

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



PAROLE BOARD

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DECISION

IN THE MATTER OF

KATHY BOOTH

F80799

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 28, 2021

DATE OF DECISION: August 11, 2022

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

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.² Parole is denied with a review scheduled in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 13, 2007, in Suffolk County Superior Court, Kathy Booth pleaded guilty to the lesser-included offense³ of second-degree murder in the stabbing death of her brother, 44-year-old Keith Payne. She was sentenced to serve life in prison without the possibility of parole.

On the evening of June 1, 2006, Keith Payne was watching television at his home, where his mother, his 8-year-old niece, and Kathy Booth were present. At some point, Ms. Booth told her mother to call 911 because she had stabbed her brother. Their mother observed Ms. Booth holding a bloody knife, and Mr. Payne lying in a pool of blood. When Boston police arrived, they discovered Mr. Payne lying on the kitchen floor, bleeding profusely from a stab wound to his upper left chest, along with a large laceration to his left forearm. Officers

¹ Chair Gloriann Moroney was recused.

² Three Board Members voted to deny parole and two Board Members voted to grant parole.

³ Ms. Booth had been indicted for first-degree murder.

observed Ms. Booth holding him, while talking on the phone with a 911 operator. A curtain rod was on the floor next to Mr. Payne. Ms. Booth immediately told the officers that she stabbed her brother because he was choking her. Officers observed a kitchen carving knife with an eight-inch blade, covered in blood, on the living room floor. Mr. Payne, who showed no signs of life at the scene, was transported to Boston Medical Center, where he was pronounced dead at 9:40 p.m. An autopsy determined that the cause of death was a three-inch stab wound to the left chest that tore a one and a half inch slit into his heart. He also sustained a radial laceration to the left forearm, which cut to the bone.

Ms. Booth initially told an EMT that she stabbed Mr. Payne because he was choking her, although she stated that he did not have a weapon. At the hospital, she told a Boston police detective that she had to kill Mr. Payne, and that he might have had a curtain rod. In a later conversation with her sister, Ms. Booth stated that she would have killed Mr. Payne earlier, but didn't want to do it in their mother's home.

II. PAROLE HEARING ON OCTOBER 28, 2021⁴

Kathy Booth, now 58-years-old, appeared before the Parole Board for an initial hearing on October 28, 2021, and was represented by Attorney Brian Kelly. When the Board questioned her as to the details of the governing offense, Ms. Booth claimed that she was frustrated with her brother for not seeking treatment for his substance abuse issues, as she had done. She also admitted to stabbing him with a knife from their kitchen. However, Ms. Booth claimed that she took steps to resuscitate him and called police because she did not want him to die. She told the Board that she did not remember telling her sister that, if she killed him, it would be okay because she would go to a hospital due to her mental illness. When asked by the Board why she chose to murder her brother, Ms. Booth responded "To be totally honest... I think I was just feeling really evil. Someone told me to do it. I loved my brother."

The Board recognized Ms. Booth's long-recorded history of substance abuse, as well as her serious mental health conditions, which she reported as the root cause of her criminal behavior. Her first mental health diagnosis occurred at age 15, when she was found to be bipolar and, subsequently, hospitalized. She first experimented with marijuana at age 14, which quickly escalated into mescaline abuse and a long addiction to crack cocaine. Ms. Booth was involuntarily placed into multiple detoxification facilities, as well as several psychiatric institutions, at this time. She suffers from schizoaffective bipolar disorder, for which she has been prescribed Haldol (both orally and by injection). The Board noted that Ms. Booth has a history of noncompliance with medication not administered by injection. She agreed that proper mental health treatment, as well as sobriety, is imperative to her rehabilitation.

Ms. Booth has completed significant programming, to include Mindful Selflessness, Dual Diagnosis Group, Breaking Barriers, and the NEADs program. Throughout her incarceration, she has resided solely in the RTU of MCI-Framingham. Ms. Booth has a total of 19 disciplinary reports on her record, two of which were incurred for violent offenses. Within four months of this hearing, Ms. Booth incurred two disciplinary infractions for which she was found guilty. Although the Board recognized her improved institutional adjustment, it expressed concern that she has continued to accrue disciplinary reports in each but one year of her incarceration since

⁴ The entire video recording of Ms. Booth's October 28, 2021 hearing is fully incorporated by reference to the Board's decision.

2009. Ms. Booth detailed that a DMH (Department of Mental Health) dual diagnosis living environment would aid in her adjustment if she were to reenter the community. Ms. Booth and her DMH liaison indicated that she would benefit from a group living environment, where she could get treatment for her mental health and substance abuse needs.

The Board considered testimony in support of parole from Ms. Booth's sister, as well as her DMH Liaison. A member of the Victim Services Unit read a letter of opposition into the record from a mental health worker, who was attacked by Ms. Booth in prison. The Board considered testimony, and a letter in opposition to parole, from the Suffolk County District Attorney's Office. The Board also considered a letter in opposition to parole from the Boston Police Department.

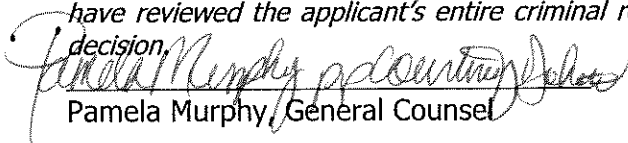
III. DECISION

The Board is of the opinion that Kathy Booth has not demonstrated a level of rehabilitative progress that would make her release compatible with the welfare of society. On June 1, 2006, 42-year-old Kathy Booth stabbed to death her brother in an argument at the family home. At the hearing, she failed to take full responsibility. She also has a history of noncompliance and misuse of medication (including a recent disciplinary report for sniffing medication), which contributed to the murder because she was not taking her medication at the time. Additionally, based upon her exchange with a Board Member at the hearing, she appears to still have signs of anger. She needs to display a longer period of positive adjustment. She should refrain from incurring d[isciplinary] reports, engage in counseling or programming to address any outstanding anger issues, and display a longer period of medication compliance.

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 Ms. Booth's institutional behavior, as well as her participation in available work, educational, and treatment programs during the period of her incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Ms. Booth's risk of recidivism. After applying this standard to the circumstances of Ms. Booth's case, the Board is of the opinion that Kathy Booth is not yet rehabilitated and, therefore, does not merit parole at this time.

Ms. Booth's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Ms. Booth to continue working towards her 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

8/11/22
Date