



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMES OSBORNE

W32377

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 24, 2011

DATE OF DECISION: May 30, 2012

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

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

I. STATEMENT OF THE CASE

James Osborne murdered Josephine Campagna, age 56, on February 24, 1969 in East Boston. Mrs. Campagna and her husband owned the East Putnam Variety Store in East Boston. After hours of heavy drinking, Osborne decided to rob the store. Mrs. Campagna was alone in the store when Osborne entered at approximately 10:00 p.m. Using glass soda bottles, Osborne severely beat the victim. He inflicted multiple skull fractures and lacerations to the brain. He tore the victim's clothes from her body and stuffed them in her mouth. Osborne was 24 years old.

Osborne took the case to trial, but pleaded guilty on the second day to second-degree murder, assault with intent to rape and armed robbery. He received consecutive life sentences on the murder and the sex charge. He originally received a consecutive sentence of 15 to 25 years on the armed robbery, but post-conviction proceedings converted the sentence to a concurrent status.

Because he received consecutive life sentences, Osborne served 30 years before he was eligible for parole. He postponed his hearing in 1999 and 2000. The Parole Board denied parole after hearings in 2001 and 2006; the Board noted in both decisions that the inmate's lack of memory about the crime was not believable and it hindered his ability to address the causative factors of the offense.

II. PAROLE HEARING ON MAY 24, 2010

James Osborne repeated his claim that he did not remember the offense. He has little rehabilitative program participation during his incarceration. He failed for many years to participate in sex offender treatment; once he began sex offender treatment he did not progress to core treatment; he is not currently participating in sex offender treatment.

The inmate receives excellent housing evaluations from the Department of Correction. He completed 276 furloughs between 1974 and 1994 (when the Department of Correction changed its policy to prohibit second-degree lifers from taking furloughs). He has only 12 disciplinary reports.

Five supporters spoke in support of parole. Three members of Josephine Campagna's family spoke in opposition. They pointed out that the victim was a small woman, 4' 10" tall, and wondered why he did not just take the money without beating her so badly. Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition to parole. He pointed out the injuries that showed the victim struggled, including fractures in her hands likely caused when Ms. Campagna defended herself.

III. DECISION

James Osborne is 65 years old and has been incarcerated 42 years. He committed a horrific offense and has consistently maintained that he has no memory of the sexual assault and murder. Considering that the inmate remembers events leading up to the murder, Board members now (and in previous years) have had difficulty concluding that Osborne is not misleading the Board on this issue. Putting that credibility issue aside, Osborne committed a murder with sexual violence and has not completed sex offender treatment. As recently as 2000, he refused treatment. He has participated in some treatment but has not entered the essential core treatment phase. His seemingly odd choices with respect to sex offender treatment highlight the possibility of re-offense if released to the community. His program participation is also missing some other important programs addressing substance abuse and violence. An inmate who, while heavily intoxicated, commits a murder with sexual violence who does not participate in (a) sex offender treatment or (b) certain core programs to address substance abuse and violence, has not earned parole and does not give the Parole Board a basis for concluding that he is rehabilitated. The inmate's record, including the lack of critical rehabilitation programs, does not support a conclusion that re-offense is unlikely. Parole under these circumstances is not compatible with the welfare of society. Accordingly, parole is denied and the review will be in four years.

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

Josh Wall

Josh Wall, Chairman

May 30, 2012

Date