

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

CHARLES DOUCETTE
W51582

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **March 12, 2024**

DATE OF DECISION: **May 13, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted on/after 2 weeks from issuance of Decision to a Long-Term Residential Program.

PROCEDURAL HISTORY: On December 3, 1991, in Essex Superior Court, Charles Doucette pleaded guilty to the second-degree murder of Raymond Bufalino and was sentenced to life in prison with the possibility of parole. On that same date, Mr. Doucette also received concurrent life sentences for two counts of armed robbery, two counts of armed assault in a dwelling house, and two counts of stealing by confining or putting in fear. He received 9 to 10-year concurrent sentences for breaking & entering in the daytime with intent to commit a felony and putting person in fear, and assault and battery by means of a dangerous weapon.

The murder case followed a highly unusual path through the criminal justice system. While out on bail awaiting trial, Mr. Doucette approached a Commonwealth witness and threatened to kill her. The witness reported the incident and Mr. Doucette was indicted for intimidation of a witness. A jury convicted Mr. Doucette of first-degree murder on October 6, 1988, but the Superior Court trial judge vacated the verdict on October 7, 1998, and released him. The trial judge did not issue a decision stating his reasons for vacating the conviction. The Supreme Judicial Court reinstated the first-degree murder verdict on September 25, 1990, which returned Mr. Doucette to prison to serve life without parole. Mr. Doucette then filed a motion for new trial on September 28, 1990, which the Superior Court judge allowed on November 5, 1990. The Parole Board does not have information about the claims of error alleged in the motion for new trial, nor is it aware of the grounds for the motion that prompted the trial judge to vacate

the first-degree murder verdict after reinstatement by the Supreme Judicial Court. Like his ruling vacating the verdict, the trial judge ordered a new trial without issuing a substantive decision.

When Mr. Doucette faced a second trial, he posted bail and was released on March 22, 1991. While on bail and awaiting trial, Mr. Doucette committed two violent home invasions - one in Lynnfield and one in Peabody. In December 1991, Mr. Doucette faced a second trial on the murder charge with a different trial judge presiding. He pleaded guilty on December 3, 1991, to the second-degree murder of Raymond Bufalino and received a life sentence with parole eligibility in 15 years. Mr. Doucette also pleaded guilty to intimidation of a witness, and the charge was placed on file without a sentence imposed. On the same day, he pleaded guilty to crimes he committed in the Lynnfield home invasion. He received six life sentences for two counts of home invasion, two counts of armed robbery, and two counts of stealing by confining or putting a person in fear. He also pleaded guilty to crimes committed in the Peabody home invasion and received 10-15 years for home invasion and armed robbery. All sentences, including the seven life sentences, were concurrent.

Parole was granted following an initial hearing in 2006. Mr. Doucette was returned to custody in 2008 following a new arrest, but was re-paroled in 2009, when his revocation was not affirmed. He remained on parole until 2011, when he was returned to custody again for a new arrest, and his revocation was affirmed. He was denied parole after review hearings in 2012, 2017, and 2022. On March 12, 2024, Mr. Doucette appeared before the Board for a review hearing. He was represented by student attorneys from Boston College Lifer Parole Clinic under the supervision of Attorney Frank Herrmann. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Doucette's March 12, 2024 hearing.

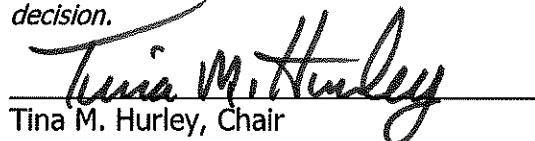
STATEMENT OF THE CASE: Raymond Bufalino (age 30) worked at a Texaco service station in Salem owned by Charles Doucette's father. Mr. Doucette loaned money to Mr. Bufalino and became upset when payment of the loan was not forthcoming. Mr. Doucette was further angered by Mr. Bufalino's assertion that he had been injured at work and might file a lawsuit against the business. Unable to contain his anger over these two financial matters, Mr. Doucette (age 27) shot Mr. Bufalino on February 21, 1987, as they were seated together in Mr. Bufalino's car near the Salem-Peabody town line. Mr. Doucette shot Mr. Bufalino once behind the right ear and once in the mouth. He was charged with murder two days later.

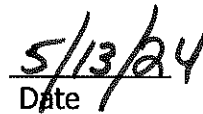
APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Mr. Doucette's fifth appearance before the Board. He has been back in custody since 2011. This was his second return to custody. Mr. Doucette is now 64 years old. Since his last hearing, he has increased his investment in rehabilitation and participated in recommended Domestic Violence programming. Mr. Doucette appears to have gained a deeper understanding into his co-dependency and pattern of power and control in intimate relationships. He has been sober since 1990. Mr. Doucette has maintained stable relationships with his family. He has been engaged in counseling and finds it helpful. He is seeking to transition to a Long-Term Residential Program and continue counseling. Mr. Doucette has maintained employment and volunteerism in the law library. He has strong vocational skills and work ethic. The Board considered testimony from Mr. Doucette's sister and mother in support of his parole. The Board also considered testimony from the victim's wife and sister via a Victim Service Advocate, who spoke in opposition to his parole. The Board considered testimony from Essex County Assistant District Attorney Kayla Burns, who also spoke in opposition. The Board concludes by unanimous decision that Mr. Doucette has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for Long-Term Residential Program; Curfew: must be at home between 10PM and 6AM at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' families; No contact with victims; Must have substance abuse evaluation and comply with recommended treatment plan; Counseling for intimate partner/co-dependence relations; Long-term residential program.

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.


Tina M. Hurley, Chair


Date