



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

CHARLES DOUCETTE

W51582

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 23, 2017

DATE OF DECISION: September 5, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 five years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On December 3, 1991, in Essex Superior Court, Charles Doucette pled 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, he 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 9-10 years concurrent for breaking & entering daytime with intent to commit a felony and putting person in fear, and 9-10 years concurrent for assault and battery by a dangerous weapon.

¹ Four of the six Board Members voted to schedule a review hearing in five years. Two Board Members voted to schedule a review hearing in four years.

Raymond Bufalino worked at a Texaco service station in Salem owned by Charles Doucette's father. Mr. Doucette had 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 elder Doucette's business. Unable to contain his anger over these two financial matters, Mr. Doucette shot Raymond Bufalino on February 21, 1987, as they were seated together in Mr. Bufalino's car on Harmony Grove Road near the Salem-Peabody town line. Mr. Doucette shot Mr. Bufalino once behind the right ear and once in the mouth. Mr. Doucette was charged with murder two days later.

The murder case followed a highly unusual path through the criminal justice system. Mr. Doucette posted bail on the murder case. 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 and released Mr. Doucette. 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 a 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.

Mr. Doucette faced a second trial, and he was given bail in the amount of \$50,000. He was unable to post that amount. On February 22, 1991, however, Superior Court reduced the amount of bail to \$25,000, presumably with the expectation that Mr. Doucette could post that amount. Mr. Doucette did, in fact, post bail and was released on March 22, 1991. While on bail, and awaiting trial, Mr. Doucette committed two violent home invasions. On September 16, 1991, Mr. Doucette and another man posed as delivery men to gain entrance to a Lynnfield home. Once inside, Mr. Doucette (using a handgun) and his associate (using a stun gun) assaulted a middle-aged husband and wife, bound them with duct tape, demanded access to their safe, and stole money, a bar of silver, and jewelry. Mr. Doucette ransacked the house, including the bedroom of the couple's recently deceased son. On October 29, 1991, Mr. Doucette and another man broke into a Peabody home, beat the man who lived there, used an electrical cord to tie up the victim, assaulted him with a stun gun, and stole a diamond watch and gold bracelet. The victim identified Mr. Doucette as the man who beat him and tied him up.

In December 1991, Mr. Doucette faced a second trial on the murder charge, this time with a different trial judge presiding. He pleaded guilty on December 3, 1991, to the second degree murder of Raymond Bufalino. He received a life sentence with parole eligibility at 15 years. Mr. Doucette also pleaded guilty to the intimidation of a witness offense he committed while on bail, and the charge was placed on file without a sentence imposed. On the same day, he pled 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 pled guilty to crimes committed in the Peabody home invasion, and received 10 to 15 years for home invasion and armed robbery. All sentences, including the seven life sentences, were concurrent.

II. PAROLE HEARING ON MARCH 23, 2017

Mr. Doucette, now 57-years-old, appeared before the Parole Board for a review hearing on March 23, 2017. Mr. Doucette was not represented by an attorney. His initial hearing on October 24, 2006, resulted in the granting of parole. In 2011, however, Mr. Doucette had a dangerousness hearing, which found there was clear and convincing evidence that Mr. Doucette, if released, posed a danger to the community. After the hearing, the Parole Board revoked Mr. Doucette's parole and returned him to custody. He was denied parole at his review hearing on March 20, 2012.

In his opening statement to the Board, Mr. Doucette apologized for taking the life of Mr. Bufalino and expressed his remorse. Mr. Doucette acknowledged that he was a violent person and explained how he lives with the consequences each day. Mr. Doucette believes he designed his own rehabilitation program by being honest with himself and making changes for the future. Mr. Doucette accepts the mistakes he made on parole, including the individuals he associated with. The Board questioned Mr. Doucette as to why he was hard to supervise on parole. Mr. Doucette explained that he owned his own construction company, which required him to be on the move. Mr. Doucette acknowledged that he lacked a positive relationship with his parole officer and that he stopped attending the required AA program. Mr. Doucette stated that he was in denial about his addiction, even after receiving 3 DUI's.

The Board questioned Mr. Doucette about his two lifetime restraining orders. Mr. Doucette explained that he was arrested on parole for a domestic issue, in which he was found to be not guilty. Mr. Doucette also has another open restraining order from another woman. The Board expressed concern regarding Mr. Doucette's criminal activity during his periods of freedom. Board Members explained that, given his poor performance, it will be very difficult to judge whether he can make a positive change, if released again. Mr. Doucette explained that he tried to do the right thing, but dysfunctional relationships caused many of his problems. Mr. Doucette acknowledged that he has been given many chances, explaining that while he cannot change who he was in the past, he can make a positive change for the future. Mr. Doucette alleged that he is not a violent person anymore and has received counseling. Board Members expressed concern that Mr. Doucette shifts his responsibility onto other people and minimizes his criminal activity.

The Board questioned Mr. Doucette as to the facts of the crime and his decision to enter into a plea for the murder of Raymond Bufalino. Mr. Doucette explained that he did not mean to shoot the victim, but rather, he shot the gun accidentally when the victim pushed the gun away. Mr. Doucette alleged that he only had the gun to scare the victim. Board Members expressed concern for the truthfulness of this account of the crime, due to the execution style killing that took place. Further, Mr. Doucette's recitation of the facts at this hearing are not in line with the facts presented when he pled guilty. Mr. Doucette explained that he is being truthful now and that he took advice from his lawyer to agree with the facts presented during his guilty plea.

The Board questioned Mr. Doucette about his programming opportunities in prison and his efforts to rehabilitate himself. Mr. Doucette explained that he took Violence Reduction, but that he had problems getting into other programs because of his eligibility. He participated in the AA program, but stopped going when he saw people "continuing to do drugs in the

program." He has not continued counseling, but maintains a job in the maintenance department.

The Board considered oral testimony from Mr. Doucette's mother and sister, who expressed support for parole. The Board considered testimony of the victim's wife, sister, and brother, as well as Essex County District Attorney's Office Elin H. Graydon, all of whom spoke in opposition to parole.

III. DECISION

The Board is of the opinion that Charles Doucette has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Doucette's rehabilitation. The Board remains concerned as to attempts to minimize his criminal culpability, lack of candor, and non-compliance while on parole supervision. In addition, he has yet to live up to the recommendations outlined in his last Record of Decision.

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. The Board has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Doucette's risk of recidivism. After applying this standard to the circumstances of Mr. Doucette's case, the Board is of the opinion that Mr. Doucette is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. Doucette therefore, does not merit parole at this time.

Mr. Doucette's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Doucette to continue working towards 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.


Gloriann Moroney, General Counsel

9/5/17
Date