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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

JOSEPH WEINSTEIN
W45239

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 3, 2015

DATE OF DECISION: May 20, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Ina Howard-Hogan, Lee Gartenberg.

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 April 15, 1983, Joseph Weinstein, 43 years-old, shot and killed his girlfriend Beatrice "Bunny" Burns while she lay sleeping in their apartment in Easton, Massachusetts. Weinstein was admitted to Bridgewater State Hospital for psychiatric evaluation and treatment, and later was found incompetent to stand trial for the crime of murder. On July 28, 1987, the court found Weinstein competent to stand trial and on September 8, 1988, in Bristol Superior Court, Weinstein pleaded guilty to the second degree murder of Ms. Burns and was sentenced to life in prison.

On April 15, 1983, at approximately 6:50 a.m., Easton police officers were met by Joseph Weinstein, bleeding from his wrists, at the door of his apartment. Weinstein told the officers that he had killed a woman in an upstairs room and then attempted to commit suicide by slashing his wrist and ingesting 80 Inderal pills. Ms. Burns was found lying in bed in an

upstairs bedroom. There was a small pool of blood by her head. She was lifeless and had no pulse or other vital signs. The autopsy report determined the cause of her death to be a single gunshot wound to the head.

II. PAROLE HEARING ON MARCH 3, 2015

This was Weinstein's fifth appearance before the Parole Board, having been denied parole at his last hearing in 2013. The Board reviewed the prior votes with Weinstein, as well as his understanding of the Board's concerns. Weinstein stated, "You people thought I should go back to therapy, so I saw a mental health counselor. I told her I wasn't sleeping. From then on I've been seeing her [the counselor]." The Board explained the concerns that have been presented over the past several hearings and reviewed the results of a consultation by Robert Kinscherff Ph.D., Esq. Dr. Kinscherff was retained by the Board in 2013 for the purposes of conducting a mental health evaluation and informing the Board of Weinstein's needs.

Weinstein provided the Board with his daily routine in prison, as well as what he feels he has gained from counseling. He stated that he is accepting medication for his tremors and that he finds speaking to his counselor helpful. Weinstein stated that his job in the optical shop is most important to him. After further discussion about the value of his work, it became clear that Weinstein benefits from the routine, structure, and positive feedback from his supervisor. He values this position and finds that both his job and counseling are sufficient to fulfill his need for rehabilitation. He described little need for personal relationships and stated that he really did not think he had any outstanding need for treatment. He stated that he has not experienced any significant mental health symptoms since his discharge from Bridgewater State Hospital in 1990. Thus, despite a long standing history of depression dating back to his childhood, including four suicide attempts following a divorce, Weinstein insists that he has no need for intensive mental health services. Weinstein stated that, if paroled, he needs a stable place to live, but is unsure if his remaining family would assist him. He stated that he wants to continue working, but he would first like to transition through minimum and pre-release.

Weinstein was asked to provide the Board with his understanding of why he committed the offense and how he has been rehabilitated. The Board guided Weinstein by asking him concrete questions. Weinstein again provided his version of the murder with little deviation from his version in 2013. However, Weinstein provided more detail in this hearing about his state of mind. Weinstein stated that "what I remember was everything was ok. We went to bed and in the middle of the night, I heard someone call my name. I heard a voice again saying 'Shoot her, Shoot her' and that's when it happened. I shot her." He stated that he had bought a gun a few days prior with the intent of killing himself, but also added that he had tried to seek mental health before the murder. Weinstein stated that he had been fired from his job and described the precipitant to his termination as being "an incident at the gas station. The guy hit me and I went after him." He stated that he realized he needed some help, but was only given a prescription for Inderal for "my tremors." He stated that he did not think he was capable of committing a murder and said, "It was stupid. Every day I say sorry."

The Board continued to question Weinstein regarding the precipitants to the murder. He was asked if, in fact, Ms. Burns had ended her relationship with him and that he was aware she was seeing someone else. Weinstein acknowledged that he found some plane tickets for Ms. Burns and another man, but continued to deny that his actions were in retaliation or

reaction to the revelation that Ms. Burns was leaving him for someone else. He described his actions as being more related to the stress he was under. Weinstein emphasized that he has significant remorse for what he has done and insists that he has no intention to harm anyone again. Weinstein feels that he has demonstrated, both by his behavior and his overall conduct, that he is no longer a danger to society.

Weinstein did not have anyone speak in support of his parole. He stated that he has the support of his two siblings. Members of Ms. Burns' family spoke in opposition. Each family member conveyed the significant impact that Ms. Burns' death has had on their family. Ms. Burns' daughter emphasized her knowledge of her mother's fear of Weinstein, as well as his motive to murder her mother because she was seeing someone else. Ms. Burns' daughter also emphasized that she believes Weinstein planned her mother's murder and knew exactly what he was doing.

Bristol County Assistant District Attorney Aaron Strojny spoke in opposition to Weinstein's parole. ADA Strojny highlighted Weinstein's failure to provide an accurate version of the offense, his lack of adequate rehabilitation, and his lack of a suitable parole plan as significant reasons to deny Weinstein's parole.

III. DECISION

Weinstein is 75-years-old and has been incarcerated since 1986 for the shooting death of Beatrice Burns. Weinstein was initially committed to Bridgewater State Hospital for treatment of a depressive disorder with psychotic features. He was discharged in 1990 to serve the remainder of his sentence within the Department of Correction. He has required no subsequent hospitalizations.

While Weinstein demonstrates a positive work ethic and institutional conduct, little has changed regarding the concerns of the Board. He has received consistent feedback from the Parole Board since his initial hearing in 1998, yet he has done little to invest in meaningful rehabilitation. He has yet to address the causative factors of killing Ms. Burns, nor does he provide a realistic or viable parole plan. He does not receive personal visits and lacks personal relationships within the institution. The Board has sought to gain a better understanding of Weinstein's overall level of functioning in order to make a more informed decision. In 2013, Weinstein agreed to participate in a consultation with Robert Kinscherff Ph.D., Esq., who provided insights regarding such concerns for the Board. He also agreed to resume counseling as recommended by the Board. However, Weinstein remains steadfast in his version of the offense, which lacks a true comprehension for his motivation in murdering Ms. Burns. He also presents as a man who has been institutionalized and thus requires the structure, daily living needs, and routine that an institution provides.


Weinstein has engaged in very little programming over his lengthy incarceration and appears to have made little progress in his overall rehabilitation. Given his age, the Parole Board no longer has the expectation that he leave his job, which appears to provide meaning and purpose in his life; however, he has not progressed in areas that would ensure his successful transition to the community. Weinstein also continues to lack insight into the importance of understanding why he murdered Ms. Burns, and what he would need to maintain the stability that he claims to now have. The Board continues to have concerns about

Weinstein's potential to decompensate. While Weinstein has appeared stable in the confines of an institutional setting, his history includes acute periods of depression followed by multiple suicide attempts, and at least one episode of a psychotic depression that required hospitalization at Bridgewater State Hospital for 7 years. It is noteworthy that Weinstein states he murdered Ms. Burns after hearing voices to kill her. The Board thus views Weinstein's proposed parole plan to lack a realistic appreciation for his needs if he were to be released to the community.

Weinstein is encouraged to continue to engage in mental health counseling, and any other support groups or programs that would not conflict with his employment, in order to explore why he really murdered Ms. Burns. His lack of insight after all these years in prison is concerning, particularly when evaluating his suitability for parole. In addition, Weinstein should gain a realistic appreciation for what type of re-entry services he would need in order to succeed in the community.

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 Weinstein does not merit parole at this time because he is not fully rehabilitated. Parole is denied, with a review hearing in four years from the date of this hearing.

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.



Peter Mimmo, Staff Attorney



Date