



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

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

Josh Wall
Chairman

DECISION

IN THE MATTER OF

JAMES COLANTONIO

W44855

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 30, 2013

DATE OF DECISION: February 28, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate at the hearing, 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.

I. STATEMENT OF THE CASE

James Colantonio appeared before the Parole Board for a Review Hearing concerning his concurrent life sentence for the second degree murder of William Moran, age 27. This is Colantonio's third appearance before the Board, following parole denials in 2003 and 2008.

On August 27, 1986, at approximately 10:55 pm, Colantonio, then age 20, murdered William Moran during an altercation near the Jeffries Point Yacht Club in East Boston. Colantonio's friend, James All, Jr., had confronted and grabbed Moran outside of the Club. Colantonio then struck the victim on the head with a baseball bat and fractured his skull. Moran lapsed into a coma and died two days later from the injuries inflicted by Colantonio. Both Colantonio and James All, Jr.,¹ were indicted for first degree murder. On May 10, 1988, in Suffolk Superior Court, a jury found Colantonio guilty of murder in the second degree. Colantonio appealed his conviction and filed a motion for a new trial, both of which were

¹ James All Jr., pleaded guilty to manslaughter and was sentenced to twenty years.

denied. The Appeals Court affirmed the denials. See *Commonwealth v. James Colantonio*, 31 Mass. App. Ct. 299 (1991) and *Commonwealth v. James Colantonio*, 83 Mass. App. Ct. 1111 (February 5, 2013). Further appellate review was denied. See *Commonwealth v. James Colantonio*, 464 Mass. 1109 (2013).

II. INSTITUTIONAL HISTORY

Colantonio is currently incarcerated at MCI Concord. He has had four returns to higher custody, once for possession of a weapon (six inch shank) in 1993, and three times for fighting, the last of which occurred in 2008. Between 1988 and 2011, Colantonio received 37 disciplinary reports, 14 of which were for fighting. In addition, two of Colantonio's most recent disciplinary reports (2006 and 2008) involved assaulting other inmates. Having broken an inmate's jaw during the 2006 assault, Colantonio was convicted of assault and battery in Ayer District Court on September 25, 2007, and received a six month concurrent sentence. In 2011, he was disciplined for inappropriate personal comments to a female officer.

Colantonio has engaged in institutional programming, including Correctional Recovery Academy in 2005, Alternatives to Violence (First and Second Levels) in 2006 and 2010, Active Listening Workshop in 2009, Jericho Circle in 2010, Able Minds in 2012, and Beacon in 2012.

III. PAROLE HEARING ON MAY 30, 2013

James Colantonio appeared for his third parole hearing. He received denials with five year setbacks in 2003 and 2008. He has a violent prison record which includes 37 disciplinary reports. He said, "The Board at the last hearing didn't pull no punches; I took away from it that I had no values and that I was acting barbarically; now I have reflected and I have a new approach; prior to 2008 my only value was to be seen as tough; I had no other values; that was my mindset throughout life until 2008." Since the 2008 hearing, Colantonio has completed a second phase of Alternatives to Violence and Jericho Circle. He reported that he is now involved in Buddhism and meditation.

Colantonio reported that he dropped out of school in tenth grade. He said, "I was doing nothing; I was drinking and hanging out; I was abusing alcohol; we were living off our parents; we also broke into houses and cars; I got into a lot of fights; I always thought you forced respect and fought if necessary to get the respect."

He provided the following information on the crime: "the victim didn't do anything that night; he didn't say anything; he was just standing there; the guy went in the club; I thought Nappy² was going to get a bunch of guys; I saw a couple of guys coming out of the club; I thought Mr. Moran made a move behind his back; I yelled, 'he's got a knife;' we were 30 yards from the gate where the guys were; my anxiousness and fear led me to think Nappi went in to get guys and that guys were coming for us; when I went to tell Jimmy (Mr. All) about the guys, Billy (the victim) made a move to his back; I pushed Jimmy out of the way; I swung the bat; then I turned and saw an older guy behind me and I raised the bat at him too; I learned the next day that the victim died; you could hear the sound of the bat and the way he fell, his

² "Nappi" engaged in a verbal confrontation with All and Colantonio that preceded the murder of Moran. According to Colantonio, shortly before he struck Moran with the baseball bat, "Nappi" was walking out of the Yacht Club with other men.

knees didn't even buckle." Colantonio added that, "I didn't feel the verdict was fair; I was just defending my friend; I thought he was reaching for something; I guess he was reaching back to Becky; all I knew was defend your friend no matter what."

Board Members pointed out that a witness, Becky Mansfield, testified that she observed Colantonio confront the victim and swing the bat without provocation. A Board Member also noted that, "your description of the murder does not include anger or violence; you speak as if you were rational and fearful rather than angry and aggressive; based on all the evidence and the verdict, Becky Mansfield's version is more credible than yours." Referring to his 2007 Assault and Battery conviction, Colantonio admitted that, "I did break his jaw with a slap; I did lie at trial."

Board Members, in trying to assess Colantonio's sincerity in describing his recent reformed approach, asked him about a disciplinary report in 2011 in which he made inappropriate suggestive comments to a female corrections officer. The Board Member commented, "This does not appear to be the new thinking or the showing respect that you have described today." He was also asked about a 1992 disciplinary report when he refused to live with a black cell mate. The disciplinary report documents Colantonio's statement that, "I don't like black people and won't be in the same room with one." Colantonio defended his conduct and said, "I'm not a bigot; that's just the code" that a white inmate does not live with a black inmate.

Two family members and two friends testified in support of parole. The victim's sister testified in opposition to parole. She said, "I don't feel I'm being told the complete truth today; Billy was a great brother; he was the oldest of four; he loved boating and being on the ocean; he fixed everyone's boat; he was laid back and not confrontational; he weighed 130 pounds." Suffolk Assistant District Attorney Charles Bartoloni testified in opposition to parole.

IV. DECISION

James Colantonio murdered an innocent man by viciously swinging a baseball bat and striking the unsuspecting victim in the head. He acted out of anger and aggression and without provocation. He continued his negative and violent lifestyle in prison for twenty years. His prison record is extraordinarily violent, and gives clear evidence of the danger he would pose if released. He said that because of events that occurred at his 2008 parole hearing, he has improved his outlook and his behavior and has committed to reform. His presentation at this hearing did show improvement. He continued, however, to describe the murder as his fearful reaction to the victim's actions. The evidence and the verdict do not support this description. Colantonio's failure to recognize his anger, aggression, and violence is a clear sign of lack of rehabilitation.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Mr. Colantonio does not merit parole. The period of review will be five years during which time Mr. Colantonio should maintain good behavior and

continue with programs to address issues of anger, violence, criminal thinking, antisocial conduct, and lack of empathy.

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.


Janis DiLoreto Noble, General Counsel

2/28/14
Date