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DECISION

IN THE MATTER OF

JOHN BRENNAN

W43560

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 6, 2015

DATE OF DECISION: January 13, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, 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, 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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On October 20, 1982, in Essex Superior Court, John Brennan was found guilty of first degree murder for the shooting death of his wife, and was sentenced to life imprisonment. On appeal, the Supreme Judicial Court, in *Commonwealth v. Brennan*, 399 Mass. 358 (1987), set aside the verdict on the murder indictment and remanded the case to Essex Superior Court for a new trial. On June 30, 1988, Brennan pleaded guilty to second degree murder for the shooting death of his wife and was sentenced to life in prison with the possibility of parole.

On June 30, 1981, John Brennan shot and killed his wife, Marlene Brennan, in the parking lot of the Stadium Lanes Bowling Alley in Lawrence. Brennan shot her four times, with their 14 year-old son nearby. At the time of the murder, he and his wife were estranged and Ms. Brennan had an active restraining order against him. Brennan was distraught over learning that his wife was dating another man. Brennan had been drinking and using drugs on the day of the murder and, despite the restraining order, had specifically gone to the Stadium Lanes Bowling Alley with a gun, looking for his wife.

II. PAROLE HEARING ON OCTOBER 6, 2015

John Brennan, age 72, appeared for his fourth parole hearing after serving 34 years of a life sentence. Brennan was first eligible for parole in 1997, but voluntarily postponed his hearing. He first appeared before the Board in October of 2000 and was denied parole with a review in five years. He next appeared before the Board for a review hearing in October 2005, after which the Board denied parole with a review in five years. In October 2010, Brennan again appeared before the Board and was denied parole with a review in five years. In their decision, the Board cited in part "Mr. Brennan's presentment before the Board was both troubling and concerning. The murder of his wife was both calculated and an extreme act of domestic violence, exacerbated by the fact that the couple's son was in the vicinity of the crime when his mother was killed by Mr. Brennan. Despite these facts, the defendant, even at this juncture, lacks insight regarding his crime and his underlying anger and domestic violence issues."

Brennan provided an opening statement lacking any remorse or responsibility for the calculated, heinous murder of his wife. His remarks only outlined his institutional history. His lack of remorse and failure to accept full responsibility was further demonstrated by the fact that last year, in August of 2014, Brennan filed a motion for a new trial seeking to withdraw his 1988 guilty plea. His motion was summarily denied by the Court in September of 2014. Since entering the institution over thirty years ago, he has engaged in limited treatment and programming to address his criminal behavior that would enhance his reintegration into the community. Since his last hearing, he has continued to participate in religious services and Alcoholics Anonymous (AA). He earned his GED in 2000, and is currently employed in the Binding Shop through MassCor Industries, where he has been employed for the past 16 years.

Despite his positive adjustment over the past decade, Brennan had a poor adjustment to incarceration. He has incurred at least 36 disciplinary reports, many of them serious in nature involving violent behavior, insolence, and substance abuse. Although his last disciplinary report was in 1998, he has not engaged in any programming to address his criminal behavior and substance abuse issues. He has continuously declined participation in Correctional Recovery Academy, despite the specific suggestion to do so from the Board after his last hearing in 2010.

Brennan's substance abuse began at a very young age. He told the Board he began drinking alcohol when he was 10 years old. He started working when he was 14 years old and discovered that he liked working more than attending school. He eventually left school when he was 16 years old, continuing to abuse alcohol. Brennan said he stopped drinking at age twenty-five, when he got married, and remained sober for approximately thirteen years, until he began drinking again and using drugs in 1981 when his marriage fell apart. Brennan stated that he was very in love with his wife Marlene, but that he didn't recognize a lot of his bad behaviors. He was out of the home on many occasions and had been unfaithful to his wife. He said that when he found out his wife had been unfaithful to him, he lost total trust in her. Brennan claims that drugs were never a real issue for him, but that he did experiment with cocaine, valium and marijuana.

Brennan described the precipitants to the murder of his wife, stating he could not accept her decision to leave him. The Board was most interested in learning whether Brennan understood the factors that caused him to commit such a heinous crime. He informed the

Board that his internal anger and alcohol abuse were underlying factors in the murder. However, he continued to minimize his propensity for domestic violence, both in his marriage and in prior relationships.

There was no one present at the hearing in support of parole. Several of the victim's family members attended the hearing in opposition to parole. Ms. Brennan's sister and niece spoke in strong opposition to parole. The Victim Services' Unit read a statement in opposition authored by the sister of the victim. Essex County Assistant District Attorney (ADA) Elin Graydon submitted a letter and ADA Emily Mello spoke in opposition, outlining the District Attorney's strong opposition to Brennan's petition for parole.

III. DECISION

John Brennan has not demonstrated a level of rehabilitative progress that shows the Board his release is compatible with the welfare of society. After over three decades of incarceration and three parole denials, Brennan has yet to show proper remorse and has failed to put effort into reforming his character and behavior. The Board concedes that Brennan has maintained a positive disciplinary adjustment over the past decade, however, he needs to gain further insight as to the causative factors of his criminal behavior and adequately address his substance abuse and domestic violence issues. He does not fully recognize the pattern of impulsive/violent behavior that he has exhibited towards women. Brennan is encouraged to address these areas of concern by the Board and to invest in his rehabilitation through meaningful programming and self-reflection.

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 John Brennan does not merit parole at this time because he is not fully rehabilitated. The review will be in five years, during which time Mr. Brennan should engage in available programming and continue to exhibit positive behavior.

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.


Michael J. Callahan, Executive Director

January 13, 2016
Date