

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

HOWARD BROWN

W34824

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 14, 2018

DATE OF DECISION: August 20, 2019

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

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 January 13, 1975, in Hampshire Superior Court, Howard Brown pleaded guilty to second degree murder and was sentenced to life in prison with the possibility of parole. Mr. Brown has filed several appeals throughout his incarceration, all to no avail.

On October 5, 1973, Howard Brown, age 20, went to the home of his girlfriend, Lois Boucher, age 17, where he found her watching television with her mother. Ms. Boucher had been increasingly unhappy with their relationship due to Mr. Brown's significant physical and emotional abuse. An argument ensued that evening, which carried out into the front of the home. During the course of the argument, Mr. Brown picked up Ms. Boucher by the neck and carried her some 20 feet. Ms. Boucher was choking as he continued to carry her. He put her down on the road and pounded her head against the pavement multiple times. In his confession to police, Mr. Brown stated, "I stood up and carried her about twenty feet. The reason I grabbed her was because she called me stupid. While I was carrying her she was

making funny noises and choking sounds. When I got to the road, I turned her over and bashed her head against the pavement three or four times. I wanted to kill her because it was me or nobody. After I thought she was dead, I threw her to the side of the road.”

Ms. Boucher died approximately three hours later as a result of a fractured skull and brain lacerations. Mr. Brown left the scene and was involved in a motor vehicle accident. He was arrested a short time later at his parent’s home.

II. PAROLE HEARING ON AUGUST 14, 2018

Howard Brown, now 64-years-old, appeared before the Parole Board for his review hearing on August 14, 2018. He was not represented by counsel. He was denied parole after his initial hearing in 1988, and after his review hearings in 1989, 1990, 1992, 1995, 1998, 2003, 2008, and 2013. Mr. Brown declined to make an opening statement. In discussing the governing offense, Mr. Brown did not dispute the facts of the case. Mr. Brown stated that he reacted to Ms. Boucher not because she wanted to end their relationship, but rather, because she called him “stupid.” He believes his reaction was a culmination of the low self-esteem he suffered from being bullied in his youth.

The Board questioned Mr. Brown as to his progress in rehabilitation since commitment, as well as his level of insight and candor, in order to evaluate him for parole suitability. Mr. Brown is currently incarcerated at Souza Baranowski Correctional Center, where he has been since 2009. Since his last parole hearing, he has not engaged in any treatment or programming and has refused to participate in the classification process at the Department of Correction. Mr. Brown also declined to participate in an evaluation, citing negative experiences in the past with mental health professionals. Mr. Brown has had multiple special management and disciplinary detention unit placements during this commitment. On April 28, 2010, in Norfolk Superior Court, Mr. Brown was convicted of assault and battery on an institutional guard, for which he received two years probation to be served from and after the governing offense.

The Board considered testimony in opposition to parole from Ms. Boucher’s sister. The Hampshire County District Attorney’s Office opposed Mr. Brown’s petition for parole.

III. DECISION

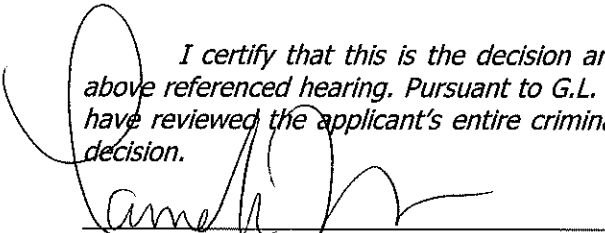
Mr. Brown committed a brutal murder of his own girlfriend because she wanted to end their relationship. It is the opinion of the Board that Mr. Brown has not yet demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

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. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Brown’s risk of recidivism. The Board considered Mr. Brown’s institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. After applying

this standard to the circumstances of Mr. Brown's case, the Board is of the unanimous opinion that Howard Brown is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Brown's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Brown 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. 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.



Pamela Murphy, General Counsel

8/20/2019
Date