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DECISION

IN THE MATTER OF

GEORGE DONOVAN

W46283

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 20, 2017

DATE OF DECISION: May 29, 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 April 13, 1989, in Middlesex Superior Court, George Donovan pleaded guilty to the second degree murder of his 29-year-old live-in girlfriend Kathleen Kane and was sentenced to life in prison with the possibility of parole.

On June 23, 1988, at approximately 7:30 a.m., Everett police responded to the residence of Kathleen Kane and her two daughters. Neighbors had called police after the girls came to their house, screaming that their mother was bleeding and would not wake up. Ms. Kane was found lying on the couch with a blanket over her. Her head was covered in blood and she appeared to be badly beaten. She was pronounced dead at Whidden Memorial Hospital, shortly after arrival. Police learned that George Donovan may have been responsible for the murder.

When Mr. Donovan was apprehended and interviewed by police, he admitted that his drinking and drug abuse was a constant cause of fighting between him and Ms. Kane and was, most likely, the reason she had asked him to move out. During that night, Ms. Kane awoke and called down to Mr. Donovan in the basement. When she realized he was smoking and drinking again, they began to argue. Mr. Donovan said he was leaving, went to the closet to grab a jacket, and grabbed a metal baseball bat in the closet. He stated to police that he began swinging the bat and hit Ms. Kane several times. Mr. Donovan also indicated to police how he attempted to cover up the murder and then escape, including such steps as placing a blanket over her head (as he was concerned about the children upstairs), ripping the phone from the wall (so that no calls could be placed), stealing Ms. Kane's car, and taking both the VCR and baseball bat. He called his sister, although he didn't specifically say what he had just done, and asked her to get a doctor to check on Ms. Kane. Upon arriving at his father's house, he learned that Ms. Kane had died. He told his father what he had done, and his father then accompanied him to the police station.

II. PAROLE HEARING ON JUNE 20, 2017

George Donovan, now 62-years-old, appeared before the Board for a review hearing on June 20, 2017, and was represented by Attorney Lorenzo Perez. Mr. Donovan has been denied parole in 2003, 2008, and 2011. Attorney Perez indicated to the Board that Mr. Donovan has been rehabilitated, highlighting his institutional behavior, program participation, risk and needs assessment, work, and education. Attorney Perez also spoke of Mr. Donovan's troubled childhood, stating that he was abused and neglected by his family members. Attorney Perez stated that the abuse precipitated Mr. Donovan's eventual development of substance abuse, which was a contributing factor to his crime. He addressed Mr. Donovan's remorse and regret for his actions, including his three suicide attempts. He also indicated that Mr. Donovan has addressed his mental health issues through counseling. In addition, Attorney Perez addressed an allegation that Mr. Donovan sexually abused one of the daughters that, he believed, was brought forth only in 2011 (at Mr. Donovan's last parole hearing). The Board, however, clarified that it was aware of the allegation in 2003.

In Mr. Donovan's statement to the Board, he discussed his efforts towards rehabilitation, including program participation that addresses his violent behavior and efforts to maintain his sobriety. Mr. Donovan accepted responsibility for the murder, expressed remorse for his actions, and apologized to the family of the victim, to the community, and to his own family. Regarding his 2011 hearing, Mr. Donovan stated that he was "shocked and confused" about the allegations made against him by the daughter of Ms. Kane. After receiving the decision of his last hearing, Mr. Donovan realized that he was not clear enough to the Board about his past violent and abusive behavior. In discussing what precipitated his abusive behaviors, Mr. Donovan described his family life as a child. He stated that his parents separated when he was approximately 6-years-old because of substance abuse and domestic violence. He described several incidents of domestic violence between his parents that he witnessed as a child.

Around the time of the murder, Mr. Donovan described himself as "verbally and emotionally abusive" and "self-centered." Mr. Donovan indicated that he abused drugs, such as marijuana, PCP, mescaline, cocaine, acid and alcohol. Mr. Donovan admitted that throughout his relationship with Ms. Kane, he was abusive towards her physically, verbally, and emotionally. He indicated that the abuse began approximately two years into the relationship and described two separate incidents of physical violence towards Ms. Kane prior to the murder. Over the course of the years, Mr. Donovan indicated that he attempted to get sober at the request of Ms. Kane, as his substance abuse was often the cause of arguments during their relationship. However, Mr. Donovan only managed to remain sober for a few days at a time

and would use his sobriety to get back into Ms. Kane's good graces. Mr. Donovan revealed at this hearing that he had been angry with Ms. Kane for the six months prior to the murder because, as he had learned through reading Ms. Kane's diary, she had an affair with another man. One Board Member noted that she did not recall Mr. Donovan ever stating that Ms. Kane had an affair prior to this hearing.

At the time of the murder, Ms. Kane had asked Mr. Donovan to move out of her residence because of his substance abuse. On the day of the murder, Mr. Donovan had awoken early and decided to get high before work. He recalled that he had six pills of mescaline, two rolled PCP cigarettes, and a half-ounce of marijuana in his possession. At some point, while he was in the basement getting high, he heard Ms. Kane yelling down the stairs. Realizing he got caught getting high in the house, Mr. Donovan went upstairs. Ms. Kane confronted him. Mr. Donovan went into a closet to get his jacket to leave, but instead, grabbed a baseball bat and hit Ms. Kane with the bat at least four times. In describing his actions directly after the murder, Mr. Donovan stated that he ripped the telephone from the wall, but could not explain why. He took a VCR and a gold chain from the residence, which he later sold for money, so he could flee. Mr. Donovan left the residence, explaining that when he realized what he had done, he "wanted to drive into a tree and die." After he left the house, he asked his sister to call an ambulance for Ms. Kane, told his father what had happened, and then decided to turn himself in to police.

The Board noted that Mr. Donovan has had no disciplinary reports during his 29 year incarceration, something that is very rare. He has, however, attempted suicide on more than one occasion. After his suicide attempts, Mr. Donovan stated that began mental health counseling. Mr. Donovan also participated in an extensive amount of programming, including Restorative Justice, Domestic Violence programming, Anger Management, and Alcoholics Anonymous/ Narcotics Anonymous. Mr. Donovan earned his GED and bachelor's degree and has been employed within the Department of Correction. Mr. Donovan has also been practicing Buddhism, which has become a large part of his life.

The Board considered the testimony of Mr. Donovan's brother, two cousins, and an aunt, all of whom expressed support of parole. The Board also considered the testimony of the victim's two sisters and two daughters, as well as Middlesex County Assistant District Attorney Jessica Noble, all of whom expressed opposition to parole.

III. DECISION

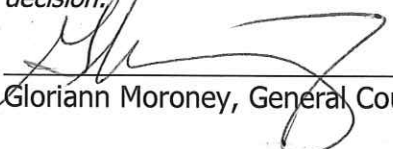
The Board is of the opinion that Mr. Donovan has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board does not perceive Mr. Donovan as being credible. Mr. Donovan has a long history of domestic violence and the Board is of the opinion that he remains a risk to re-offend.

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. Donovan'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. Donovan's risk of recidivism. After applying this standard to the circumstances of Mr.

Donovan's case, the Board is of the unanimous opinion that George Donovan is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Donovan'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. Donovan 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