



The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

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DECISION

IN THE MATTER OF

BRIAN PIERCE

W54098

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 15, 2011

DATE OF DECISION: September 28, 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

Brian Pierce appeared before the Massachusetts Parole Board on December 15, 2011 for a Review Hearing on the life sentence for second-degree murder he is currently serving at MCI-Norfolk. Mr. Pierce is 41 years old.

On March 1, 1992, a Worcester County Grand Jury returned an indictment against Mr. Pierce for first-degree murder. Pierce pled guilty to a reduced charge of second-degree murder on March 2, 1993, and was sentenced to life imprisonment. The victim of his offense was nineteen-year-old Nikki Ann Evangelous.

Brian Pierce saw Ms. Evangelous at a bar on the night of the murder. She ended up back in Mr. Pierce's apartment in Clinton where he murdered her. He twisted the body and tied it up in order to fit the victim's body into a box which he threw into a drainage culvert. When police interviewed him six days after the murder, Mr. Pierce said he had a conversation with the

victim outside the bar that night but had no other contact with her. After being arrested on December 21, 1991, he spoke to police a second time. In this statement, he claimed that he and the victim had consensual sex at his apartment after which Ms. Evangelous said she planned to accuse him of rape because she had a boyfriend. Mr. Pierce choked Ms. Evangelous to death and then stood on her neck while pressing his hands against the ceiling to ensure she was dead. He contorted the body in order to fit it into a box and threw the body into a culvert. Mr. Pierce made admissions to a friend who notified police. The informant reported that Mr. Pierce told him he raped and murdered the victim. While wearing a wire, the informant had Mr. Pierce lead him to the body. Five months after her death, the body of Nikki Evangelous was found in an advanced state of decomposition.

Mr. Pierce has filed eight motions for new trial, all of which have failed.

Mr. Pierce has an extensive record as a juvenile with 38 charges. Of those 38 charges, 31 resulted in delinquency findings. Mr. Pierce was committed to DYS. One of the delinquencies was for arson of a church. He had many adult charges, most of which were dismissed. He did have adult convictions for larceny, breaking and entering at night, and assault and battery.

II. INSTITUTIONAL ADJUSTMENT

Mr. Pierce has been incarcerated since January of 1992. Over the course of his incarceration he accrued approximately 20 disciplinary reports. His conduct was very poor for the first five years when he received three reports for throwing trash on the flats, three reports for verbally abusing officers, and reports for possessing a weapon, homebrew intoxication, and throwing a rock at an inmate. His conduct has improved significantly since 1997. His last disciplinary infraction occurred in 2010 and was administratively closed.

Mr. Pierce obtained a GED in 1995. He received a Bachelor of Science degree from Boston University in 2011. His rehabilitative programming did not start until 2005. He has completed Family Violence, Jericho Circle, Alternatives to Violence, Able Minds, Active Listening, the Correctional Recovery Academy and the Graduate Maintenance Program. Mr. Pierce is currently employed in the plumbing shop, where he receives adequate evaluations.

III. PAROLE HEARING ON DECEMBER 15, 2011

Brian Pierce created a significant credibility problem in his testimony at his first parole hearing in 2006. For years he maintained that he strangled the victim after she told him she planned to accuse him falsely of rape. At his 2006 parole hearing the inmate said he slapped the victim once after she told him she had AIDS and he did not strangle her. He claimed he had no intent to kill the victim. The decision records that Mr. Pierce suggested the "death may have been an accident".

At this hearing, Mr. Pierce admitted that he lied to the Parole Board in 2006 by denying that he strangled the victim or intended to kill her. He gave the following version at this hearing: he had consensual sex with the victim; he told many lies in order to convince her to have sex but he did not use physical force; after the sex the victim disclosed that she may have AIDS; she did not say that maliciously but in a manner suggesting she wanted help; he was angry and punched her in the neck; she said that if he hit her again and left a mark she would allege that he forced her to have sex; that made him angrier and he strangled her to death.

Mr. Pierce explained that he was in denial in 2006 and that he "did not feel total remorse for the murder." He said he had not had much programming and was not ready for parole in 2006. He described a greater commitment to rehabilitation starting in 2007, and that his work in Family Violence and CRA was especially helpful in getting him to realize the harm he caused and understand the reasons for his crime.

Board Members questioned Mr. Pierce about his conduct with women. Two female witnesses who had relationships with Mr. Pierce spoke to police during the murder investigation and stated that he was an angry, controlling, and possessive boyfriend. One of the girlfriends described an incident in which Mr. Pierce choked her causing bruises on her neck and another incident in which he forced her to have sex. She also said that Mr. Pierce would punch, pinch and bite her when he got angry. In responding at the hearing to the two witness statements, Mr. Pierce said, "I can't deny any of that; five years ago I could not have admitted" to that behavior in the relationships.

Board Members also questioned Mr. Pierce about the informant's statement to police. The informant told police that Mr. Pierce admitted he raped the victim before strangling her.

Mr. Pierce has created a difficult situation for himself and for the Parole Board. For many years he maintained he reacted to the possibility that he would be falsely accused of rape. In 2006 he added the element of AIDS but denied strangling the victim. In 2011 he admitted that he lied at his 2006 parole hearing. These conflicting versions raise the issue of whether Mr. Pierce has ever told the truth about what he did and why he did it. A future Parole Board will be faced with comparing Mr. Pierce's claim of consensual sex with the following evidence: the informant report that Mr. Pierce admitted to rape; the statements of two former girlfriends who described abusive behavior, including one who describes physical and sexual abuse; and the inmate's conflicting accounts.

IV. DECISION

Brian Pierce murdered Nikki Evangelous, mangled her body, and threw her body in a culvert. There were no witnesses and the body was found months later after considerable decomposition. The starting point for Mr. Pierce's rehabilitation is an honest description of his motive and actions in murdering Ms. Evangelous. There is little chance of reform if the inmate cannot be candid about the criminal behavior that he needs to address. Instead of candor, Brian Pierce has created confusion by offering inconsistent and incompatible versions of the murder. His testimony at this hearing differed from his first parole hearing and his eight motions for new trial. Several Board Members are skeptical of his claim of consensual sexual activity. Mr. Pierce is likely to re-offend if released and his release is not compatible with the welfare of society. Accordingly, parole is denied.

Mr. Pierce made progress since his last hearing by participating in many programs and working to learn more about his criminal thinking and conduct. Unlike his 2006 hearing, Mr. Pierce now admits he murdered the victim. He needs considerably more time, however, to achieve rehabilitation that did not begin until 2007. He has issues of credibility, anger, substance abuse, violence, and possibly sexual violence to address in his efforts to reform. Given the number of issues he needs to address, Mr. Pierce will benefit from a full five-year period before the next review.

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

Josh Wall

Josh Wall, Chairman

September 28, 2012

Date