

*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

**JOHN BRENNAN
W43560**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: October 6, 2020

DATE OF DECISION: August 23, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On October 20, 1982, after a jury trial in Essex Superior Court, John Brennan was convicted of first-degree murder for the shooting death of his wife. He was sentenced to life in prison without the possibility of parole. On appeal, the Supreme Judicial Court set aside the verdict on the murder indictment and remanded the case to Essex Superior Court for a new trial.² On June 30, 1988, Mr. Brennan pleaded guilty to second-degree murder for the 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 estranged wife, Marlene Brennan, in the parking lot of the Stadium Lanes Bowling Alley in Lawrence. At the time of the murder, Ms. Brennan had an active restraining order in place against Mr. Brennan. Mr. Brennan was distraught over learning that his wife was dating another man and, on the day of the murder, had been drinking and using drugs. Despite the restraining order, he traveled to the Stadium

¹ Two Board Members voted to grant parole to Interstate Compact – Tennessee.

² *Commonwealth v. Brennan*, 399 Mass. 358, 504 N.E.2d 612 (1987).

Lanes Bowling Alley, armed with a gun, to find his wife. Mr. Brennan shot her four times, killing her, while their 14-year-old son was nearby.

II. PAROLE HEARING ON OCTOBER 6, 2020

John Brennan, now 79-years-old, appeared before the Parole Board on October 6, 2020, for a review hearing. He was not represented by counsel. Mr. Brennan was denied parole after his initial hearing in 2000, and after his review hearings in 2005, 2010, and 2015. In his opening statement to the Board, Mr. Brennan detailed his programming efforts and positive adjustment in the hope that he will earn a parole release. He stated that he has maintained his sobriety and feels spiritually strong. Mr. Brennan also apologized to the family of the victim.

Mr. Brennan explained that he and Ms. Brennan had been together for approximately 15 years. After a period of sobriety, he resumed his abuse of alcohol, which caused fighting in their marriage that included the topic of infidelity. Mr. Brennan claimed that Ms. Brennan had abused alcohol, as well, and he "just wanted to get away from her." He acknowledged that, at times, he was physically abusive to her during these fights. Board Members expressed their concern that Mr. Brennan (who could not remember how many times, or in what manner, he hit his wife) did not appreciate the magnitude of the physical abuse inflicted upon her throughout their relationship. The Board noted that police were called to their house on more than one occasion. In addition, the fighting had prompted Ms. Brennan to obtain a restraining order. Approximately nine months before the murder, the couple discussed divorce and soon separated.

In the month leading up to the murder, Mr. Brennan said that he agreed to hold a gun for an acquaintance as a favor. He told the Board that he was drinking and using drugs throughout the day of the governing offense. Although he denied that he had planned to kill Ms. Brennan, Mr. Brennan nonetheless drove to the bowling alley. They argued, and he "wound up shooting her." Mr. Brennan acknowledged that an active restraining order against him was in place. When the Board questioned him as to why he was carrying the gun that day (if he had not planned on killing Ms. Brennan), Mr. Brennan responded that he had it with him to return to an acquaintance. While "there was no reason" that he killed Ms. Brennan, Mr. Brennan stated that he did so because he was "under the influence" and "had a lot of anger." The murder was "just another stupid thing" he did while drinking.

The Board noted that Mr. Brennan has done a considerable amount of work since his 2015 review hearing. Mr. Brennan stated that he participated in programs, such as Restorative Justice, Family Violence, and Emotional Awareness, to address the Board's concerns about his lack of domestic violence treatment and now understands that he was abusive to his wife, especially emotionally. Although he chose not to participate in the Correctional Recovery Academy, Mr. Brennan said that he attends Alcoholics Anonymous regularly. Further, Mr. Brennan stated that he has resisted the urge to use in prison, as his commitment to spirituality has helped him maintain his sobriety. Despite the Board's prior requests that he participate in specific substance abuse treatment and programming, Mr. Brennan believes that his participation in Alcoholics Anonymous, as well as the church, is sufficient to address his addiction issues.

The Board considered the testimony of Ms. Brennan's family members in opposition to parole. The Board considered testimony in opposition to parole from Essex County Assistant District Attorney Kristen Jiang. The Board also considered additional letters in opposition to parole, including a letter from Essex County District Attorney Jonathan Blodgett.

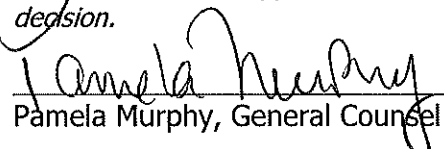
III. DECISION

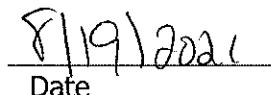
Mr. Brennan shot and killed his wife in June of 1981. Despite his participation in numerous programs, Mr. Brennan continues to minimize his history of abusive behavior toward his ex-wife. Mr. Brennan should engage in additional treatment/programming to gain insight into the areas of victim impact and empathy. Release is not compatible with the welfare of society at this time.

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. Brennan'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. Brennan's risk of recidivism. After applying this standard to the circumstances of Mr. Brennan's case, the Board is of the opinion that John Brennan is not rehabilitated and, therefore, does not merit parole at this time.

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


Pamela Murphy, General Counsel


Date