



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Terrence M. Reidy
Secretary

Telephone: (508)-650-4500
Facsimile: (508)-650-4599

Tina M. Hurley
Chair

Daniel Nakamoto
Acting Executive Director

RECORD OF DECISION

IN THE MATTER OF

VAN GUSTAVE
W89072

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **July 13, 2023**

DATE OF DECISION: **November 9, 2023**

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

STATEMENT OF THE CASE: On January 18, 2007, in Middlesex Superior Court, Van Gustave pleaded guilty to the second-degree murder of 16-year-old Ryan Sullivan and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Gustave also pleaded guilty to two counts of armed assault with intent to murder, for which he received concurrent sentences of 10-12 years and 7-8 years respectively, one count of assault and battery by means of a dangerous weapon causing serious bodily injury, for which he received a concurrent sentence of 10-12 years, and one count of assault and battery by means of a dangerous weapon, for which he received a concurrent sentence of 7-8 years.

On July 1, 2004, 24-year-old Van Gustave and his 25-year-old co-defendant went with their respective girlfriends to Albion Street in Somerville to watch a fireworks display. Both men were armed with knives when they went out that evening. They had both indicated earlier in the evening that they needed the knives in case they ran into any problems. At approximately 11:00 p.m., an altercation ensued with a group of three young men that included Ryan Sullivan. Mr. Gustave and his co-defendant took out their knives. Mr. Sullivan and his friends were unarmed. Mr. Gustave and his co-defendant began chasing the three young men down the street with their knives, stabbing all three of the young men. Mr. Sullivan suffered multiple stab wounds and later succumbed to his injuries at the hospital. Both Mr. Gustave and his co-defendant were located and arrested by police on July 2, 2004.

PAROLE HEARING:- Mr. Gustave appeared before the Board for a review hearing on July 13, 2023. He was represented by Attorney Kim Jones. Parole was denied after Mr. Gustave's initial hearing in 2019. The entire video recording of Mr. Gustave's July 13, 2023 hearing is fully incorporated by reference into the Board's decision.

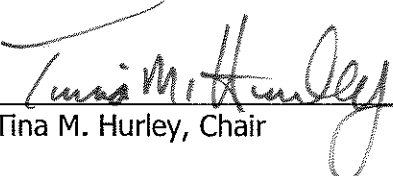
DECISION OF THE BOARD: The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04.

After 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 by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review scheduled in two years from the date of the hearing.

In forming this opinion, the Board has taken into consideration Mr. Gustave's 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. Gustave's risk of recidivism. After applying this standard to the circumstances of Mr. Gustave's case, the Board is of the unanimous opinion that Mr. Gustave is not yet rehabilitated and, therefore, does not merit parole at this time.

The Board is of the opinion that Mr. Gustave has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board notes that subject has continued with programs and has made some progress. However, subject has more work to do in addressing impulsivity and emotional regulation. Subject should remain disciplinary report free. The Board encourages subject to continue with programs and participation in dialectical behavioral therapy and maintain positive therapeutical relationship with staff. The Board considered the testimony of three people speaking in support of parole, as well as a member of the victim's family and Assistant District Attorney Walsh, who spoke in opposition.

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

11/09/2023

Date