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Charlene Bonner
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Executive Director

DECISION

IN THE MATTER OF

DEBRA SKARPOS

F35221

TYPE OF HEARING: **Review Hearing after Revocation**

DATE OF HEARING: **November 18, 2014**

DATE OF DECISION: **March 5, 2015**

PARTICIPATING BOARD MEMBERS: 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, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in three years from the date of the hearing.

I. STATEMENT OF THE CASE

On April 3, 1992, in Bristol Superior Court, Debra Skarpos pleaded guilty to murder in the second degree for the shooting death of Reginald Desnoyers. Skarpos was sentenced to life in prison, with the possibility of parole in 15 years.

On April 19, 1990, at approximately 9:30 pm, Dartmouth Police responded to the Rawhide Lounge on reports that a man had been shot. When officers arrived, they found Reginald Desnoyers lying between two parked cars with apparent gunshot wounds to the head. Earlier that evening, Reginald Desnoyers and his wife, Janice, went to the Rawhide Lounge where they had a few drinks and listened to the band. At around 9:00 pm, Janice Desnoyers said she began to feel sick, so they left the bar and walked back to their car to go home. When Mr. Desnoyers opened the passenger side door, Debra Skarpos (who was lying on the floor in the back seat) sat up and said, "Hi." She then stepped out of the vehicle, raised her right hand, and shot Mr. Desnoyers twice in the head. Mrs. Desnoyers immediately ran back to the lounge

and entered the ladies' room feeling very sick. A short time later, she went up to the bartender and wrote the word "cops" on a piece of paper, as she was too scared to speak. The bartender called the police.

Over the course of the next several weeks, police learned that Mrs. Desnoyers was involved in a romantic relationship with her friend, Brenda Brousseau. Ms. Brousseau was divorced from Leo Brousseau, who worked with Reginald Desnoyers. Mr. Brousseau informed police that Brenda (his ex-wife) had told him more than a month earlier that Mr. Desnoyers "was going" and that she planned to move in with Mrs. Desnoyers after he was gone.

Further investigation led police to conclude that Debra Skarpos had been responsible for shooting Reginald Desnoyers. Debra Skarpos was arrested on charges of first degree murder in May 1990.

II. PAROLE HISTORY

Debra Skarpos was initially seen by the Parole Board on May 11, 2005. The Board determined that Skarpos was not suitable for parole at that time because she was in need of ongoing treatment and programs that addressed both the causative factors of her crime and her ongoing mental health issues. The Board unanimously voted to deny parole with a review date in three years.

On May 13, 2008, Skarpos appeared before the Board for a review hearing. Keeping in mind the recommendations of the mental health clinician retained by the Board to evaluate Skarpos, the Board voted unanimously for parole to a reserve date of September 15, 2008. The Board concluded that with appropriate support in a transitional setting, including continuing mental health treatment and counseling, Skarpos was ready for community supervision.

Skarpos was released on January 20, 2009 to the McGrath House, where she successfully completed the program in June 2009 and then transferred to a friend's house in Douglas. She then moved to Tewksbury for a few months, before returning home to Fall River in May 2010. Skarpos appeared to be complying with her supervision requirements until June 23, 2010, when she tested positive for alcohol. A preliminary revocation hearing was held at the Region 8 Parole Office and on July 22, 2010, the Board voted to give Skarpos a Final Warning with the following added conditions: Intensive outpatient substance abuse counseling; AA meetings three times per week; and a hearing in custody at the first sign of substance abuse.

During her release, Skarpos was prescribed morphine for pain management due to a shoulder injury and was being monitored by her physician. On July 30, 2013, during a follow-up appointment with her physician, Skarpos provided a urine sample for testing that came back positive for 6-acetylmorphine, indicating heroin use. Her doctor confronted her about the positive urine screen and Skarpos admitted to relapsing to "street drug" use. Her doctor also discovered that Skarpos was 20 pills short for her morphine pill count. A Warrant to Custody was issued and Skarpos was returned to MCI-Framingham. During Skarpos' transport into custody, she advised parole staff that she had used heroin on three separate occasions.

III. PAROLE HEARING ON NOVEMBER 18, 2014

On Tuesday, November 18, 2014, Debra Skarpos appeared before the Massachusetts Parole Board for a revocation review hearing on the life sentence she is currently serving at MCI-Framingham for her 1990 conviction of second degree murder. This is Skarpos' third appearance before the Board. At the hearing, Debra Skarpos discussed her time on parole, the crime, her long history of addiction, her rehabilitative efforts, and her new parole plan.

Regarding her time in the community on parole, Skarpos said, "I went to the McGrath House for four months and completed the Intensive Outpatient Program (IOP) before going to stay with a former cellmate's mother in Douglas." She was not working due to injuries to her shoulders that she claimed were the result of lifting weights in prison. She said she had undergone five surgeries on her shoulders, but that she still can't use them and therefore collects disability income. She told the Board, "I stayed in Douglas for about eight months before finding out that the sickly mother I was helping out was taking a lot of pills to the point that I would find her asleep on the toilet." Skarpos moved to Tewksbury to stay with another friend and to help her take care of her two year-old son. When questioned about how she could properly care for a two-year old with her shoulder injuries, she claimed all she did was read him stories and play with him without using her shoulders. She told the Board that his mother would change his diapers and his clothes, when needed, and that she did not have to carry or lift him in any way. She only stayed in Tewksbury for about four months before moving back to Fall River to live with friends. Skarpos told the Board that she had to leave Tewksbury because she discovered the woman she was living with frequently smoked marijuana on the third floor of the house and that she did not want to be around people who were using illicit drugs.

Skarpos then moved to Fall River and stayed with friends. She told the Board she was seeing her parole officer regularly, attending AA meetings and the SSTAR program, and seeing a doctor for her chronic shoulder pain. The doctor prescribed morphine to her (three times a day). She said that she was still in a lot of pain and on June 23, 2010, she drank a 'nip' of vodka. She told the Board that the woman she was staying with frequently drank and that alcohol was openly available around the house. The Board questioned Ms. Skarpos as to why the parole violation report had information that said she told her parole officer that she drank several times prior to this date and that she had consumed several 'nips' on this date, as well. Ms. Skarpos claimed that she never told her parole officer that information. She was adamant to the Board that she only had one nip of vodka that day and she does not know why her parole officer would have written down conflicting information. She stated that "my parole officer found out and I entered the 60 day relapse prevention program through IOP. When I saw the Board regarding a revocation, they gave me a warning. Then I had to go to 12 to 13 AA meetings a month and was doing group counseling." After her violation for consuming alcohol, Skarpos moved into her own apartment in Fall River.

When asked about her heroin use, she said "I met someone at the methadone clinic who said she was getting heroin for her pain, so I bought three bags. I used them all, but only once." Skarpos adamantly denied ever telling parole staff that she had used heroin on three occasions prior to her positive urine screen. She maintains that she only used heroin once and that she has not used any since that one time. The Board then questioned Skarpos about being short on her morphine pills and Skarpos incredulously suggested that the missing pills were at

her house in a different pill dispenser. She claims that when she returned home after her doctor's appointment, she discovered the missing pills in a pill dispenser by her bed. When questioned as to why she did not contact her doctor or her parole officer with this information, she responded that she did not think it would do any good, as she had already tested positive for heroin and the doctor had already noted that she was missing 20 pills. Skarpos' testimony before the Board about the missing pills being in her pill dispenser at home was different from what the Hearing Officer documented during her preliminary revocation hearing on August 28, 2013. In the parole violation report, the Hearing Officer noted that Skarpos said the discrepancy in the morphine pill count was due to her attempts to self-regulate her morphine and methadone intake and that when she returned home from the doctor's appointment (where she had been short on her pill count), she found 18 pills in a magazine in her bedroom. When questioned about the difference in her testimony at her preliminary revocation hearing and the testimony she just gave to the Board, Ms. Skarpos was adamant that she never told the Hearing Officer anything about the missing pills being in a magazine or only finding 18 of the missing 20 pills. She told the Board that the Hearing Officer "got it all wrong" and that what she just told the Board was the only accurate version of events.

When asked about the governing offense, Skarpos provided the Board with information that was inconsistent with the written version of events (approved as accurate by Skarpos prior to this hearing). At the hearing, Skarpos told the Board that she did not know that Brenda and Janis wanted the victim killed so they could be together. Skarpos said she only knew Janis about one month prior to the shooting and that she did not think Janis wanted to be in a romantic relationship with Brenda. Skarpos told the Board that she was under the influence of drugs when she shot and killed the victim and that she did it because Janis and Brenda told her that Mr. Desnoyers "hurt kids; he molested them and he abused his slow daughter."¹ Skarpos acknowledged that she did not know Mr. Desnoyers prior to the shooting and that she relied on information from Brenda and Janis as the truth. She said Brenda and Janis gave her the gun, drove her to the bar, and told her to wait in the car and kill Mr. Desnoyers. She could not tell the Board why she went through with their plan, other than to say she was high on heroin and believed he was a child abuser. When questioned as to why she had never told anyone prior to this hearing that she believed the victim was a child abuser, Skarpos could not provide the Board with an answer other than "I mentioned it." When a Board Member asked Skarpos why she approved a version of the events that indicated that she knew Brenda and Janis were in a relationship and wanted to be together (but made no mention whatsoever of them telling her that the victim was a child molester), she became very defensive and could not provide the Board with any rationale as to these inconsistencies.

Since returning to MCI-Framingham, Skarpos told the Board that she is in the Women's Recovery Academy program and the Pain Management program. She is enrolled in an Anger Management program, but it has not yet started. She also works as a cleaner for the visiting room and as a mentor for younger girls in the program. Skarpos then told the Board about her plan if she were to be re-paroled. She said that she would be accepted into a six-month program at Steppingstone in Fall River. Skarpos told the Board she would then complete an Intensive Outpatient Program and move into a transitional house next door to Steppingstone. She would continue with one-on-one counseling and with Stanley Street Treatment and

¹ This was the first time Skarpos had mentioned that she believed the victim was a child abuser at the time she shot him. She never mentioned this at any time prior to the hearing on November 18, 2014 and there is no credible evidence to suggest such an allegation was true.

Resources (SSTAR). When asked about her support network, Skarpos told the Board that her family is deceased, but she has support in several older women (who are recovering addicts) that she met through the SSTAR program. When asked why none of them were here today to support her, she claimed that she had no way to contact them from prison.

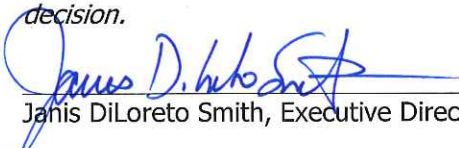
Bristol Assistant District Attorney Dennis Collins and two of Mr. Desnoyers' daughters spoke in opposition to Skarpos' petition for parole. No one attended the hearing in support of her petition for parole.

IV. DECISION

Debra Skarpos is serving a life sentence for the shooting death of Reginald Desnoyers, a man whom she did not know. At the hearing, Skarpos was not forthcoming in answering direct questions from the Board. She had an excuse for everything, but none of her explanations focused on her actions or her responsibility for the situation. She shifted the blame to others involved in the situation: it was always someone else who drank too much, smoked marijuana, or misunderstood what she told them. Skarpos also minimized every aspect of her testimony, including her statements about the murder, her disciplinary reports while incarcerated, her Parole Officer evaluations, and her parole revocation hearings. She provided the Board with contradictory testimony regarding the events of the governing offense and her parole revocation reports. When her minimization and contradictions were pointed out to her by the Board, Skarpos provided no believable explanation as to why she continues to behave in this way. Given her lack of candor and her continued minimization of harmful life events, the Board did not find her testimony to be credible.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Debra Skarpos does not merit parole at this time. Skarpos needs a more substantive treatment plan than she acknowledges and she needs to develop a release plan that identifies her needs. Parole is denied with a review in three years from the date of the hearing, during which time Skarpos is encouraged to participate in a more comprehensive rehabilitation program that adequately addresses her substance abuse and her lack of candor and insight regarding her governing offense and subsequent parole violations.

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.


Janis DiLoreto Smith, Executive Director

3/5/15
Date