



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



**PAROLE BOARD**

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*Chair*

**Kevin Keefe**  
*Executive Director*

**DECISION**

**IN THE MATTER OF**

**JOSEPH WEINSTEIN**

**W45239**

**TYPE OF HEARING:** **Review Hearing**

**DATE OF HEARING:** **March 21, 2019**

**DATE OF DECISION:** **December 26, 2019**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, 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 scheduled in three years from the date of the hearing.<sup>1</sup>

**I. STATEMENT OF THE CASE**

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

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<sup>1</sup> One Board Member voted to deny parole with a 2 year review.

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. Mr. 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 with 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 death to be a single gunshot wound to the head.

## **II. PAROLE HEARING ON MARCH 21, 2019**

On March 21, 2019, 79-year-old Joseph Weinstein appeared before the Parole Board for a review hearing. He was not represented by an attorney. Mr. Weinstein had been denied parole after his initial hearing in 1998. He was denied again after review hearings in 2003, 2008, 2013, and 2015. In his opening statement to the Board, Mr. Weinstein apologized for murdering Ms. Burns and for depriving her two children of a mother. When the Board questioned him about the murder, Mr. Weinstein said that he was under a lot of stress as he had lost his job, his car had been repossessed, and he discovered plane tickets for his girlfriend and another man. Mr. Weinstein said he bought a gun to kill himself. He also heard voices telling him to kill Ms. Burns. After shooting her, Mr. Weinstein claimed that he attempted to shoot himself, but the gun jammed. He reported that he cut himself with a knife and called police. When a Board Member asked if he heard voices before, or since, committing the governing offense, Mr. Weinstein responded that he heard voices before the shooting, but, since being medicated, he has not heard any voices.

The Board also questioned Mr. Weinstein as to his participation in available work and educational and treatment programs. He reported that he worked in the optical shop until about 2 years ago. He is waiting to be classified to go back to work. Mr. Weinstein claimed he quit because he was doing the work of three people and could not get any help. He stated that he recently started attending Alcoholics Anonymous again after a long absence. He sees a mental health counselor once a month and a psychiatrist every few months. Mr. Weinstein reported that he previously met with his rabbi every week, but now, he sees him less frequently. He claims to have completed all the available programming offered at MCI-Gardner, where he is housed.

Mr. Weinstein asked that he be allowed a step-down to lower security and then a release to a Long Term Residential Program. He hopes that, ultimately, he will be allowed to live in assisted living. Mr. Weinstein said that he has the support of his brother and sister, and that he would continue to attend Alcoholics Anonymous and counseling. He believes that he would be able to make necessary connections through his synagogue.

The victim's sister and brother-in-law testified in opposition to parole.

## **III. DECISION**

Joseph Weinstein has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Weinstein should present a structurally viable parole plan that would meet his medical and mental health needs.

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

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

12/26/2019  
Date