

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

CHRISTOPHER BERRY

W51267

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **February 16, 2023**

DATE OF DECISION: **June 6, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On October 4, 1991, after a jury trial in Essex Superior Court, Christopher Berry was convicted of first-degree murder in the death of Virginia Woodward and sentenced to life in prison without the possibility of parole. On that same date, he was also convicted of armed burglary with assault on an occupant and sentenced to a concurrent term of life in prison. Mr. Berry was 16 years old at the time of the offense, making him eligible for parole.¹

Mr. Berry appeared before the Parole Board for a review hearing on February 16, 2023. He was represented by Attorney Courtney Kenyon. Mr. Berry was denied parole after his initial hearing in 2016. The entire video recording of Mr. Berry's February 16, 2023, hearing is fully incorporated by reference to the Board's decision.

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.

¹ *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013).

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. On December 26, 1987, 16-year-old Mr. Berry stabbed 87-year-old Virginia Woodward to death in Saugus. Mr. Berry was a juvenile at the time of the murder. The Board considered his juvenile status and the related *Miller/Diatchenko* factors in rendering its decision. Mr. Berry was born to two parents suffering from substance abuse disorder. He began using drugs and alcohol around age twelve. He lived in over one dozen homes, with and without his immediate family, from birth until the time of the murder. He was exposed to and was the victim of physical violence as a child. He was in tenth grade when he committed the governing offense. He has had a violent and incredibly troubling institutional adjustment with a history of violence against correctional staff. The Board notes he has expressed interest in renunciation from a security threat group which the Board encourages him to complete. The Board acknowledges the significant effort he has made in the last five years regarding rehabilitative programming. He is currently enrolled in the Graduate Support Program and is on the waitlist for additional programs. The Board finds Mr. Berry is progressing in the right direction but still has more work to do, namely in the area of violence reduction. He should pursue counseling, complete renunciation, and remain disciplinary report-free. He should avail himself of any opportunities to address victim empathy.


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 in Mr. Berry's case 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. In forming this opinion, the Board has taken into consideration Mr. Berry'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. Berry's risk of recidivism. After applying this standard to the circumstances of Mr. Berry's case, the Board is of the unanimous opinion that Christopher Berry is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Berry's next appearance before the Board will take place in two years from the date of this hearing.² During the interim, the Board encourages him 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.

² Four Board members voted to deny parole with a review in two years and two Board members voted to deny parole with a review in three years.


Tina M. Hurley, Chair

6/6/23
Date