



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**JAMES JOHNSON**

**W35941**

**TYPE OF HEARING:** Review Hearing after Revocation

**DATE OF HEARING:** November 29, 2011

**DATE OF DECISION:** June 5, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, 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, prior criminal history, Mr. Johnson's institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a 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 decision is unanimous.

**I. STATEMENT OF FACTS**

On July 24, 1975, in Suffolk Superior Court, Mr. Johnson pled guilty to two second degree murders for which he received two concurrent life sentences. He also pled guilty to the following related crimes with sentences that are concurrent with each other but consecutive to the life sentences: Armed Robbery (6-10 years); Possession of Dangerous Weapon (3-5 years); Assault by means of Firearm (3-5 years); and Armed Assault with Intent to Rob (6-10 years). At the time of these offenses, Mr. Johnson was on escape from a furlough on a previous sentence.

On July 8, 1974 at 3:40 p.m., Joseph T. Bardsley was in the company of his sister-in-law, Frances Anderson near a variety store on Blue Hill Avenue in Roxbury. They left the store and proceeded to walk toward Mr. Bardsley's home when they were approached by three men later identified as James Johnson, Donald Cook and Louis Goforth. Mr. Johnson confronted Mr. Bardsley with a sawed off shotgun and told him to stop. At that time, being at the gate to his

home, Mr. Bardsley yelled to his wife to let the dogs out. Mr. Johnson responded by firing one shot striking Mr. Bardsley in the neck. He fell to the ground and died of a single gun shot wound fired by Mr. Johnson.

At 8:00 p.m. on the same day, Gabriel Peters, an ice cream man, and his assistant, Raymond Burston, age 16, were selling ice cream in Roxbury. The same three co-defendants, and Mr. Johnson's cousin, James E. Johnson, saw the truck and decided to rob it. Mr. Johnson and the named co-defendants all took different positions surrounding the truck. Mr. Johnson went to the rear of the truck with the sawed off shotgun and Mr. Goforth and Mr. Cook went to the rear window. Mr. Johnson reached in and grabbed Mr. Peters by the pants and Mr. Peters pulled away. Mr. Cook fired one shot with a gun he possessed and Mr. Peters went to the floor reaching over his head to grab a can of mace. Mr. Johnson ran to the side rear window and fired a shot, striking Mr. Peters who collapsed on the truck. Mr. Goforth and Mr. Cook demanded that Mr. Burston let them in the truck. He did, and Mr. Johnson pulled Mr. Peters body into a gutter, went through his clothes and removed some money. Mr. Johnson removed between \$30 and \$40 from Mr. Peter's wallet and asked Mr. Goforth to go purchase heroin. All the men fled the scene and met later at another location. Two months later, when he was arrested for another robbery, Mr. Johnson was charged with escaping from furlough and two counts of murder, as well as unrelated drug charges.

## **II. PAROLE HISTORY**

He appeared before the Parole Board for the first time on the two concurrent life sentences in November 1991. Parole was denied noting he was the primary player in two separate murders within hours of each other. These were crimes also committed while Mr. Johnson was on escape status from his furlough. He also escaped a second time, in 1981, this time from the Lemuel Shattuck Hospital through a window on the eighth floor by using bed sheets tied together. He was returned to custody three months later and was arrested on charges of Possession Burglarious Tools, Possession Class D, and Knowingly Receiving Stolen Property. Mr. Johnson was also denied parole on the life sentences in 1994, 1998, and 2001.

On September 30, 2004, Mr. Johnson received parole following six months in pre-release. The condition was changed after he was unable to be classified to pre-release. Mr. Johnson's vote was amended to parole to long term treatment program with additional standard parole conditions. The board noted Mr. Johnson's participation and completion in programming and positive institutional behavior as reasons for his release.

Mr. Johnson was released to East Boston Rehab on 4-6-2005. After completing the treatment program, Mr. Johnson moved in with his wife and remained in compliance with his parole until 9-8-2008 when his parole officer learned about his appearance in Dorchester District Court to address numerous outstanding motor vehicle charges. It was later learned that he failed to pay motor vehicle related fines. Mr. Johnson consequently met with parole to discuss the seriousness of this violation and his failure to report this to parole. He was found in violation of his parole by virtue of his irresponsible conduct. His parole supervisor recommended that no action be taken at that time until the resolution of his outstanding charges. He later paid the fine and his license was reinstated. On 10-21-2008, all outstanding issues were addressed with the court, and his parole officer recommended a formal warning be given.

On 8-19-2010, Mr. Johnson was found to again be in violation of his parole for the following reasons: On 8-19-2010, Mr. Johnson was arrested by South Boston Police for assault and battery on Yessayana Hartfield. According to police reports, on 8-19-2010, Mr. Johnson's girlfriend, Ms. Hartfield, alleged that he assaulted her in a Home Depot parking lot at the South

Bay Mall. Mr. Johnson was arrested and held for arraignment on 8-20-2010. He was released on personal recognizance, and the case was continued to 11-29-2010.

Mr. Johnson failed to notify his parole officer of this arrest, which is a violation of parole. He also was found to be in violation of for failure to pay his parole fees in the amount of \$60.00. As a result of these violations and the domestic violence charges, Mr. Johnson was placed into custody on 11-17-2010. At the time of his apprehension, marijuana was found in his bedroom. Ms. Hartfield, who was present in his room at the time of his arrest, insisted the marijuana was hers. After investigating his relationship with Ms. Hartfield, it was learned that she was a person with a criminal record. This is also in violation of parole. Upon his incarceration, on 11-17-2010, Mr. Johnson refused to submit a urine sample, admitting that he would be positive for alcohol, thus violating the no drugs or alcohol condition. Based on all of these violations, Mr. Johnson's parole was revoked.

### **III. INSTITUTIONAL ADJUSTMENT**

Mr. Johnson has received a total of three disciplinary reports during his incarceration on the governing offenses. He has not received any since his return to custody as a parole violator. Mr. Johnson was program involved prior to his parole, but has not been engaged in any programs since his return to custody.

### **IV. PAROLE HEARING ON NOVEMBER 29, 2011**

James Johnson said that while on parole he had "worked hard to stay out of trouble" and held the same job for over five years. He denied assaulting his girlfriend and took the position that she made false allegations. He admitted to alcohol use and that he twice failed to notify his parole officer of an arrest; he said he "had no excuse" for failing to report the two arrests. He said his girlfriend's marijuana use did not concern him because her lifestyle habits were an improvement over those of his previous girlfriend, who used crack cocaine.

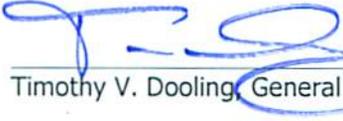
Two of the inmate's family members spoke in support of re-parole. Many opponents of re-parole attended the hearing. Gabriel Peters' wife and daughter spoke in opposition. His wife explained that she was married for just eight months and pregnant at the time of the murder. She stated that "we didn't have a chance to live our lives together, we were just starting." His daughter described that her mother had to "work three jobs because my father was gone." Joseph Bardsley's son and two grandchildren spoke in opposition to re-parole. His son informed the Board that Mr. Bardsley was a survivor of Pearl Harbor who went on to work for the Navy in the Charlestown Navy Yard. He was murdered only two months into his retirement. The victim's son said his mother was "alone for 29 years because of this murder." Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition to parole.

### **V. DECISION**

Mr. Johnson's first incarceration was as a juvenile to the Department of Youth Services for crimes related to larceny from a person. He violated the terms of his probation by committing new offenses. Mr. Johnson continued to progress in his criminal behavior and was incarcerated for five years as an adult for Robbery and Possession of Class A (heroin). Mr. Johnson admits to a drug problem during that period of his life. He was paroled from this sentence, but violated his parole in 1971 for again re-offending. In 1973 Mr. Johnson was incarcerated for Robbery, and while on furlough status he escaped and committed the two murders. His record of incarceration is notable for two escapes, and poor adjustment during his periods of parole, including committing crimes while on parole.

Despite incarceration and participation in programming to assist with rehabilitation, Mr. Johnson has continued to violate the conditions of his supervised release and has been unable to successfully re-integrate into society. Given the serious nature of his offenses, criminal history, and poor adjustment on parole, it is the unanimous decision of the Board that Mr. Johnson's release is not compatible with the welfare of society at this time.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.*

  
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Timothy V. Dooling, General Counsel

6-5-12  
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Date