



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**GEORGE DONOVAN**

**W46283**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** November 8, 2011

**DATE OF DECISION:** October 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:** Parole is denied with a review in five years. The decision is unanimous.

**I. INTRODUCTION**

George Donovan appeared before the Massachusetts Parole Board on November 8, 2011 for a review hearing. After careful consideration of all relevant facts, including the nature of the underlying offense, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time.

**II. STATEMENT OF FACTS**

In the early morning hours of June 23, 1988, Mr. Donovan repeatedly beat his girlfriend, Kathleen Kane, in the head and face with an aluminum baseball bat because he "lost it" while Ms. Kane was arguing with him for consuming large amounts of drugs and alcohol in the middle of the night in their Everett apartment. Ms. Kane's two young daughters discovered the bloody body of their mother at approximately 7:00 o'clock that morning.

In the weeks and months leading up to the murder, Mr. Donovan and Ms. Kane had a difficult and often violent relationship resulting in part from his constant drug and alcohol abuse. The two frequently argued and several of those arguments led to Mr. Donovan assaulting Ms. Kane. One incident led to police involvement resulting in Mr. Donovan being forced to leave the home, although he returned two weeks later. Ms. Kane asked him to move out by July 1, 1988, a clear indication that she wished to terminate their relationship. Mr. Donovan grew increasingly agitated as the date to leave the apartment approached.

The murder took place about a week before he was scheduled to leave the apartment. On the night of the murder, Mr. Donovan went to bed around 9:45 but could not sleep. He went downstairs to the basement and began to consume drugs and drink heavily. At some point during the night, Ms. Kane awoke and called down to Mr. Donovan in the basement. When she realized he was using drugs and drinking again, they began to argue and Mr. Donovan said he was leaving. Instead of leaving, he went to the closet, grabbed an aluminum baseball bat, approached Ms. Kane while she was on the couch, and struck her repeatedly in the head and face. Ms. Kane was struck in the head at least four times, and Mr. Donovan admits that he may have beaten her "at least six times."

Mr. Donovan ripped the phone from the wall so that no calls could be placed, took the baseball bat and a VCR, and fled in Ms. Kane's car.

Mr. Donovan pleaded guilty to second degree murder on April 13, 1989 and was sentenced to life in prison.

### **III. INSTITUTIONAL HISTORY**

Mr. Donovan was 32 years old at the time of the offense. He is currently 56 years old and serving his first incarceration. Mr. Donovan's institutional conduct has been excellent as he has not received any disciplinary reports during 23 years of incarceration.

Mr. Donovan is currently incarcerated at MCI Norfolk and has engaged in a large number and wide range of institutional programs. He has completed the Correctional Recovery Academy and Graduate Maintenance Program, Substance Abuse, Alternatives to Violence (several phases), and Anger Management. Since his 2008 parole hearing Mr. Donovan has attended AA/NA three times per week and has participated in Men's Recovery Group, Cognitive Skills Training/Active Listening, Problem Solving Skills, Buddhism Retreats and Jericho Circle. Mr. Donovan achieved his GED in 1992 and received a Bachelor of Liberal Studies degree from Boston University in May 2000. Mr. Donovan has received good housing and work evaluations. He is currently employed in the industries sewing shop.

Mr. Donovan participated in one-on-one mental health counseling for 3.5 years after his first parole hearing in 2003. After his second parole hearing in 2008, the Board recommended additional counseling but his requests for counseling at the institution have been denied.

#### **IV. PRIOR PAROLE HEARINGS**

Mr. Donovan was before the Board for his initial parole hearing on May 8, 2003. The Board voted to deny his parole for five years citing "lack of mental health counseling, explosive temperament and issues of lack of truthfulness about governing offense."

On November 6, 2008 his review hearing was conducted and the Board voted to deny his parole for three years. Two members voted to parole Mr. Donovan to a long term residential program; however the majority of the Board cited "his continued lack of insight into the reasons he committed the brutal offense, failing to be forthcoming at his hearing and minimizing his abusive history coupled with no counseling since 2006 and lack of continued substance abuse programming."

#### **V. PAROLE HEARING ON NOVEMBER 8, 2011**

At the hearing Mr. Donovan made an opening statement offering an apology for the murder of Ms. Kane and vowed never to use violence to solve problems. He was represented by Saraa Basaria, a student attorney from the Northeastern University School of Law Prisoners' Rights Clinic. She also presented an opening statement in which she focused on his remorse, anger issues, substance abuse issues, excellent institutional behavior, educational accomplishments, parole plan and the number of attempts Mr. Donovan has made to seek mental health counseling through the Department of Correction, as recommended by the 2008 Board.

Mr. Donovan seeks a parole to a long term residential program at Phoenix House in Springfield, which he believes would provide him with the structure he needs to transition back into the community. He would continue to participate in AA/NA, attend one-on-one counseling and group counseling, and attend faith-based community programs.

The inmate has created a problem for himself by being less than candid in his two prior parole hearings. His lack of candor in describing his abusive behavior combined with lack of insight led the Board to conclude in 2003 and 2008 that Mr. Donovan was not rehabilitated. In this hearing Mr. Donovan described his relationship with the victim as "volatile." A Board Member noted that the relationship could more accurately be described as "abusive." Mr. Donovan admitted that he had violent relationships with two other women (one of whom was his wife) and stated the violence was mutual. He did not see himself as abusive.

Under questioning he stated that his version of events has been consistent. He had no insight about the Parole Board's conclusions in 2003 and 2008 that he was untruthful in describing the murder. He eventually admitted that while at Bridgewater State Hospital for a pretrial competency evaluation he falsely informed staff that he did not remember the killing and that he "exaggerated" his drugs consumption on the night of the murder. He stated that he and his lawyer had a plan for an insanity defense and therefore he made misrepresentations during the competency evaluation.

Middlesex Assistant District Attorney, Steven Hctor, and several members of Ms. Kane's family spoke in opposition to parole. Several family members testified that the inmate physically assaulted the victim on prior occasions; after one of those incidents the witness saw

a handprint on the victim's face. One opponent of parole testified that Mr. Donovan had physically and sexually abused her. Five relatives of Mr. Donovan spoke in support of parole.

## **VI. DECISION**

George Donovan has excellent institutional behavior, program involvement, educational accomplishments, family support and good housing/work evaluations. This is his first adult incarceration and he has served 23 years in prison.

Despite years of incarceration, counseling, and programs, Mr. Donovan remains a risk to return to domestic violence if released. He physically abused and brutally murdered Kathleen Kane. In previous relationships, he physically abused his wife and a girlfriend. He continues to present all three relationships as mutually antagonistic without recognizing his role as the abusive common denominator. The Parole Board is looking for more insight and reform than Mr. Donovan displays.

It is the unanimous opinion of the Board that Mr. Donovan's release on parole is not compatible with the welfare of society and that it is not reasonably probable that Mr. Donovan would not re-offend if paroled. The review will be in five years during which time Mr. Donovan should seek a better understanding of the issues related to his anger, control, and violence so that he reduces the risk of repeat domestic violence. He also needs to address the conduct related to the sexual assault allegations described at the parole hearing, as these allegations significantly complicate Mr. Donovan's path to rehabilitation.

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



Josh Wall, Chairman



Date