



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**CHRISTOPHER BERRY  
W51267**

**TYPE OF HEARING:** Initial Hearing

**DATE OF HEARING:** November 19, 2015

**DATE OF DECISION:** February 11, 2016

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

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, age of the inmate at 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 in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On October 4, 1991, in Essex Superior Court, Christopher Berry was convicted of the first degree murder of Virginia Woodward, as well as burglary with assault. Subsequently, he was sentenced to concurrent terms of life in prison. Mr. Berry was 16-years-old at the time of Ms. Woodward's murder.

In December 1987, Mr. Berry was living with his father and sister in Saugus. On December 26, the evening of Ms. Woodward's death, Mr. Berry hosted a small party at his home. At the party, Mr. Berry was drinking beer and smoking marijuana, as well as ingesting Xanax and mescaline. The party concluded at approximately 11 p.m., and Mr. Berry left the apartment with his friends. When he returned alone at midnight, Mr. Berry and his father became involved in an argument that escalated into a physical confrontation. Mr. Berry's father physically removed him from the apartment and told him not to come back.

Ms. Woodward's home was located across the street from Mr. Berry's residence. Mr. Berry decided to break into Ms. Woodward's home to steal property and money. After gaining entry by breaking a window at the rear of the house, Mr. Berry went into Ms. Woodward's kitchen and drank vodka. He also ate a piece of pie, ripped a phone off the wall, and smoked multiple cigarettes that he discarded on the kitchen floor. Next, Mr. Berry went to a second floor bedroom, where he found Ms. Woodward lying in bed. With a butcher knife, Mr. Berry stabbed Ms. Woodward eight times in her head, chest, abdomen, upper arms, and hands. Mr. Berry then smoked a cigarette, which he extinguished on Ms. Woodward's forehead.

After gathering some valuable items from Ms. Woodward's home, Mr. Berry secreted what he had stolen to a wooded area across the street from her house. Mr. Berry then returned home, where he continued to argue with his father. Saugus police arrived on the scene and, after some discussion, Mr. Berry agreed to voluntarily spend the night at the police station. At the time, the officers were unaware of Ms. Woodward's death. Officers learned of her death the following day. Mr. Berry was arrested shortly thereafter.

## **II. PAROLE HEARING ON NOVEMBER 19, 2015**

Christopher Berry, now age 44, appeared before the Parole Board on November 19, 2015 for an initial hearing and was represented by Attorneys Melissa Dineen and Courtney Bradley. In Mr. Berry's opening statement, he apologized for his actions. During the course of the hearing, he spoke about the night of the murder. According to Mr. Berry, he broke a window to gain entry into Ms. Woodward's home. At the time, he did not expect anyone else to be in the house. After entering, Mr. Berry went into Ms. Woodward's kitchen and drank vodka. He then entered an upstairs bathroom and stole prescription medication. After exiting the bathroom, Mr. Berry walked through the first door on his left leading to an unlit room. Mr. Berry described this room as being very dark. He told the Board that he was unable to see anything, but could detect movement. Mr. Berry then stabbed someone lying in a bed inside that room. Aside from these scant recollections of Ms. Woodward's murder, Mr. Berry reported to the Board that his memory is very hazy.

Over the course of the hearing, Mr. Berry communicated to the Board that he was not rehabilitated. Mr. Berry referred to his petition for parole as "delusional." He based this assessment on his involvement in an armed assault on two correctional officers in 2009, when he stabbed one of the guards in the face. Mr. Berry has been housed in a Department of Correction Disciplinary Unit since that time. Particularly telling was an exchange between Mr. Berry and the Board in which he expressed his opinion that he needed more time in custody to participate in programming. When asked if he thought he was ready to be released immediately, Mr. Berry responded, "If I could do the programs that I need to do, I think five years, maybe even more." Mr. Berry then requested that he be paroled to an on and after sentence he received for his involvement in the stabbing of a correctional officer in 2009.

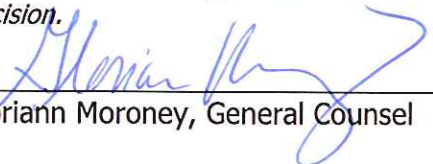
## **III. DECISION**

The Board is of the opinion that Christopher Berry 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 his rehabilitation.

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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.* The Board also recognizes the petitioner's right to be represented by counsel during his appearance before the Board. *Id.* at 20-24. The Board has also considered whether risk reduction programs could effectively minimize Mr. Berry's risk of recidivism.

After applying this standard to the circumstances of Mr. Berry's case, the Board is of the opinion that he is not yet rehabilitated and his release is not compatible with the welfare of society. Christopher Berry, therefore, does not merit parole at this time. Mr. Berry's next appearance before the Board will take place in five years from the date of the hearing related to this decision. During the interim, the Board encourages Mr. Berry 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.*

  
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Gloriann Moroney, General Counsel

  
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Date