



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

AUGUSTUS COSTA

W39476

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 12, 2012**

DATE OF DECISION: **August 31, 2012**

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, 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 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

Augustus Costa was sentenced on January 26, 1983 for the second degree murder of Norma Wood Bazigian, whom he brutally beat and sexually assaulted. Ms. Bazigian sustained multiple traumas to her head and body; her face and her hair had also been burned. She died of her injuries. This crime was committed while Mr. Costa was on parole in Massachusetts for rape. Mr. Costa was paroled from a rape conviction in 1981. He committed this offense within 6 months of his release on parole.

On the evening of June 10, 1982 Mr. Costa was at a bar with his live-in girlfriend. While there, Mr. Costa noticed the victim, Norma Wood Bazigian, who was 36 years old and the mother of three children. Mr. Costa left the bar with his girlfriend, but later returned with the intention of making sexual advances toward Ms. Bazigian. After luring Ms. Bazigian outside of the establishment to smoke, he then attempted to engage in sexual relations with her. When Ms. Bazigian rejected his advances, he held her down and forcefully raped her. Ms. Bazigian

fought back and continued to scream. Mr. Costa threatened that if she did not stop screaming he would kill her. As a result of her continued protest and screaming, Mr. Costa beat and kicked her to death with his boots. Her body was discovered by two men the following morning. She was found naked, spread across a platform. Her body was badly beaten with burn marks to her face and singed hair.

Mr. Costa reports that after he raped and beat Ms. Bazigian, he returned to where he had left the body approximately a half hour later. He stated that he was unsure what condition she was in and lit his lighter so that he could see her. Mr. Costa claims he accidentally lit her hair on fire in his attempt to see her. Mr. Costa admits that he was sure she was dead at that point, and he again left her body in the alley.

During the course of the investigation, Mr. Costa gave numerous false versions of the offense. He was convicted after a lengthy trial.

II. PRIOR PAROLE HEARINGS

Mr. Costa has been before the parole Board on three prior occasions. The Board has voted each time to deny Mr. Costa's parole with a review in the maximum allotted time of five years. The Board has noted the heinous crime while on parole for rape, failure to complete sex offender treatment, and his high risk to re-offend as determining factors for denying parole.

III. INSTITUTIONAL ADJUSTMENT

Mr. Costa has incurred few disciplinary reports while incarcerated, the most serious was in 1986 where he was returned to higher custody for being in possession of a weapon, (7 inch shank). He has engaged in substance abuse programs to address his history of alcohol addiction. Mr. Costa was transferred to the Massachusetts Treatment Center for observation and evaluation after Robert F. Moore M.D. opined that he was a sexually dangerous person. The additional evaluations yielded ambiguous findings and a motion to dismiss the sexually dangerous civil commitment proceeding was allowed on August 6, 1986. Mr. Costa was again transferred to Massachusetts Treatment Center as a state inmate on August 25, 2005 in order to engage in the Sex Offender Treatment Program (SOTP). His decision to participate in SOTP followed numerous denials from the parole Board for failure to engage in such treatment.

Mr. Costa completed the major components of the SOTP program in 2009. In their 2009 report, the Treatment Review Panel concluded that "while he has completed the major components, there remain concerns regarding his anger, his full understanding of how his anger turned sexual and any possible connection with fire. It is imperative that Mr. Costa remain vigilant in his treatment."

Mr. Costa currently attends Alcoholics Anonymous meetings and he is employed as a cook in the institution.

IV. DECISION

Mr. Costa committed a brutal sexual assault and murder while on parole for a rape conviction. His rape conviction in 1981 consisted of the same modus operandi by which he lures his victim into his company and then sexually forces himself upon her. He forces compliance by threatening to kill the victim. In the case of Ms. Bazigian, she was brutally beaten to death after refusing to comply with his sexual demands and his threats that she remain quiet.

Mr. Costa also disclosed during this parole hearing that he has sexually victimized numerous additional women for which he has not been held accountable. During his past hearings and since the investigation of Ms. Bazigian's murder, Mr. Costa has given numerous false versions of the offenses. It was not until his last hearing in 2007 that Mr. Costa began to admit to sexually assaulting Ms. Bazigian. Mr. Costa now comes before the Board with a version of the offenses that are more truthful. It is unclear if Mr. Costa has provided a truthful history of his sexual offending to his evaluators at the Treatment Center and during the course of his SOTP. Mr. Costa's need for sex offending treatment is ongoing; however, he has not participated in such treatment since the completion of the core programming in 2009. While the Board notes the successful completion of such major components, the Board also notes the recommendation of the treatment panel that Mr. Costa continue to participate in SOTP.

Worcester Assistant District Attorney, Michelle King spoke in opposition to Mr. Costa's release on parole citing his serious violent criminal history and present danger to society. Ms. Bazigian's family had several members who also provided testimony in opposition to Mr. Costa's release. Mr. Costa did not have any supporters provide testimony to the Board.

In light of Mr. Costa's history of violent history of sexual assaults on women, his crime of sexual assault and murder while on parole for rape, and his only recent admission to such offenses and completion of SOTP programming, it is the unanimous decision of the Board that Mr. Costa has not reached the point where he is unlikely to re-offend and release on parole at this time is not compatible with the welfare of society. The Board highly recommends that Mr. Costa participate in all available continued treatment relevant to his sexual offending, violence, and substance abuse.

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

Josh Wall

Josh Wall, Chairman

August 31, 2012

Date