



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Gina K. Kwon
Secretary

Telephone: (508)-650-4500

Facsimile: (508)-650-4599

Angelo Gomez, Jr.
Chair

Lian Hogan
Executive Director

RECORD OF DECISION
In the matter of

JAMES WARE
W84503

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 4, 2025

DATE OF DECISION: March 27, 2026

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz¹

VOTE: Parole is granted to approved medical facility.

PROCEDURAL HISTORY: On October 26, 1998, in Suffolk Superior Court, James Ware was sentenced to 18-to-20-years on his conviction for armed assault with intent to rob. On that same date, he was sentenced to a consecutive life sentence for armed robbery, as well as a concurrent life sentence (without the possibility of parole) for the first-degree murder of Allan Hill. He was further convicted of armed assault to rob and assault and battery, which were placed on file.

Mr. Ware became parole eligible following the Supreme Judicial Court's decision in Commonwealth v. Mattis, 493 Mass. 216 (2024), where the court held that sentencing individuals who were ages 18 through 20 at the time of the offense (emerging adults) to life without the possibility of parole is unconstitutional. As a result of the SJC's decision regarding Mr. Ware's first-degree murder conviction, he was re-sentenced to life with the possibility of parole after 15 years.

On September 4, 2025, Mr. Ware appeared before the Board for an initial hearing. He was represented by Attorney Amy Belger. The Board's decision fully incorporates by reference the entire video recording of Mr. Ware's September 4, 2025, hearing.

¹ Board Members Alexander and Coughlin were not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote. Board Member Tonomey Coleman participated in the hearing, but left the Board prior to vote.

STATEMENT OF THE CASE: On May 6, 1993, James Ware (age 20) and his brother, Herdius Evans (age 18), set out to commit a series of armed assaults in Boston. During the commission of these crimes, the men assaulted and beat [named victim] and stabbed and killed 21-year-old Allan Hill. Shortly before 9 P.M. on May 6, 1993, Mr. Ware and Mr. Evans followed [named victim] through Sparrow Park and to his apartment, where they punched him repeatedly, assaulted him at knifepoint, and demanded his money. [Named victim] was able to flee to a nearby restaurant, where he called the police. While [named victim] was inside the restaurant, Mr. Hill was leaving his apartment near Sparrow Park when he was attacked by Mr. Ware and Mr. Evans, both of whom pummeled him as he lay on the ground. The two men then fled. Mr. Hill got up and crossed the street before collapsing from two stab wounds, one to the chest and one to the abdomen. An ambulance and several police cars arrived shortly thereafter. Mr. Hill was taken to the hospital, where he underwent extensive surgery. He later died as a result of his injuries.

Eyewitness accounts led officers to Mr. Ware and Mr. Evans, who were located in the area of the crime. The men fled in an attempt to evade police, but they were soon captured. Mr. Evans was observed throwing a knife as he fled from police. Blood on the knife was later tested and found to match that of Mr. Hill. Additionally, a torn piece of clothing, found amidst Mr. Hill's identification and credit cards, matched a torn shirt belonging to Mr. Evans.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

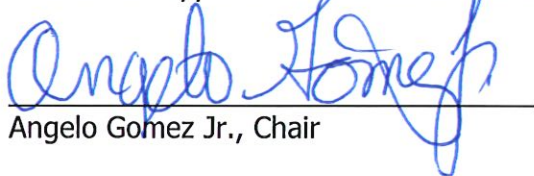
Where a parole candidate was convicted of first-degree murder for a crime committed when he was ages 18 through 20 years old, the Board considers the "unique aspects" of emerging adulthood that distinguish emerging adult offenders from older offenders. Commonwealth v. Mattis, 493 Mass. 216, 238 (2024). Individuals who were emerging adults at the time of the offense must be afforded a "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation" and the Board evaluates "the circumstances surrounding the commission of the crime, including the age of the offender, together with all relevant information pertaining to the offender's character and actions during the intervening years since conviction." Id. (citing Diatchenko v. District Attorney for the Suffolk Dist., 466 Mass. 655, 674 (2013) (Diatchenko I); Miller v. Alabama, 567 U.S. 460, 471 (2012); Graham v. Florida, 560 U.S. 48, 75 (2010)). Since brain development in emerging adulthood is ongoing, the Board also considers the following factors when evaluating parole candidates who committed the underlying offenses as an emerging adult: 1) a lack of impulse control in emotionally arousing situations; 2) an increased likelihood to engage in risk taking behaviors in pursuit of reward; 3) increased susceptibility to peer influence which makes emerging adults more likely to engage in risky

behavior; and 4) an emerging adult's greater capacity for change. See Mattis, 493 Mass. at 225-229.

DECISION OF THE BOARD: Mr. Ware presented for the first time before the Parole Board. He was 20-years-old at the time of the offense. He is now 52-years old. He has been incarcerated for 32 years. Mr. Ware presented that he has Stage Four lung cancer with a prognosis of approximately 18 months to live. Mr. Ware began to invest in programs related to Violence Reduction, Criminal Thinking, and Cognitive Skills prior to the Mattis decision. In recent years, he has invested in Restorative Justice and is working on a business degree. Mr. Ware presented as remorseful and understood the violent and senseless nature of his offense. Mr. Ware presented with a significant support system to assist him with re-entry needs, including ongoing medical care. The Board considered the expert evaluation submitted by Dr. Frank DiCataldo in rendering this decision. The Board considered the opposition testimony of Suffolk County ADA Montez Heywood in rendering this decision. The Board considered the public testimony of a social worker and friends of Mr. Ware in support of parole. The Board also considered the testimony of friends and family of Mr. Hill in opposition to parole. The Board concludes by unanimous decision that James Ware has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for medical/SSI; Must take prescribed medication; supervise for drugs, testing in accordance with Agency policy if medically able; Supervise for liquor abstinence, testing in accordance with Agency policy if medically able; Parole Officer to complete intake as required; No contact with victim(s)' family; Mandatory: Mission Care (Holyoke) or other suitable medical facility that can meet needs; No polygraph, no GPS, no journalling requirements; SEX A conditions if medically possible; follow recommendations of treatment/medical provider.

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.


Angelo Gomez Jr., Chair


Date