

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOSHUA KINZLE

W60336

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 27, 2019

DATE OF DECISION: May 18, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 25, 1996, in Bristol Superior Court, Joshua Kinzle pleaded guilty to four counts of aggravated rape in the assault of 44-year-old Donna Lombard and was sentenced to life in prison with the possibility of parole. On that same date, he pleaded guilty to entry of a dwelling by force and received a concurrent life sentence with the possibility of parole. He also pleaded guilty to armed burglary, assault with intent to murder, and assault and battery with a dangerous weapon and received three concurrent sentences of 9 to 10 years in prison.¹

¹ Mr. Kinzle also pleaded guilty to one count of home invasion and one count of armed assault in a dwelling. These convictions were later vacated. *Commonwealth v. Kinzle*, 87 Mass. App. Ct. 1114 (2015).

At 2:30 a.m., on August 2, 1994, 18-year-old Joshua Kinzle broke into the North Attleboro home of his neighbor, Donna Lombard. He obtained a golf club from the garage and proceeded upstairs, where he beat Mrs. Lombard, who was home alone and asleep in her bed. Mr. Kinzle then raped her (multiple times), sodomized her, and forced her to perform fellatio. He told her, "Now it's time to die." At that point, Mrs. Lombard punched out the screens of her bedroom window. She hung out the window and screamed, causing neighbors to call police and Mr. Kinzle to leave. When police officers arrived, they observed a great deal of blood in Mrs. Lombard's bedroom, including blood on a broken golf club. Mrs. Lombard was taken to the hospital, where she eventually underwent reconstructive surgery on her face.

In the next few days, North Attleboro police officers and state police officers worked cooperatively to question as many people as possible in the neighborhood. Mr. Kinzle told the officers that, on the night of the rapes, he had been out with his friends. He said that when he came home, he heard nothing. Later, Mr. Kinzle was brought to the police station for additional questioning, at which time he admitted to committing the attack on Mrs. Lombard.

II. PAROLE HEARING ON AUGUST 27, 2019

Joshua Kinzle, now 44-years-old, appeared before the Parole Board on August 27, 2019, for an initial hearing. He was represented by Attorney Debra Beard-Bader. Mr. Kinzle postponed his initial hearing in 2014. In his opening statement to the Board, Mr. Kinzle apologized to Mrs. Lombard and her family for "violating the security" of their home and for causing "severe damage" to the rest of their lives. He stated that his "monstrous, evil, cowardly" act destroyed his community, as well as his own family's reputation.

Mr. Kinzle told the Board that he was an insecure adolescent, who used intimidation, aggression, and other bullying tactics to get what he wanted. He began using alcohol and marijuana at the age of 12. Mr. Kinzle explained that he was a poor student, who was often truant. At around 14 or 15 years of age, he was involved in a romantic relationship with a classmate that ended when he slapped her across the face during an argument. Mr. Kinzle described the relationship as unhealthy and based almost entirely on sex. He admitted to being verbally abusive to his partner, on a regular basis, as he was insecure and jealous. After the relationship ended, Mr. Kinzle's substance abuse worsened, as did his fixation on pornography. He was drawn to sadomasochistic and rape fantasy type pornography from the time he was 13. Although he never told anyone about his fantasies of raping women, Mr. Kinzle said that his family became concerned about his destructive behavior and took him to a therapist. He refused to engage in treatment, however.

In the months leading up to the governing offense, Mr. Kinzle and his friends, motivated by a wish to steal from others, broke into a few homes in their town. He denied that these crimes had any sexual motive for him. Approximately one month before he attacked Mrs. Lombard, Mr. Kinzle heard through others that she was regularly home alone, due to her husband's travel schedule. Mr. Kinzle and Mrs. Lombard did not know each other, nor had they ever interacted, but they lived in the same cul-de-sac. Mr. Kinzle stated that he made a "spur of the moment" decision to break into her home, after having consumed excessive amounts of alcohol and marijuana with his friends. So, in the early morning hours of August 2, 1994, Mr. Kinzle cut a window screen, using a sprinkler connection, and climbed onto a chair to gain entry to Mrs. Lombard's home.

As he walked upstairs to Mrs. Lombard's bedroom, Mr. Kinzle removed the phone from the hook, so she could not call the police. He saw someone sleeping in the bed, but, because he could not tell if it was a man or a woman, Mr. Kinzle retreated to the garage, where he found a golf club with which to arm himself. When he returned to the bedroom, Mrs. Lombard awoke and started screaming. To quiet her, Mr. Kinzle stated that he beat her with the golf club, causing significant injury. When Board Members asked him about the injuries that she sustained from the beating, Mr. Kinzle stated that he broke her teeth, jawbone, and parts of her face. He understood that she required reconstructive surgery. Mr. Kinzle raped her vaginally, orally, and anally over the next half hour. Mrs. Lombard was bleeding profusely, which prompted him to take her into the shower. Mr. Kinzle admitted that he threatened to kill her and, further, he believes that he would have killed her, had she not gotten away from him. He told the Board that his initial statement to police (that the break-in was motivated by robbery) was untrue. Mr. Kinzle acknowledged that the motive was exclusively to imitate the role of a rapist he had seen in pornographic material. Mr. Kinzle explained to the Board that he derived pleasure in such a role, as he felt powerful and in control, when inflicting pain and domination on another person.

The Board discussed Mr. Kinzle's completion of the Sex Offender Treatment Program, which he began in 2013, after declining to participate when it was first offered to him. He explained that he was not ready to participate earlier in his incarceration, as he was "afraid" to face what he had done. However, Mr. Kinzle cited the Sex Offender Treatment Program as the most instrumental part of his rehabilitation. The program taught him victim empathy and helped him understand his sexual deviation. He told the Board that he had to "challenge flawed insecurities" and learn to place value in himself and others. Mr. Kinzle also learned healthy coping mechanisms in dealing with rejection. Most importantly, he explained, he now knows that many negative feelings will go away if he talks about them with others. Mr. Kinzle told the Board that he needs treatment because he does not want to hurt anyone again. He agreed with the Board that, had he not been caught after his attack on Mrs. Lombard, his actions could have escalated into serial behavior. He also disclosed that his most recent rape fantasy occurred in 2015.

The Board noted Mr. Kinzle's additional programming efforts, including Emotional Awareness and the Restorative Justice reading program. He obtained his GED in 2009, and received vocational training in the plumbing field. He has been sober since 2008. However, it was also noted that Mr. Kinzle has accrued 17 disciplinary reports during his incarceration, four of which involved fighting. Mr. Kinzle claims that he "could have walked away from all of them." The most significant fight resulted in three inmates attacking him, where he sustained a concussion and required stitches. Mr. Kinzle said that the fight shed light on the trauma that victims undergo after they are attacked.

Mr. Kinzle's mother, father, and cousin testified in support of parole. Dr. Leonard Bard testified and submitted an evaluation on Mr. Kinzle's behalf. Bristol County Assistant District Attorney Michael Sheehan testified in opposition to parole.

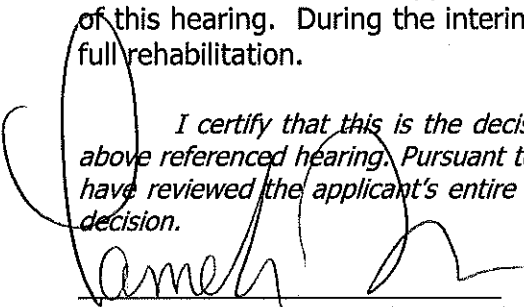
III. DECISION

The Board is of the opinion that Joshua Kinzle has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Kinzle recently completed the Sex Offender Treatment Program in 2017. He stated that if he had not been arrested, he would have become a serial rapist/murderer. His last sexually deviant fantasy was five years ago. His intent was to kill the victim. He should pursue additional treatment and programming to address victim impact. Very concerning behavior in the community.

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

Mr. Kinzle's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages him to continue working towards 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

5/18/2020
Date