facility and has a job fueling state vehicles. He stated that he has been clean and sober since 2002, and attends Alcoholics Anonymous and Narcotics Anonymous meetings regularly. He reported that he has completed Correctional Recovery Academy three times, as well as the General Maintenance Program. He has facilitated the Graduate Support Program and is awaiting other programming opportunities.

Mr. Loatman asked the Board to parole him to a pre-release facility, after spending time in a minimum security facility. Then, he would like to be released to a Long-Term Residential Program, such as Dismas House in Worcester. Mr. Loatman said that he plans to continue attending Alcoholics Anonymous and Narcotics Anonymous meetings. In addition, he requests that both one-on-one and group counseling be a part of his parole plan. Mr. Loatman is also interested in enrolling in the Vivitrol program. Mr. Loatman submitted a psychological evaluation, prepared by Dr. Michael Sherry, as part of his parole application.

Mr. Loatman's friend wrote a letter in support of parole. The Suffolk County District Attorney's Office submitted a letter in opposition to parole. Police Commissioner William Gross submitted a letter in opposition to parole, as well.

### **III. DECISION**

The Board is of the opinion that Stuart Loatman has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Loatman is currently in minimum security. Re-incarceration has served its purpose. The Board strongly recommends Vivitrol.

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 of 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 the 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 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 pressure, 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 recognized the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board also considered the psychological evaluation prepared by Dr. Michael Sherry, as well as the Board's own risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Loatman's risk of recidivism. The Board considered Mr. Loatman's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. After applying this appropriately high standard to the circumstances of Mr. Loatman's case, the Board is of the unanimous opinion that Stuart Loatman is rehabilitated and, therefore, merits parole at this time. Parole is granted to a Long Term Residential Program, but not before an additional 12 months in lower security (the Board would prefer time in pre-release) and with special conditions.

**SPECIAL CONDITIONS:** Waive work for long term residential program; Must be at home between 10:00 P.M. and 6:00 A.M.; 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; Must have mental health counseling for adjustment/transition; Long-Term Residential Treatment Program (no less than 90 days); Alcoholics Anonymous/Narcotics Anonymous at least three times/week; Mandatory sponsor; Mandatory adhere to Vivitrol protocol to include licensed Substance Abuse Counselor, if he uses it to maintain sobriety.

*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.*

  
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Shara Benedetti, Acting General Counsel

3/7/19  
Date