



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JOSEPH WEINSTEIN
W45239

TYPE OF HEARING: Review Hearing

DATE OF HEARING: **May 23, 2023**

DATE OF DECISION: **August 15, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse

STATEMENT OF THE CASE: On April 15, 1983, Joseph Weinstein shot and killed his girlfriend, Beatrice "Bunny" Burns, while she lay sleeping in their apartment in Easton. Mr. Weinstein was initially admitted to Bridgewater State Hospital for psychiatric evaluation and treatment, and he was deemed incompetent to stand trial. On July 28, 1987, the court found Mr. Weinstein competent to stand trial. On September 8, 1988, in Bristol Superior Court, Mr. Weinstein pleaded guilty to murder in the second degree for the killing of Ms. Burns. He was sentenced to life imprisonment with the possibility of parole.

Mr. Weinstein appeared before the Board on May 23, 2023, for a review hearing. He was represented by Attorney Nicole Ouellette. Parole was denied following prior hearings in 1998, 2003, 2008, 2013, 2015, and 2019. In 2022, Mr. Weinstein's scheduled review hearing was postponed at his request. The entire video recording of Mr. Weinstein's May 23, 2023 hearing is fully incorporated by reference into 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 that the inmate is a suitable candidate for parole.

Parole reserve on/after 7/28/2023 to an approved residential care facility that can meet his needs. This was Mr. Weinstein's seventh appearance before the Board. He is 84 years old. He has been incarcerated for 40 years. Mr. Weinstein has significant medical issues and mild cognitive impairments. Mr. Weinstein also has a history of mental health issues, and, it is noted, was hospitalized at Bridgewater State Hospital from 1983 to 1987, when deemed competent to stand trial. Mr. Weinstein earned his GED, completed some college courses, and completed programming to address his history of violence and addiction. He is actively engaged in [mental health] treatment. He has only 2 D-reports and has been sober for over 40 years. Mr. Weinstein is housed in the HSU due to his medical needs. Mr. Weinstein has a long-standing relationship with the DOC northern sector Rabbi, who provides him with counsel.

The Board considered the re-entry plan provided by Kristin Dame MA, LMHC, and a prior forensic report by Dr. Robert Kinscherff. The Board also considered testimony from two members of the victim's family who spoke in opposition to parole, as well as testimony from ADA Jason Mohan from Bristol County [District Attorney's] Office who spoke in opposition.

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 unanimous opinion that Joseph Weinstein is rehabilitated and, therefore, merits parole at this time, subject to special conditions.

Special Conditions: Parole reserve on/after 7/28/2023 to an approved residential care facility that can meet his needs; Waive work, disabled; Curfew at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; 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; Must have mental health counseling for mood disorder; Sign releases of information.

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.


Tina M. Hurley, Chair

08/15/2023

Date