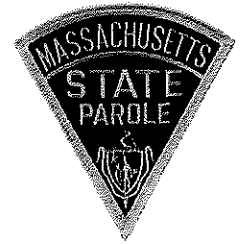


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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RECORD OF DECISION

IN THE MATTER OF

KENNETH JUNIER
W35257

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **October 5, 2023**

DATE OF DECISION: **January 8, 2024**

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

VOTE: Parole is granted in two weeks from issuance of this decision, but not before District Attorney clearance.

PROCEDURAL HISTORY: On November 26, 1975, after a jury trial in Bristol Superior Court, Kenneth Junier was found guilty of rape and sentenced to life in prison with the possibility of parole. On that same date, Mr. Junier pleaded guilty to a second count of rape, for which he received a second life sentence to run concurrent with the first life sentence. On that same date, he also pleaded guilty to a separate kidnapping for which he received a sentence of 5 to 7 years to run consecutive to (from and after) his life sentences. The victims in these cases were three young women from southeastern Massachusetts.¹

On November 16, 1990, Mr. Junier appeared before the Board for his initial hearing on his life sentences under commitment number W35257. The Board voted to deny parole with a three-year review unless his status as a sexually dangerous person was removed. On April 12, 1991, Mr. Junier was found to no longer qualify as a Sexually Dangerous Person. Therefore, on September 16, 1991, Mr. Junier appeared before the Board for a review hearing. He was paroled to his from and after sentence of 5 to 7 years under commitment number W51415.

¹ The names of all sexual assault victims are withheld. See G.L. c. 265, s. 24C.

On August 25, 1993, Mr. Junier appeared before the Board for his initial hearing on his 5 to 7 year sentence and was denied parole. Shortly thereafter, in October 1993, a Parole Violation Report was issued against Mr. Junier for failure to participate in mental health counseling and for insolence and use of obscene language (resulting in a disciplinary report). As a result of this violation, the Board revoked Mr. Junier's parole on his life sentences in March 1994, and issued a warrant on his life sentences to be lodged behind the 5 to 7 year sentence he was then serving.

On July 11, 1994, Mr. Junier appeared before the Board for a review hearing on his 5 to 7 year sentence and was denied parole. On June 15, 1995, Mr. Junier completed serving his 5 to 7 year sentence under commitment number W51415 and resumed serving his concurrent life sentences under commitment number W35257. Mr. Junier was denied parole after his review hearings on his life sentences in 1998, 2003, 2008, 2013, and 2018. In addition, on September 27, 1977, Mr. Junier was found to be a "Sexually Dangerous Person" pursuant to M.G.L. c. 123A and was designated as such until 1991.

Kenneth Junier appeared before the Board on October 5, 2023. He was not represented by counsel. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Junier's October 5, 2023 hearing.

STATEMENT OF THE CASE: The first incident involved the rape of a 21-year-old female on August 8, 1972. While the victim was walking back to her vehicle, Mr. Junier (age 26), pulled his car over and kidnapped her. To accomplish the kidnapping, Mr. Junier grabbed the victim by the throat, hit her numerous times, and threatened to kill her if she did not keep quiet. Mr. Junier forced the victim into the back seat of his car and drove her to a separate location. He then took the victim from the car, threw her to the ground, and raped her. When the victim struggled, Mr. Junier hit and threatened to kill her. Mr. Junier fractured the victim's right cheekbone in three places, scratched her throughout the neck and face, and bit her on the chin and buttocks. After raping her, Mr. Junier took the victim to another location and left her there to find her own way home.

The second incident involved the kidnapping of another 21-year-old female on April 14, 1975. After a brief traffic encounter, Mr. Junier (age 29) followed the victim and forced her to pull her vehicle to the side of the road. Mr. Junier pretended to be a police officer, demanding that she wait at the side of the road to exchange papers. When the female got closer to his car, Mr. Junier grabbed her, threw her into his car, held her by the throat, and threatened to kill her. The victim escaped by jumping out of the vehicle as it slowed to make a turn and then ran to a nearby house for assistance. During her escape, the victim struck her head on the road, suffering a wound that required three stitches.

The third incident involved the rape of a 19-year-old female on September 20, 1975. Mr. Junier (age 29) approached the victim as she was leaving a pub, grabbed her from behind, and dragged her to a nearby area. When the victim struggled, Mr. Junier threatened to kill her. He then grabbed her by the neck and raped her.

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

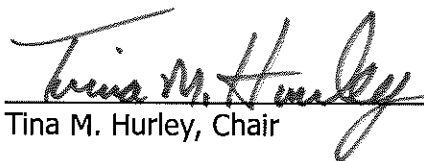
supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society.” M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate’s institutional behavior, their participation in available 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.

DECISION OF THE BOARD: Kenneth Junier is now 77-years-old and is appearing before the Board for the twelfth time. Mr. Junier was 29-years-old at the time of his conviction. Since his last appearance before the Board, Mr. Junier has returned to the Massachusetts Treatment Center and completed the Sex Offender Treatment Program. He has been engaged in the Sex Offender Maintenance Program since 2020. He has received no disciplinary reports since 2017. He has maintained his sobriety since his incarceration. He has a history of engagement in the Community Release Program, while it was available. Mr. Junier’s release plan involves his wife of 48 years. Although he has not engaged in work programs, that is attributable to his age and mobility issues which are predicated upon his multiple health issues. Bristol ADA Conan Yesilcimen spoke in opposition. No one spoke in support.

The Board concludes by unanimous decision that Kenneth Junier has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: Approve home plan before release; Waive work for medical issues/retirement; Curfew - must be home between 10.P.M. and 6.A.M. or at parole officer’s discretion; Electronic Monitoring at parole officer’s discretion; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned Massachusetts Parole Office on day of release; No contact with victims or victims’ family; Must have substance abuse evaluation and must comply with recommended treatment plan; Must have mental health counseling for transitional purposes; Mandatory Sex-A Conditions.

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

1/8/24
Date