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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

JOSEPH DEMERS
W48449

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 9, 2015

DATE OF DECISION: September 10, 2015

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, 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 four years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 18, 1990, following a jury trial in Franklin Superior Court, 20-year-old Joseph Demers was convicted of second degree murder in the death of his 16-year-old girlfriend, Catherine Gochinski. He was sentenced to life imprisonment with the possibility of parole, after serving 15 years. Demers appealed his conviction in a motion for a new trial, but it was denied in *Commonwealth v Joseph R. Demers*, 41 Mass. App. Ct. 1115 (1996).

On February 4, 1989, Joseph Demers (then age 19) shot his girlfriend, 16-year-old Catherine Gochinski, once in the chest in their apartment in Montague, Massachusetts. Demers was intoxicated at the time, and he was angry that the victim had stated her intention to leave him. He grabbed his shotgun from a corner of the apartment and loaded it. Moments later, he fired point-blank at his girlfriend. The gunshot was a contact wound, as evidenced by extensive gunpowder deposit on the victim's clothing. A large slug and the shotgun wadding were recovered from the victim's body at autopsy.

Demers initially denied he was the one who killed Ms. Gochinski. He testified at his trial that he did not shoot her and placed the blame on a third party. For years after his trial, despite the evidence and his conviction, he maintained that he did not kill her. Eventually, in 1994, he admitted that he was the one who murdered her, but claimed that it was an accident.

II. CRIMINAL AND PAROLE HISTORY

Demers has one juvenile arrest (in 1987) for leaving the scene of property damage, which was dismissed upon community service. The 1990 murder conviction is the only entry on his adult record.

The Parole Board denied parole for Demers on three prior occasions: 2004, 2007, and 2011. The Board noted in each denial that Demers was not taking responsibility for his crime and demonstrated a lack of remorse. In each of the three prior denials, the Board did not accept Demers' claim that the murder was an accident and that he had no intent to shoot the victim. The 2011 Board noted that "Mr. Demers continues his decades-long pattern of obscuring the truth, minimizing his conduct and refusing to accept full responsibility...he has not accepted that he is a domestic violence murderer, who has dangerous levels of anger and controlling behavior."

III. PAROLE HEARING ON JUNE 9, 2015

Joseph Demers, now age 44, appeared before the Parole Board for a review hearing, after receiving a four year setback in 2011. This was his fourth appearance before the Board. Demers has served 26 years of his life sentence.

In his opening remarks, Demers apologized to Ms. Gochinski's family and stated, "All the years in prison cannot bring solace to the family. I committed the ultimate crime by taking Catherine's life." Demers described the precipitating factors that led him to commit the murder of Ms. Gochinski and how being victimized by his father led him to become an abuser. He stated that his emotions and anger, along with his drinking, were the cause of his actions. He stated that because he didn't understand his feelings, he tried to rid himself of negative emotions through the use of alcohol. Demers stated that he has been involved in multiple programs, including Anger Management, Domestic Violence, Alternatives to Violence, Toastmasters, Peer Educator, Health Awareness and AA (three times per week). In addition, he maintains employment in the kitchen and as a music engineer.

The Parole Board reviewed pertinent information regarding Demers' prior parole hearings and his candor regarding the offense. In his previous appearances before the Parole Board, Demers did not take responsibility for the crime and minimized his role by stating it was an "accident." In addition, during his trial, he took the stand and testified that he did not commit the murder, blaming a third party for shooting the victim. This hearing is the first time that he has told the truth. Demers explained how his transformation began over the last four and a half years. He stated, "I had to really go through mental health, substance abuse, domestic violence, AA, and especially listen to the outsiders who come in and share their stories. I'm a model inmate. I obey rules and regulations. I do the programs I'm supposed to do." He said that in recent years, he tried to focus on himself and gain an understanding of the night of the shooting. He told the Board that "I peeled layers [off] that brought me to my childhood." Demers described incidents from his childhood of being beaten by his father with a

belt that left welts on his backside, as well as witnessing his mother being abused by his father. He said, "In my mind I thought I was alright, my mom and sisters said I was out of control. I had a quick temper and a lot of people didn't want to be around me." As part of his treatment, Demers participates in Project Wakeup. When speaking to the participants about the crime, he stated that "I explain to them I killed my girlfriend in an angry rage. I talk about my childhood anger as a secondary emotion." When questioned if he knew the difference between anger management and domestic violence, Demers stated that he did not. He admitted that he had been physically and emotionally abusive in all of his prior relationships, including an incident where he attacked his pregnant sister.

Demers was asked to describe the nature of his relationship with Ms. Gochinski at the time of the murder. He stated, "I knew Cathy through mutual friends and her sister Christy. One week after meeting we started dating. The relationship was good in the beginning, however at some point jealousy took over and I began to accuse her of cheating on me." He stated that he verbally abused her, but then one day pushed her against a wall. Afterwards, he asked her for forgiveness and they got back together. Demers stated that this was the only time he physically assaulted her and said, "I wasn't physical like I was beating her up." He admitted to physically restraining her, but said that "she was cheating on me and I got angry." When asked to describe the governing offense, he stated, "I accused Cathy of cheating on me. I told her, 'maybe this world is a better place without me because it seems like my life is in a crumble.' She tried grabbing the gun and I pushed her away. She grabbed at it again and I pulled the trigger and shot her." Demers stated that he ran out of the house because "I couldn't believe what I had done." He stated that he shot her because he was angry, and he allowed his emotions to play out in a violent, jealous rage.

When asked about his plans if granted parole, Demers stated that he would like a gradual step-down to a long-term residential program through minimum and pre-release settings. In addition, he would attend one-on-one counseling, AA, and anger management programs, as well as obtain a sponsor. Demers had several members of his family speak in support of parole. His sister Susan stated that Ms. Gochinski was her friend. She emphasized that Demers "took a different path and took my friend away." She further stated that although he has changed a lot, Demers has a lot more to learn. She feels, however, that he should have a chance in the outside world. His sister Lorraine stated that she "has seen him grow quite a bit and has an understanding as to what he has done." Two of his nieces and his nephew also spoke in support of parole.

Speaking in opposition to parole were several members of Ms. Gochinski's family. The victim's father stated that Demers "blames everyone" and doesn't believe he has changed. He described his daughter as a "lovable kid who wanted to be a hairdresser." Ms. Gochinski's sister and brother also spoke in opposition, stating that Demers hasn't shown any remorse and, only after 26 years, has he admitted to the crime. They also noted that only two years ago, Demers filed a motion for a new trial. Franklin County Assistant District Attorney Steven Greenbaum also spoke in opposition to Demers' parole. ADA Greenbaum highlighted Demers' lack of insight into domestic violence and stated that that he needs to engage in further programming. In addition, ADA Greenbaum (referencing the letter he submitted opposing parole) asked that Demers be denied parole, as he is not yet a suitable candidate.

In his closing statement, Demers stated, "I can see through the Gochinski family, my family, and questioning that I have a lot to learn about what a domestic batterer is." He stated that he accepts responsibility and has changed. He admitted to filing a motion for a new trial, but said that recently an attorney told him to "let it go." He stated that he has worked hard and is a different person and said that "I am truly sorry for what happened that day."

IV. DECISION

Joseph Demers was convicted of murdering Catherine Gochinski in 1989. However, it wasn't until 2015 that he finally admitted the crime was not an accident. It was apparent throughout his testimony that he attributes his actions to rage, anger, and substance abuse, as well as the physical abuse he sustained during childhood. Although these factors contributed to the crime, Demers is a batterer who committed a domestic violence murder. He has a long history of abuse against women, and he admitted that he didn't know the difference between anger management and domestic violence. Furthermore, Demers lacks insight into his issues with women, healthy relationships, effective communication, and controlling behaviors. Until he addresses these issues, he will never fully comprehend why he committed the crime and the impact it has had on Ms. Gochinski's family and on the community. Although Demers completed a 12 week Domestic Violence Intervention Program in 2003, he needs to further engage in an intensive program that will address all the concerns of the Board. This is the first time he admitted that the murder was not an accident. His rehabilitation process only began four years ago and his failure to include a domestic batterer's program within his proposed parole plan is of great concern to the Board.

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 Joseph Demers does not merit parole at this time because he does not meet the legal standard. The review will be in four years, during which time Demers should commit to a more comprehensive rehabilitation that addresses domestic violence, healthy relationships, effective communication, lack of empathy and other issues with women.

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 Callahan, Chief Legal Counsel

September 10, 2015
Date