



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

MARK NOUCHER

W36462

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 14, 2012

DATE OF DECISION: May 7, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, 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, 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 not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Mark Noucher appeared before the Parole Board for his fourth hearing. The Parole Board denied parole after previous hearings in 1992, 1998, 2001, and 2007. On February 27, 1978, Mr. Noucher pleaded guilty to second-degree murder and was sentenced to serve life in prison. He was also sentenced to serve concurrent two-and-a-half to three year terms for each of four counts of assault and battery by means of a dangerous weapon.

On January 3, 1977, Mark Noucher stabbed, beat, and strangled his five-year-old step-niece, Tiffany Stevens. Mr. Noucher had been babysitting the child since about 8:15 a.m. when her parents left for work. At some point that day, Tiffany disobeyed Mr. Noucher when he instructed her to play with her toys in her bedroom, which annoyed him. He reacted by beating her in the head with a table leg, stabbing her in the back, and strangling her with the cord from one of her toys. He stole \$140 and four firearms from the home and fled.

Tiffany's parents discovered her body and called the police when they returned home from work later that afternoon. Soon after, Salem police spotted Mr. Noucher at a road block. He was apprehended following a shoot-out during which he emerged from his vehicle holding a .22 caliber rifle that he had fired at the police prior to stopping the car.¹ He was questioned at the hospital and admitted that he had stabbed and beat Tiffany. He did not recall strangling her, however, and claimed that he must have blacked out. He explained that he was depressed because he was not employed.²

An autopsy revealed that Tiffany died as a result of strangulation and a stab wound to the back that perforated her liver.

II. PAROLE HEARING ON FEBRUARY 14, 2012

This is Mark Noucher's fourth parole hearing. He was represented by Northeastern Student Attorney Ray Austin. When asked about the murder, Mr. Noucher said, "I was full of anger, I didn't know any better."

Mr. Noucher has a very good record of conduct in prison: he has no disciplinary reports. He did not participate in rehabilitative or vocational programs for the first 25 years of his sentence. He said that "from the 1980s to 2008 there weren't programs in the prisons; in 2007 they started to add more programs, but they don't post these programs, you have to hear about them."

He has completed programs beginning in 2008, including Correctional Recovery Academy, Emotional Awareness, and Alternatives to Violence (several phases).

There are several psychological evaluations that describe Mr. Noucher as a violent and dangerous person. These evaluations were completed in the 1970s and 1980s. Mr. Noucher continues to receive psychological counseling at the Department of Correction. Mr. Noucher, with advice from counsel, refuses to sign a release that permits the Parole Board to obtain his mental health records. At this parole hearing, Mr. Noucher said, "I don't want my mental health file to be public." Without those more recent records, the Parole Board can rely only on the older evaluations.

The mental health evaluation reports contain very disturbing conclusions about Mr. Noucher. A psychiatrist hired by Mr. Noucher to assist in defending the murder case "arrived at a diagnosis of Explosive Personality" and found that he had "a long history of obsessional concern with violence, of repeated instances of inability to tolerate frustration and unhappiness, and of repeated instances of loss of control of his impulses." In 1977, a Bridgewater psychiatrist recorded that Mr. Noucher "talked of impulses to kill people." Mr. Noucher reported to that evaluator that he abused animals, set fires, and fantasized about violent acts committed against "policemen, priests, nuns, storekeepers, and others." In discussing the victim, Mr. Noucher admitted that "he didn't like the child" and that he had thoughts of "raping her."

¹ Mr. Noucher sustained injuries during the shoot-out.

² Notably, police found eight suspected Molotov cocktails at Mr. Noucher's home following the execution of a search warrant.

In 1978, a psychiatrist who spoke with Mr. Noucher documented that he "speaks boastfully and at great length about his potential for violence ... He expresses no remorse whatsoever about the murder of a six year old girl, except that he got caught.... He is a very dangerous man and probably has little compunction about killing, but my major impression is that his behavior is unpredictable.... His choice of victims suggest that he would choose to harm those who are helpless." In 1979, a psychiatrist wrote "he continues to have frequent severely violent fantasies and suggest that it is largely the limits of a correctional environment which keep him from acting on his violent fantasies and impulses."

A 1978 classification report documented the following information: "Mr. Noucher reported that he began fantasizing about committing murders, rapes and armed robberies when he was in high school.... About a month before the offense, Mr. Noucher began planning mass murder.... He devised his plans on paper. He planned to kill his sister, a few neighbors and store owners, police and his five year old step-niece, the victim of the current offense." The classification report continues with a chilling description of the crime as provided by Mr. Noucher.

A 1978 psychiatric report documents that Mr. Noucher "smiles and laughs frequently while talking about the offense."

Newburyport Police Chief Thomas Howard and Essex Assistant District Attorney Elin Graydon spoke in opposition to parole. There were no supporters in attendance.

III. DECISION

Mark Noucher brutalized and murdered a child. Psychiatric evaluations, conducted years ago, document that he is an extraordinarily dangerous person. Because Mr. Noucher refuses to provide access to more recent mental health records, the older evaluations are unrebutted. Mr. Noucher is not rehabilitated, and would be a very dangerous person in the community. He would be likely to re-offend if paroled and his release is not compatible with the welfare of society. Parole is denied with a review in five years.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.

Josh Wall
Josh Wall, Chairman

May 7, 2013
Date