



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

JAMES PEARSON

W50677

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 23, 2014

DATE OF DECISION: July 1, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, 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, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in writing, we conclude by unanimous vote that the inmate is suitable for parole to his from and after sentence of one year and one day, with specified conditions of supervision and residential treatment to follow.

I.STATEMENT OF THE CASE

James Pearson, acting with joint venturers, took the lead role in murdering Wallace Lee, age 30, in Yarmouth on September 4, 1990. Pearson was 18 years old. Pearson had an ongoing conflict with a group of people that included Mr. Lee. Pearson consumed alcohol, marijuana, and Percocets on the day of the murder. Shortly before midnight, he and two friends broke into a residence to pursue an ongoing disagreement. Wallace Lee was one of the people in the residence. Pearson attacked the victim, punching him at first and then stabbing him five times with a knife. The two most serious wounds were in the chest and the abdomen. Pearson was arrested on September 9, 1990 and pleaded guilty to second-degree murder on June 3, 1991. In 1999, Pearson received an additional from and after one year sentence for an assault on a corrections officer.

II. PAROLE HEARING ON JANUARY 23, 2014

James Pearson appeared for his third parole hearing. He was denied parole after his April 2011 hearing with a review in three years. The Parole Board focused on what Pearson has accomplished since his last review. Pearson stated that he took the Board's recommendations seriously and implemented them into his rehabilitation. Pearson reflected on his history of criminal offenses and initial poor institutional adjustment. Despite being raised in a supportive home and afforded many opportunities, Pearson described a series of poor decisions as a juvenile that led him to a peer group associated with criminal behavior and substance abuse. He stated that, during his incarceration, his family continued to help him make positive changes.

Pearson is employed in Industries. He reported that he is "in charge of the bindery." He identified his promotion to a supervisory position as one example of how he has developed both his occupational skills and his trust level among those in the institution. Pearson has also graduated to being a mentor for many other inmates in specified programming, which he attributes to his positive growth and success in becoming a better person. Pearson was articulate in describing the progress of his rehabilitation and the insight he has gained when assessing his history of criminal conduct and transformation into a positive, hard-working, and trustworthy person. Pearson has requested a transition into the community that starts with a residential treatment program.

The Board received numerous letters of support from Pearson's family members and friends. Five family members spoke in support of parole. Pearson is supported by accomplished family members who are able to provide him with financial, emotional, and other needed assistance as he transitions back into the community.

There were no members of the public who spoke in opposition. Cape and Islands Assistant District Attorney Brian Glenny submitted a letter opposing parole.

III. DECISION

James Pearson is 41 years old and has been incarcerated for 23 years. His poor conduct earlier in his sentence lengthened his stay in prison. This was his third parole hearing. Following each denial of parole, Pearson accepted all recommendations of the Parole Board and incorporated them into his continued rehabilitation. He has a consistent period of change that is evidence that he has benefitted from his incarceration and rehabilitation. Pearson has invested in all relevant programming and has enhanced his occupational skill set. He has been promoted to a supervisory position as part of his employment. Such a role is reserved for inmates who demonstrate positive leadership skills, a strong work ethic, and trustworthiness. Pearson has a significant support system in the community and they are able to assist him financially, emotionally, and with other transitional needs.

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, the

Board finds that Mr. Pearson is a suitable candidate for parole. Pearson will be required to first serve an additional one year as a result of his from and after sentence. During this period of time he will be expected to continue his positive rehabilitation.

SPECIAL CONDITIONS: Parole to from and after sentence and then to long term residential treatment program; no drug use; no alcohol use; substance abuse evaluation at the residential program with a requirement to follow recommended treatment; counseling for adjustment issues.

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

Josh Wall

Josh Wall, Chairman

July 1, 2014

Date