



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



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AMENDED DECISION

IN THE MATTER OF

DAMIEN LOCKHART

W64441

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 20, 2018

DATE OF DECISION: December 10, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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.

I. STATEMENT OF THE CASE

On September 2, 1997, Damien Lockhart pleaded guilty to the second degree murder and attempted rape of a 17-year-old girl.¹ He was sentenced to life in prison with the possibility of parole. He also received a 9-12 year concurrent sentence for the attempted rape. Both sentences were to take effect from and after a 3-6 year armed robbery sentence that he was on probation for at the time of the murder.

On August 10, 1996, Damien Lockhart sexually assaulted and murdered a 17-year-old young woman in Framingham. Her body was discovered by the edge of a railroad dirt access road known as "the Weeds." She suffered seven distinct blows to her head and face, along with

¹ The identity of the victim is withheld. G.L. c. 265, §24C.

multiple cuts and bruises on her hands (consistent with defensive wounds). There were also indications of sexual assault. Blood consistent with the victim's blood was found on Mr. Lockhart's shorts. Footprints at the crime scene matched the tread of sneakers that Mr. Lockhart wore on the night of the murder. Additionally, eyewitnesses reported seeing Mr. Lockhart with the victim near the time and place of the murder. When Mr. Lockhart went to the Framingham Police Department for questioning, he was arrested for the murder.

II. PAROLE HEARING ON MARCH 13, 2018

Damien Lockhart, now 44-years-old, appeared before the Parole Board for a review hearing on March 13, 2018. He was not represented by counsel. Mr. Lockhart was denied parole after his initial hearing in 2013. In his opening statement to the Board, Mr. Lockhart apologized for his crimes to the victim's family. Upon questioning by the Board, Mr. Lockhart explained that as a teen living in Dorchester, he was an alcoholic and addicted to crack cocaine. He was drinking every day, as well as stealing cars and selling them for parts to support his crack cocaine habit. He was expelled from school after he showed up drunk and assaulted another student. Mr. Lockhart said that he never met his father, and his mother was abusive and addicted to drugs. He told the Board that he moved to Framingham to live with an aunt to escape the drugs and violence of his Dorchester neighborhood, but soon found himself smoking crack again. He was expelled from Framingham High School after assaulting a student.

Board Members noted that Mr. Lockhart was charged with assault and battery with a dangerous weapon (scissors) and assault with intent to maim, and he was convicted of arson. Mr. Lockhart said that the (assault with intent to maim) charge stemmed from an incident where he punched his aunt in the nose during a fight. He claimed, however, that he never used scissors against her. He said that the arson conviction occurred when he filled a jar full of gasoline, set it on fire, and threw it at a family's house while they were home. He believed that one of the occupants of the house had previously stabbed a friend of his. The Board noted that Mr. Lockhart received a 6 year sentence for an armed robbery conviction and was on probation for this crime at the time he committed the murder.

When Board Members questioned him about the murder, Mr. Lockhart said he had suspected that his live-in girlfriend was cheating on him. In a fit of rage, he smashed his girlfriend's television, ripped up her clothes, and smashed a mirror before leaving the house to drink, smoke crack, and attempt to cheat on her. He told the Board how he met the victim and convinced her to go to a secluded spot, where they kissed. However, when he tried to touch the victim in a sexual way, she said no. Mr. Lockhart explained that "she came over to this spot with me and one thing was supposed to lead to another and we we're going to have sex, when that didn't happen, my plan changed. Raping her was how I was going to get my needs met." Mr. Lockhart said that the victim fought him off, until he hit her in the head with a rock. After she fell to the ground, he heard a groan. Mr. Lockhart said he dragged her to a more secluded location and smashed her head seven times with a much larger rock, until she was dead. When questioned as to why he committed the murder, Mr. Lockhart claimed she was going to tell on him. He felt rejected and was unable to regulate his emotions, and he felt entitled.

The Board noted the Treatment Center staff's determination that Mr. Lockhart was an above average risk to re-offend, relative to other males. When asked to explain why, Mr. Lockhart said that his score on the Psychological /Physiological Test (PPT) showed inappropriate responses

to 8 scenes with manipulation, coercion, or anger. Mr. Lockhart said that after he completed the Sex Offender and Behavioral Management programs, he reduced his inappropriate responses to 3 scenes. The Board noted that Mr. Lockhart completed Correctional Recovery Academy (CRA), attended Alcoholics Anonymous and Narcotics Anonymous, and has 11 ½ years of sobriety. The Board also noted that Mr. Lockhart works full time at the prison and is involved in the Sex Offender Mentor program. He has not had a disciplinary report since 2010. Mr. Lockhart said that in addition to being sober, he has learned how to regulate his emotions and avoid violent outbursts through violence reduction and emotional awareness programs. When the Board asked about his parole plan, Mr. Lockhart recognized that it would be difficult to be accepted to a long term treatment program (as a registered sex offender), but felt he would benefit from such a program prior to being released to live with family members.

Mr. Lockhart's family and friends attended the hearing and sent letters of support. His aunt and nephew testified in support of parole. The victim's family members attended the hearing in opposition to parole. The victim's aunt and sister testified in opposition to parole. Middlesex Assistant District Attorney Margaret Pastuszek testified in opposition to parole and submitted a letter of opposition.

III. DECISION

The Board is of the opinion that Damien Lockhart has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Lockhart murdered the 17-year-old victim after she resisted forced sexual activity and threatened to call the police. Reports from the treatment staff at the Massachusetts Treatment Center (MTC) are a concern to the Parole Board.

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 forming this opinion, the Board has taken consideration Mr. Lockhart's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment and whether risk reduction could effectively minimize Mr. Lockhart's risk of recidivism. After applying this standard to the circumstances of Mr. Lockhart's case, the Board is of the unanimous opinion that Damien Lockhart does not merit parole at this time.

Mr. Lockhart's next appearance before the Parole Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Lockhart to continue to work 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, Executive Director

12/12/18
Date