

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

BRIAN PIERCE

W54098

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 9, 2021

DATE OF DECISION: August 24, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 2, 1993, in Worcester Superior Court, Brian Pierce pleaded guilty to a reduced charge of second-degree murder in the death of 19-year-old Nikki Ann Evangelous and was sentenced to life in prison with the possibility of parole.

On the night of July 7, 1991, 23-year-old Brian Pierce encountered Nikki Ann Evangelous (whom he had known since high school) at a local bar. They ended up at his basement apartment in Clinton, where Mr. Pierce proceeded to murder Ms. Evangelous. After he killed her, Mr. Pierce contorted her body and tied it up to fit in a box, which he then threw into a drainage culvert. When police interviewed him six days later, Mr. Pierce admitted to a conversation with Ms. Evangelous outside the bar that night. He stated, however, that he had no other contact with her. Mr. Pierce later made admissions to a friend, who then notified police. The friend reported that Mr. Pierce stated that he raped and murdered Ms. Evangelous

and then disposed of the body. While wearing a wire, the friend had Mr. Pierce lead him to the body. Five months after her death, the body of Ms. Evangelous was found in an advanced state of decomposition.

After his arrest in December 1991, Mr. Pierce spoke to police a second time. In this statement, he claimed that he and Ms. Evangelous had consensual sex at his apartment, but that she planned to accuse him of rape because she had a boyfriend. Mr. Pierce said that he became enraged and choked her to death. He then proceeded to stand on her neck, with his hands pressed against the ceiling, to ensure that she was dead.

II. PAROLE HEARING ON DECEMBER 9, 2021¹

Brian Pierce, now 52-years-old, appeared before the Parole Board for a review hearing on December 9, 2021. He was represented by student attorneys from Boston College Law School. He was denied after his initial hearing in 2006, and after his review hearings in 2011 and 2016. Mr. Pierce told the Board that he had a troubled childhood, which interfered with his development of empathy, trust, and temperament. He began experimenting with drugs and alcohol in fifth grade, while suffering abuse and neglect at home and in foster care. Mr. Pierce reported that these experiences caused him significant anger issues, as well as a proclivity toward violence. Mr. Pierce had incurred a lengthy criminal history, both as a juvenile and adult, prior to the governing offense.

At this hearing, Mr. Pierce claimed that he killed Ms. Evangelous in a fit of rage after finding out that she may have exposed him to AIDS during their sexual encounter. Board Members, however, told Mr. Pierce that they struggled to accept this motive, as it is inconsistent with other evidence and witness statements. The Board highlighted Mr. Pierce's history of providing multiple versions of the events surrounding the brutal murder. In response, Mr. Pierce claimed to be confused about various details of the offense due to his drug and alcohol use. Board Members noted that Mr. Pierce submitted eight motions for a new trial, and attempted to withdraw his guilty plea in 1999, despite his claim that he accepted full responsibility for the crime.

Mr. Pierce has had an overall positive institutional adjustment with his last sanctioned disciplinary infraction taking place in 1997. He has engaged in several rehabilitative programs, including CRA, Family Violence Program, and Alternatives to Violence. He has also obtained his GED and his bachelor's degree in sociology. Although Board Members recognize his positive adjustment, they noted that Mr. Pierce has not demonstrated enough insight into the causative factors in the commission of such an egregious crime. The Board expressed concern that despite his engagement in programming, Mr. Pierce still appears to shift blame by suggesting that Ms. Evangelous provoked his assault upon her. The Board noted that Mr. Pierce must not only engage in programming, but benefit from it as well.

The Board considered the testimony, and letter of opposition, from the Worcester County District Attorney's Office.

III. DECISION


¹ The entire video recording of Mr. Pierce's December 9, 2021 hearing is fully incorporated by reference to the Board's decision.


The Board is of the opinion that Brian Pierce has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Pierce is serving a life sentence for the murder of Nikki Evangelous. His varying versions of the details of the murder lack candor and do not appear to be truthful to the Board. The Board does not credit the version of events he provided at the hearing. He continues to deny facts that are consistent with the evidence and his own prior testimony before the Board. Mr. Pierce appears to have unresolved issues with domestic violence, and he should pursue any and all programming, including, but not limited to, correspondence courses to address domestic violence, healthy relationships, as well as his propensity to be controlling and violent.

The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such 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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Pierce's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Pierce's risk of recidivism. After applying this standard to the circumstances of Mr. Pierce's case, the Board is of the unanimous opinion that Brian Pierce is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Pierce's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Pierce to continue working toward his full rehabilitation.

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.


Pamela Murphy, General Counsel


Date