



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor
Andrea J. Cabral
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

KURT DEMELLO

W60337

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 3, 2014

DATE OF DECISION: August 21, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Sheila Dupre, Tina Hurley, 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 views of the public as expressed at the hearing or in writing, and the inmate's testimony at the hearing, 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 from the date of the hearing.

I. STATEMENT OF THE CASE

On March 25, 1996, Kurt DeMello pleaded guilty to second-degree murder in Bristol Superior Court for the beating death of Margaret Hoines. He was sentenced to life with the possibility of parole.

On May 7, 1994, Fairhaven Police received a call about a patient that had been transported to St. Luke's Hospital reportedly suffering from a fall in her home and was unconscious. DeMello, age 43 and identified as her live-in boyfriend, was present and gave a statement. DeMello, who reportedly lived alone with Ms. Hoines at her Fairhaven residence for approximately two months, contended that Ms. Hoines fell down the stairs. Ms. Hoines, however, had multiple apparent injuries which were plainly inconsistent with a fall down the stairs. Those injuries included bruise marks across her chest area, jaw area, arm, the back of her legs, and a large lump over her eye.

After further investigation, DeMello admitted to police that he punched and beat Ms. Hoines so severely that she died two weeks later from the injuries caused during the beating. As Ms. Hoines never regained consciousness, the only available account of the murder is from DeMello. DeMello reported that in the early morning hours of Friday, May 6, 1994, he pushed Ms. Hoines down her stairs, causing her to fall sideways and to strike her head on the corner of a couch. DeMello saw that Ms. Hoines was bleeding from her nose, and although she was breathing, DeMello reported to police that she would not respond to him, and was making "weird groping noises."

Despite her condition, DeMello reported that he brought Ms. Hoines to her bed, where she remained unresponsive until he finally called an ambulance in the evening of Saturday May 7. DeMello initially reported to police that he delayed calling an ambulance out of respect for Ms. Hoines' wishes, but later when police noted that Ms. Hoines could have died because of this delay, DeMello indicated he did not do so because he did not want to be held responsible for Ms. Hoines condition, responding, "I guess you now know why I didn't call the police. I knew that you would see the marks on her body and question them."

With respect to the multiple bruises, DeMello admitted to beating Ms. Hoines from March of 1994 to the date of the incident. DeMello would punch Ms. Hoines with his knuckles on each side of her head, hit her with his belt with a wide buckle, and admitted on at least one occasion he used a blue broom handle. During the months in which DeMello admittedly beat Ms. Hoines, he also isolated her from family and reportedly was physically abusive to her in the presence of friends.

An assessment of Ms. Hoines by the hospital's trauma center indicated she suffered from several injuries in addition to those discovered by first responders and police. Injuries to and bruising to her legs, trunk, back, spine, and forearm were present. Ms. Hoines, who weighed little more than 100 pounds, also suffered from three subdural hematomas located on her brain. These injuries were confirmed by an autopsy report Rhode Island officials completed following her death on May 20, 1994. Ms. Hoines was 43 years old.

II. CRIMINAL AND INSTITUTIONAL HISTORY

Kurt DeMello had a demonstrable history of abuse of women prior to his arrest for murdering Ms. Hoines. In October 1992, DeMello was convicted of assault and battery after he struck a female victim, a girlfriend, with a belt and a broom stick. DeMello received a suspended sentence and was placed on probation. However, in December of that year, DeMello was committed for 21 days for violating the terms of his probation after the same victim obtained a 209A abuse prevention order. DeMello completed his probation in March of 1994, or just two months before murdering Ms. Hoines.

On May 9, 1994, DeMello was arrested by the Fairhaven Police Department and awaited trial at the Ash Street Jail for 14 months in general population without incident. He was then transferred to the Dartmouth HOC for eight months in the Protective Custody Unit due to the notoriety of the case. His adjustment was considered acceptable.

Following his conviction and sentencing, DeMello was committed to MCI Concord on March 25, 1996. He immediately completed the requirements necessary to obtain his GED. He

was assaulted by his roommate and shortly thereafter transferred to MCI Norfolk. According to Department of Correction documents, his adjustment at Norfolk was less positive. He received eight disciplinary reports, and as a result, was administratively transferred to MCI Shirley on September 3, 1997.

DeMello remained at MCI Shirley until April 2001. He was returned to higher custody after it was deemed he was in need of a more structured environment, after receiving numerous disciplinary reports in Shirley. While DeMello did successfully maintain employment, he also incurred disciplinary reports for kissing his cell mate, threatening another cell mate, being out of place, and being late for a meal. Overall, DeMello has accrued approximately 25 disciplinary reports, including 12 since his last hearing in 2009. DeMello's disciplinary issues since his last hearing include abusive language toward staff, threats to do bodily harm to another inmate, and other minor offenses.

III. PAROLE HEARING ON JUNE 3, 2004

This was Kurt DeMello's second appearance before the Parole Board. In 2009 the Board rendered the following decision: "Parole is denied with a review in five years. He is not forthcoming as to the facts surrounding Ms. Hoines' murder, and lacks insight into his violent behavior and the causative factors leading up to the offense, referring to himself as a 'control freak.' Nor does he take responsibility for his negative institutional conduct, instead blaming his behavior on others. He lacks remorse for his actions. While he has engaged in some programming, he has had limited counseling, regarding the victimization of women. Moreover, despite having admitted to drinking on the day of the murder, he has not engaged in any substance abuse programming."

The hearing was comprehensive and initially covered the facts of the case and the many inconsistencies that DeMello had reported during the investigation and in his parole interviews. DeMello initially concocted a story that Ms. Hoines had fallen down the stairs, and that he never caused any of her injuries. In 2009, DeMello explained that he became angry with Ms. Hoines after hearing a message on the answering machine confirming a doctor's appointment she had made. He wanted to know the details of the appointment. DeMello insisted that Ms. Hoines frequently left out important details about information and insisted this was just another example of what he considered intentionally misleading him. This precipitated an argument that DeMello described as becoming increasingly physical on his part. Among some of the details, he insisted that Ms. Hoines hit her head on a coffee table when he threw her to the floor, and after he realized she was unresponsive, he carried her upstairs to their bedroom and laid her in their bed. DeMello stated he cared for her overnight but by the next morning, realizing she was still unresponsive, he decided he should call 911 for help. At his 2014 interview, he declined to make any corrections to this version, but he provided more pertinent details throughout the hearing.

DeMello, under direct questioning, conceded that he was very abusive to Ms. Hoines both emotionally and physically. He admitted that he "hit her regularly over a month and a half, and she covered up for me." He continued to state he would frequently become angry with Ms. Hoines when she would not respond to his questions in the manner he wanted. He stated, "I thought she was pushing me deliberately" and on the day he murdered her, he was particularly angry with her response to what was on the answering machine. DeMello stated

that he does not feel alcohol was a significant contributing factor in his abusive behavior, but rather he has had issues with anger. DeMello agrees that he was drinking on the day of the offense, and while he found substance abuse programming useful, he does not view substance abuse as having been a major issue in his life.

The Parole Board did not fully accept DeMello's explanation of why he murdered Ms. Hoines and what his intent really was by placing her back in bed overnight before getting her obvious and necessary medical attention. DeMello was asked if Ms. Hoines was going to end the relationship and that is why he became so enraged. This question has been posed to DeMello in the past. He continues to deny that Ms. Hoines wanted to break off their relationship. He also denied that he knew how bad her injuries were and thought at the time she would recover without medical attention. DeMello provided details about the evening that appeared incredulous at times; however, he did not deviate from his portrayal that the amount of rage and force he used was out of character and not intended to kill Ms. Hoines. DeMello stated the night he beat Ms. Hoines, causing her death, "I had absolutely no control over my temper or my emotions. I hit her, punched her, slapped her a lot." DeMello stated that he had never engaged in such physically assaultive behavior to that degree in the past.

DeMello was questioned extensively about his history of other abusive relationships. He admitted that he abused "lots and lots of women," and in fact, had been charged with domestic assault and battery in 1992 where the victim was a former girlfriend. DeMello attributed his history of violence against women to his need for control, his growing up in an abusive household, and his own untreated mental health issues. DeMello described a history of obsessive compulsive disorder (OCD) that at times was so severe he had to engage in ritualistic counting behaviors for hours before completing a task. DeMello stated that he never confided in Ms. Hoines about this anxiety disorder and found ways to cope without her realizing what he was doing. DeMello stated that since completing numerous programs, including Cognitive Skills, various substance abuse programs, and Thinking for a Change, he has acquired the insight and skill set necessary to engage in non-violent resolutions. He stated that his OCD is stabilized and he has been able to manage his anxiety and his feelings in an appropriate way.

Regarding his institutional conduct, the disciplinary reports, when viewed cumulatively, create concerns with his overall conduct. DeMello has completed programs that are relevant to his areas of need. However, based on DeMello's poor presentation at the hearing, it is unclear whether the programming has precipitated any meaningful change in DeMello's thinking and conduct. Indeed, according to his last disciplinary report dated December 11, 2013, DeMello, while using obscene, abusive and insolent language, refused a simple instruction to be seated during mealtime, proceeded to the food tray window, threw his tray into the window in an aggressive manner, and threatened the correctional officer with a "grievance."

DeMello did not have anyone speak in support of his parole. He stated that he would like to be paroled to a long term treatment program where he can continue his rehabilitation, with the ultimate goal of securing employment, housing and other basic needs.

Many of Ms. Hoines' family were present at the hearing. Her daughter, Kelly Ramos, spoke in opposition to DeMello's parole, and informed the Board that Ms. Hoines did have memory issues after being injured in a motor vehicle accident. Ms. Ramos insisted that DeMello

was well aware of her deficits. She described DeMello as preying upon her mother's vulnerabilities and the family is adamantly opposed to his release.

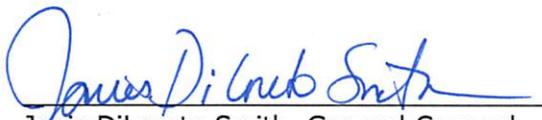
Also speaking in opposition to DeMello's parole was Bristol Assistant District Attorney Dennis Collins. ADA Collins stated that DeMello had no understanding of the magnitude or nature of what he did and his office was vehemently opposed to his release.

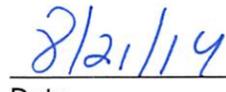
IV. DECISION

Kurt DeMello brutally beat his girlfriend and rather than get her the medical attention she desperately needed, he left her to suffer and called for help the next morning. He concocted a story that Ms. Hoines had fallen down the stairs. Ms. Hoines died weeks later from the injuries caused by DeMello. It became evident that DeMello had a pattern of abuse toward women, and he now states he has sufficiently addressed his anger and areas in need of rehabilitation. DeMello continues to portray himself as caring for Ms. DeMello after he beat her and provides details about his behavior that lack insight and credibility. DeMello's institutional adjustment has also included conduct that reflects a lack of meaningful rehabilitation.

The standard 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 an 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, it is the unanimous decision of the Parole Board that DeMello is not suitable for parole because he is not rehabilitated. He will be eligible for a review hearing in five years, during which time he should address issues of domestic violence, criminal thinking, lack of sympathy, and uncooperative conduct.

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.


Janis DiLoreto Smith, General Counsel


Date