



The Commonwealth of Massachusetts  
Executive Office of Public Safety



Parole Board

12 Mercer Road  
Natick, Massachusetts 01760

Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

Mary Elizabeth Heffernan  
Secretary

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

Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**JAMES LATTIMORE**

**W39814**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** January 31, 2012

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

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

**DECISION OF THE BOARD:** Parole is denied with a review in five years. The decision is unanimous.

**I. STATEMENT OF THE CASE**

James Lattimore, at age 38, shot Robert Phillips, age 41, to death at approximately 11:30 p.m. on October 3, 1981 in Boston's South End. Lattimore, who was dating Glen Smith's ex-wife, Linda Smith, was informed by Mrs. Smith that her ex-husband had been harassing her. On the night of the murder, Glen Smith, while sitting in a vehicle with Robert Phillips was involved in an argument with his ex-wife and other relatives who stood near the car. Lattimore approached the driver's side of the vehicle where Smith was seated and fired several shots into the vehicle. Glen Smith was shot in the hand and back and Robert Phillips, the passenger, was shot in the head but survived. Lattimore did not know the victim.

At trial, Lattimore was convicted of first-degree murder and received a life sentence with no parole. On that same date he received concurrent 9 to 10 year sentences for assault with intent to murder, and assault and battery by means of a dangerous weapon. The Supreme Judicial Court affirmed the conviction in 1985, but exercised its authority pursuant to M.G.L. c. 278 § 33E to reduce the verdict to second-degree murder, which resulted in a life sentence with parole eligibility.

Lattimore's criminal record includes numerous prior convictions. He is serving his eighth adult incarceration which includes significant prior state prison sentences. His criminal history began in North Carolina in 1953 with a conviction for housebreaking resulting in his commitment to a reformatory school. As an adult, Lattimore had convictions for assault with intent to rape, kidnapping, armed robbery, robberies, assault and battery with a dangerous weapon, breaking and entering offenses, several larcenies, and operating under the influence. Lattimore committed the offenses of assault with intent to rape and breaking and entering while on parole in 1973.

## **II. PAROLE HEARING ON JANUARY 31, 2012**

James Lattimore informed the Board that he did not intend to kill Mr. Philips and that his intent was to try to scare Mr. Smith. He described a troubled childhood; his parents separated when he was 3 months old and he was raised by his grandmother. He attended reformatory school at the age of 14 due to his poor behavior and criminal record. He dropped out of high school in the eleventh grade. He reports a history of alcohol and drug abuse.

The inmate is now 68 and has been incarcerated for approximately 30 years. He currently works in the dining hall at MCI Norfolk. He receives satisfactory work evaluations. He has 18 disciplinary reports, with the last one occurring in 2008. He completed HVAC program and currently attends AA/NA meetings, Lifer's Group, adult basic education and African American Cultural Collaborative. He states that he completed the Correctional Recovery Academy. Lattimore is non-complaint with the Department of Correction's recommendation for participation in Sex Offender Treatment. He advised that he is now ready to participate in the Sex Offender Treatment Program.

Suffolk County Assistant District Attorney Charles Bartoloni testified in opposition to parole.

## **III. DECISION**

James Lattimore has a parole history marked by prior parole failures resulting from new arrests. He has two arrests for sexual assault charges with one resulting in a state prison sentence. Despite the recommendation from the Department of Correction and the Parole Board he has not participated in the Sex Offender Treatment Program. Although Lattimore said that he is now willing to participate in Sex Offender Treatment, he continues to deny any guilt in relation to his sexual assault conviction. He stated the reason for his willingness to attend treatment is because "I didn't rape no one, but I put that girl in fear. I should go because I put that girl in fear and I did ask her if I could get with her."

Considering James Lattimore's minimal program participation to address the causative factors of his criminal behavior (including no sex offender treatment), prior parole failure by committing a sexual assault, and extensive criminal history, Parole Board members conclude that Lattimore remains a risk to public safety as there is a reasonable probability that he will re-offend if released. Accordingly, his release is not compatible with the welfare of society. Parole is denied with a review in five years.

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

  
\_\_\_\_\_  
Timothy V. Dooling, General Counsel

10/5/12  
\_\_\_\_\_  
Date