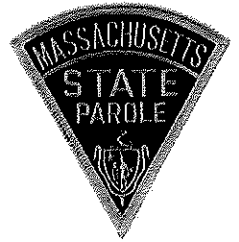


The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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Chair

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Executive Director

**DECISION**

**IN THE MATTER OF**

**VAN GUSTAVE**

**W89072**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** July 16, 2019

**DATE OF DECISION:** May 20, 2020

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

**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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On January 18, 2007, in the Middlesex Superior Court, Van Gustave pleaded guilty to the second-degree murder of 16-year-old Ryan Sullivan and was sentenced to life imprisonment 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 25-year-old co-defendant Joseph Spinucci went with their respective girlfriends, Danielle and Claudine, to Albion Street in Somerville to watch the fireworks that were taking place at nearby Trum Field. Mr. Gustave and Mr. Spinucci

both were armed with knives when they went out that evening. They had both indicated earlier in the evening that they need the knives in case they ran into any problems. At approximately 11:00 p.m. Mr. Gustave and his group ran into 19-year-old William Tighe. Mr. Tighe exchanged words with the girlfriends of Mr. Gustave and Mr. Spinucci, which escalated into an argument. One of the women punched Mr. Tighe in the face. As this was happening, 16-year-old Ryan Sullivan and 17-year-old Jules Stevens, who knew Mr. Tighe, approached where the argument was taking place. A physical confrontation began, and Mr. Gustave and Mr. Spinucci took out their knives. The three victims were unarmed. At one point, Mr. Gustave and Mr. Spinucci chased the victims down the street with knives in hand. All three victims were stabbed. Mr. Sullivan was stabbed multiple times and succumbed to his injuries at the hospital. Both Mr. Gustave and Mr. Spinucci were located and arrested by police on July 2, 2004.

## **II. PAROLE HEARING ON JULY 16, 2019**

Van Gustave, now 40-years-old, appeared before the Parole Board for an initial hearing on July 16, 2019 and was represented by Attorney Kim Jones. This was Mr. Gustave's first appearance before the Board.

In his opening statement, Mr. Gustave apologized to the family of Mr. Sullivan, Mr. Stevens and Mr. Tighe. Mr. Gustave told the board that during that time in his life he was "impulsive and reactive" and wasn't aware of his "mental issues." That night he did not "slow down, stop, look and listen [to what was happening]." Attorney Jones also provided an opening statement on behalf of Mr. Gustave. Attorney Jones summarized for the Board Mr. Gustave's institutional adjustment, mental health treatment, parole plans and community support. Attorney Jones also offered clarification to the Board of several factual issues.

In describing the governing offense, Mr. Gustave told the Board that prior to the murder he was in a relationship with three women, two with whom he had children. Mr. Gustave stated he was trying to "find a way from dealing with the situation," so on the night of the murder he went to the other side of town to the house of his girlfriend Danielle to "clear [his] head." Danielle suggested they go to the fireworks at Trum Field. Mr. Gustave decided he didn't want to go because he wanted to avoid confrontation with anyone. Mr. Gustave suggested that they go to a different, more "secluded" park instead (Albion Park). Mr. Gustave said he was anxious because he was concerned he would encounter individuals with whom he engaged in a fight a week prior. Mr. Gustave took Klonopin offered to him by Danielle and drank alcohol and the group walked to Trum Field.

When the fireworks ended, the group left the park. While walking, Mr. Gustave noticed a group engaged in an argument. Danielle, Claudine, and Mr. Tighe were among those engaged in an argument. Danielle was arguing with Mr. Tighe over Mr. Tighe giving drugs to her younger brother. At one point, words were exchanged between Mr. Tighe and Mr. Gustave. Mr. Gustave told the Board he tried to walk away but Mr. Tighe yelled "racial slurs" at Mr. Gustave. As a result, Claudine punched Mr. Tighe and told Mr. Tighe, "Don't speak to him like that." At that point, Mr. Gustave told the Board he "blacked out" and an altercation among the group ensued. At one point, Mr. Stevens "touched" Mr. Gustave and Mr. Gustave grabbed him and stabbed him one time. When Mr. Stevens fell there was already a body on the ground, who Mr. Gustave told the Board he thought was Mr. Tighe, and he attacked him. He later found out it was the victim, Mr. Sullivan, that he attacked. Mr. Tighe's father appeared and

pushed Mr. Gustave off Mr. Sullivan. Mr. Gustave and Mr. Spinucci ran away. When asked by the Board if he knew the injuries sustained by all three victims. Mr. Gustave stated he did not know Mr. Tighe's injuries but, he understood that Mr. Stevens was in a coma, lost a kidney, had a punctured lung, as well as other major injuries to his organs. He also told the Board he thought that Mr. Sullivan was stabbed "six or seven times." Mr. Gustave did not know any of the victims prior to the night of the murder.

At the time of the murder, Mr. Gustave was on probation for a domestic assault and battery. Mr. Gustave initially denied drinking and smoking marijuana while on probation because he was "getting screened." However, when a board member pointed out that he was drinking on the night of the murder, he told the Board he "was trying to get violated" and "wanted to be done with probation."

In discussing his social history, Mr. Gustave had behavioral issues as a child and refused to take medication. By the age of 18 he had a daughter and was living with his mother and his girlfriend. He worked in a construction job, but told the Board he had trouble keeping a job because he became quickly "bored" and had difficulty making decisions. Mr. Gustave told the Board first began addressing his mental health issues in 2008 when he participated in the Correctional Recovery Academy ("CRA"). Initially he was not open to mental health treatment, but later began participating. He told the board he was diagnosed with bi-polar disorder, borderline personality disorder, post-traumatic stress disorder, generalized anxiety disorder, and attention deficit disorder. He indicated that his "triggers" are "confrontational conversations," relationships with women, and being able to financially support himself. He told the Board that he currently takes medications to treat his diagnoses and that it would be "impossible" for him to function without his medication.

Although Mr. Gustave has completed several programs throughout his incarceration, including Violence Reduction and Criminal Thinking, CRA, Alternatives to Violence ("AVP"), American Vet Dogs, Able Minds, and the Graduate Maintenance Program, he has had a problematic disciplinary history. Throughout his incarceration, Mr. Gustave has incurred a total of approximately 40 disciplinary reports, of which he was sanctioned for approximately 19. In 2013, he received three disciplinary reports, one for having his pants down by his knees in a corridor, one for writing an inappropriate letter to a clinician in an effort to initiate a romantic relationship, and one for making inappropriate comments about that same clinician, concerning her and a dog in the unit, as she walked by. Then, in 2017, he received a disciplinary report for writing a letter which reportedly depicted his love obsession with a female officer, recommending she listen to several songs that were of a threatening nature and spoke of death. The Board expressed concern that his disciplinary reports in 2013 and 2017 reflected manipulative behavior toward female staff members. When asked about this, Mr. Gustave stated "they approached me" and "it's a two way street." The Board also expressed concerns with boundary issues with a female clinician with whom he was working. Mr. Gustave's most recent disciplinary report was in 2019 for being out of place.

Mr. Gustave had several supporters in attendance. The Board considered testimony from Mr. Gustave's daughter, brother, and three sisters, all of whom expressed support for Mr. Gustave's parole. The Board considered the testimony of Mr. Sullivan's uncle, sister, as well as a letter read to the Board by Mr. Sullivan's cousin, all of whom opposed Mr. Gustave's parole. The Board also considered the oral testimony and letter in opposition from Assistant District

Attorney Adrienne Lynch of the Middlesex County District Attorney's Office and of Officer Ross O'Meara of the Somerville Police Department, both of whom also opposed Mr. Gustave's release.

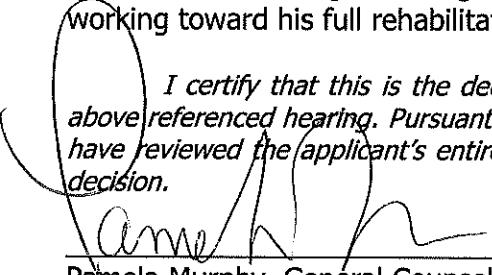
### **III. DECISION**

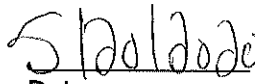
[Mr. Gustave] has served 15 years during which time his adjustment has been problematic, as he has incurred numerous disciplinary [reports]. Most notable [of which] occurred in 2017 for making threats to staff and derogatory comments to medical staff. In addition, there are gaps in his rehabilitative progress that indicate release would not be compatible with the welfare of society.

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 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 opinion that Mr. Gustave is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Gustave's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Gustave to continue working toward his full rehabilitation.

*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.*

  
\_\_\_\_\_  
Pamela Murphy, General Counsel

  
\_\_\_\_\_  
Date