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PAROLE BOARD

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Tina M. Hurley
Chair

RECORD OF DECISION

IN THE MATTER OF

JOHN BRENNAN

W43560

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 4, 2022**

DATE OF DECISION: **January 12, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin, James Kelcourse, Colette Santa

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, Marlene Brennan. 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.¹ On June 30, 1988, Mr. Brennan pleaded guilty to second-degree murder and was sentenced to life in prison with the possibility of parole.

Mr. Brennan appeared before the Parole Board for a review hearing on October 4, 2022. 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, 2015, and 2020. The entire video recording of Mr. Brennan's October 4, 2022, hearing is fully incorporated by reference to the Board's decision.

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 a suitable candidate for parole.

Reserve to Interstate Compact Tennessee. On June 30, 1981, Mr. Brennan shot and killed his wife, Marlene Brennan. Mr. Brennan accepted responsibility for the murder at this most recent

¹ *Commonwealth v. Brennan*, 399 Mass. 358, 504 N.E.2d 612 (1987).

hearing. He has been disciplinary report-free since 1998. He has engaged in rehabilitative programming to include Restorative Justice, Emotional Awareness, Jericho Circle, and Alternatives to Violence. Mr. Brennan attends AA and has been sober for approximately thirty years. Mr. Brennan presented a strong parole plan and has family support.

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. Applying this standard to the circumstances of Mr. Brennan's case, the Board is of the unanimous opinion that John Brennan is rehabilitated and, therefore, merits parole at this time.

Special Conditions: Reserve to Interstate Compact Tennessee; Waive work for age; Curfew – Must be at home between 10pm and 6am; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; AA/NA at least 3 times/week.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel

1/12/23

Date