



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION
IN THE MATTER OF
KATHY BOOTH
F80799

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 26, 2023**

DATE OF DECISION: **June 18, 2024**

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

VOTE: Parole is granted to a Long-Term Residential Treatment program that will meet Kathy Booth's needs.

PROCEDURAL HISTORY: On October 16, 2008, in Suffolk Superior Court, Kathy Booth pleaded guilty to second-degree murder in the stabbing death of her brother, Keith Payne. She was sentenced to serve life in prison with the possibility of parole. Parole was denied following an initial hearing in 2021. On October 26, 2023, Kathy Booth appeared before the Board for a review hearing. She was represented by Attorney Brian Kelly. The Board's decision fully incorporates, by reference, the entire video recording of Kathy Booth's October 26, 2023 hearing.

STATEMENT OF THE CASE: On the evening of June 1, 2006, 44-year-old Keith Payne was watching television at his home, where his mother, his 8-year-old niece, and 42-year-old 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 observed Ms. Booth holding Mr. Payne, 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 did not want to do it in their mother's home.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: This was Ms. Booth's second appearance before the Board. Ms. Booth's criminal history is directly related to her major mental illness and substance use disorder. Ms. Booth has been sober for 23 years and compliant with her mental health treatment. She has remained active in the Residential Treatment Unit (RTU) and has demonstrated insight into her mental health needs and the importance of continued compliance with therapy and medication. Ms. Booth has also remained committed to her sobriety and understands the role substances have played in her history of decompensation. Ms. Booth has been accepted into the Department of Mental Health (DMH) services. The Board considered the expert opinion of the area Forensic Director (Northeast Division) Heather Hovley, who understands Ms. Booth's history and needs. Ms. Hovley stated she will remain directly involved with planning the appropriate DMH re-entry services for Ms. Booth. Ms. Hovley recommended that Ms. Booth transition slowly to a structured program in the Boston area and may benefit from a structured day program in conjunction with other DMH services. Ms. Booth has the support of her sisters, who also emphasized that she is mentally ill and in need of ongoing professional services in a structured residential setting. Ms. Booth is 60-years-old and has been incarcerated for 18 years.

Ms. Booth had two sisters speak on her behalf with specific requests that her mental health needs be met. Suffolk County ADA Montez Haywood testified that his agency would oppose parole pending a review of a specific release plan to address Ms. Booth's needs.

The Board concludes by unanimous decision that Kathy Booth has demonstrated a level of rehabilitation that would make her release compatible with the welfare of society.

SPECIAL CONDITIONS: Waive work for Long-Term Residential Program (LTRP); Curfew - must be at home between 10PM and 6AM 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 at Parole Officer's discretion (family members are related to the victim, Ms. Booth's brother); Must have substance abuse evaluation and must comply with recommended treatment plan; Counseling for Transition, Adjustment, Bi-Polar, Schizo-Affective Disorder; Long-Term Residential Treatment Program; Mandatory - must sign all authorization of release of information forms with service providers.

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


Date