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DECISION

IN THE MATTER OF

FECKIERT EXILHOMME

W82057

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: June 20, 2017

DATE OF DECISION: May 16, 2018

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 four years from the date of the hearing.

I. STATEMENT OF THE CASE

On June 16, 2003, after a jury trial in Middlesex Superior Court, Feckiert Exilhomme was found guilty of second degree murder in the death of 24-year-old Ocson Sainterling. He was sentenced to life in prison with the possibility of parole.

On July 23, 2002, at about 12:45 a.m., Mr. Exilhomme stabbed Ocson Sainterling in the groin with a knife, resulting in his death. The killing had been planned by Mr. Exilhomme, who was acting out of revenge for the attention he perceived Mr. Sainterling had paid to his (Mr. Exilhomme's) girlfriend. Mr. Exilhomme maintained that he had tried to talk to Mr. Sainterling earlier in the day to settle their problems, but their mutual friends interfered and turned on Mr. Exilhomme. Later that evening, Mr. Exilhomme learned that Mr. Sainterling and some of his friends were looking for him. He believed that they had armed themselves with knives. Mr. Exilhomme grabbed a knife from his kitchen and went outside, as he did not want anyone

coming inside and harming his mother and sister, with whom he lived. Outside, he encountered Mr. Sainterling, who was alone and appeared to be holding something in his waistband. Mr. Exilhomme claimed that he was afraid Mr. Sainterling would kill him, so he stabbed him in self-defense. Mr. Sainterling did not, in fact, have any weapons with him. When police arrived at the scene, an officer asked Mr. Sainterling, "Who did this to you?" Mr. Sainterling responded, "Feckiert, Feckiert." Mr. Sainterling was transported to the hospital, where he died that night. Mr. Exilhomme turned himself in to Somerville police later that night.

II. PAROLE HEARING ON JUNE 20, 2017

Mr. Exilhomme, now 42-years-old, appeared before the Parole Board on June 20, 2017, for an initial hearing. He was not represented by counsel. In his opening statement to the Board, Mr. Exilhomme apologized to the family of the victim, accepted responsibility for the murder, and expressed remorse for his actions. Mr. Exilhomme stated that he is no longer the same "ignorant, scared, young person that committed this horrific act." Mr. Exilhomme explained that over the past 15 years, he has taken every program he was able to, in the hope of rehabilitating and becoming a "better human being," so that he can become a "law abiding, productive member of society." The Board notes that Mr. Exilhomme currently has a detainer from the United States Immigration and Customs Enforcement ("ICE").

Mr. Exilhomme grew up in a single parent home in Haiti, living with his mother and his siblings. When he was a child, his mother fled to the United States in an effort to find a better life for her family. Mr. Exilhomme and his siblings were left behind (alone) in Haiti for the next three years, until Mr. Exilhomme came to the United States at around age 16. He and his siblings joined his mother in Somerville. He attended Cambridge Rindge and Latin School and graduated, earning his diploma. Mr. Exilhomme and Mr. Sainterling were friends, who first met around 1993. The two were from the same Haitian community living in the Mystic Housing Development in Somerville. In describing the events leading up to the murder, Mr. Exilhomme stated that around the time of the murder in 2002, he had a two month long relationship with a certain woman. At some point, they broke up, but then resumed their relationship. Mr. Sainterling was a mutual friend of Mr. Exilhomme and his girlfriend, but, at some point, the girlfriend indicated to Mr. Exilhomme that Mr. Sainterling had made advances toward her. Mr. Exilhomme confronted Mr. Sainterling about the advances, which he denied.

According to Mr. Exilhomme, on the day of the murder, he was at a gathering in the neighborhood with a group of friends. A fight broke out amongst the group and Mr. Exilhomme attempted to intervene. A mutual friend of Mr. Exilhomme and Mr. Sainterling had approached him and started yelling because Mr. Exilhomme had gotten back together with his girlfriend. An altercation ensued. Mr. Exilhomme subsequently went to his mother's house to speak with his girlfriend on the telephone. While on the phone with Mr. Exilhomme, his girlfriend responded to a bang at her door, where she encountered Mr. Sainterling and some friends, who indicated they were looking for Mr. Exilhomme. Mr. Exilhomme stated he overheard his girlfriend on the phone say, "Why do you have a weapon?" Believing Mr. Sainterling and his friends were armed, Mr. Exilhomme grabbed a knife from the kitchen and left to go stop the group from coming to his mother's house. He eventually encountered Mr. Sainterling and stabbed him, claiming he acted in self-defense. He then fled the scene.

The Board notes that there appeared to be conflicting accounts of what occurred on the night of the murder. At the trial, there was a witness that testified that Mr. Exilhomme was the aggressor and that Mr. Sainterling was defenseless. Mr. Exilhomme denied that this was the case, claiming that he believed Mr. Sainterling had a weapon. Mr. Exilhomme's girlfriend also initially told the police that she observed Mr. Sainterling with a weapon, but later testified at trial that she did not see him with a weapon, and that she observed him with his hands at his side at the time of the attack. When asked about this inconsistency, Mr. Exilhomme opined that his girlfriend had lied at trial, but could not offer an explanation as to why she would change her statement. The Board also inquired as to why Mr. Exilhomme stabbed Mr. Sainterling in the groin area. Mr. Exilhomme claimed that he stabbed him in the groin because he did not wish to kill him. He denied, however, being motivated by jealousy over his girlfriend. The Board inquired as to why Mr. Exilhomme, after stabbing Mr. Sainterling, then pushed the knife into his body again. Mr. Exilhomme indicated that he was afraid and was acting in self-defense.

Although Mr. Exilhomme denied ever threatening anyone with a weapon, or exhibiting any other acts of violence prior to the governing offense, Mr. Exilhomme acknowledged that he was arrested for an incident arising out of an argument with the boyfriend of his child's mother. The woman was granted a restraining order against Mr. Exilhomme. In her affidavit submitted in support of the restraining order, she stated that Mr. Exilhomme threatened her with a machete, an allegation which Mr. Exilhomme denies. Mr. Exilhomme's ex-wife also obtained a restraining order against him. When asked why he believes two women requested restraining orders against him, Mr. Exilhomme opined that perhaps the women were "jealous."

Although Mr. Exilhomme has completed some programming to address issues with violence, he has participated in relatively few programs. Mr. Exilhomme did not participate in programming for approximately nine years of his incarceration. Among the programs that he completed was the Violence Reduction Program, which Mr. Exilhomme stated has assisted him since he "did not know how to walk away from trouble." He indicated that the program helped him understand that violence and negative confrontation is not the appropriate way to resolve conflicts. Notwithstanding Mr. Exilhomme's lack of significant program participation, he has had an otherwise positive institutional adjustment, having received only one disciplinary report. Mr. Exilhomme currently works in the institution doing repairs on the cable system.

The Board considered the testimony of Mr. Exilhomme's ex-wife and brother, both of whom expressed support of parole. The Board also considered the testimony of the father and brother of the victim, as well as Middlesex County Assistant District Attorney Adrienne Lynch, all of whom expressed opposition to parole.

III. DECISION


The Board is of the opinion that Mr. Exilhomme has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Exilhomme's presentment is not indicative of an individual that is rehabilitated. Mr. Exilhomme lacks candor and continues to minimize his culpability. He has a history of violent behavior. In addition, there are long gaps in program participation and employment, while incarcerated.

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 into consideration Mr. Exilhomme'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. Exilhomme's risk of recidivism. After applying this standard to the circumstances of Mr. Exilhomme's case, the Board is of the unanimous opinion that Feckiert Exilhomme is not yet rehabilitated and, therefore, does not merit parole at this time.

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


Date