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DECISION

IN THE MATTER OF

LEO FARRIER

W43362

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 9, 2016

DATE OF DECISION: December 14, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 13, 1987, in Suffolk Superior Court, Leo Farrier pled guilty to the second degree murder of his 26-year-old former girlfriend, Willie Ann Newberry. He also pled guilty to assault and battery by means of a dangerous weapon and rape of a child under the age of 16. Mr. Farrier was sentenced to life imprisonment with the possibility of parole for Ms. Newberry's murder. He was also given a 9 to 10 year concurrent sentence for assault and battery by means of a dangerous weapon and a 4 to 10 year sentence for rape of a child, to be served from and after the life sentence.

Sometime between the late evening of June 29, 1986, and the early morning hours of June 30, 1986, Leo Farrier entered the first floor Dorchester apartment of his former girlfriend, Willie Ann Newberry. He found her 10-year-old daughter and 6-year-old son home alone, sleeping in their mother's bed. Mr. Farrier (who was armed with a gun) woke up Ms.

Newberry's daughter and removed her from the bedroom. He then raped the little girl. Ms. Newberry returned home a short time later and encountered Mr. Farrier. She begged him not to kill her in front of her children. Mr. Farrier proceeded to shoot Ms. Newberry in front of her daughter. Ms. Newberry was transported to Boston City Hospital and pronounced dead a short time later. Mr. Farrier was arrested later that day, after turning himself in to Boston police.

II. PAROLE HEARING ON AUGUST 9, 2016

Mr. Farrier, now 67-years-old, appeared before the Parole Board for a review hearing on August 9, 2016. This was Mr. Farrier's fourth appearance before the Board. Mr. Farrier's initial hearing took place on July 19, 2002, and resulted in parole being denied. He was also denied parole after his hearings in 2008 and 2011. In his opening statement, Mr. Farrier told the Board that he takes full responsibility for his crimes. He said that, during his prior hearing, he was not trying to minimize his actions and recognizes that he was the perpetrator of the crimes, rather than the victim.

Mr. Farrier addressed his relationship with Ms. Newberry, as well as his attitude towards women at the time. Mr. Farrier said that he and Ms. Newberry had been together for about four and a half years, but had a falling out a few days before the murder. Mr. Farrier said that they had used drugs and would often argue about it. The Board questioned Mr. Farrier about an incident with Ms. Newberry that had taken place about six months prior to the murder. Mr. Farrier said that they had argued over drugs and, after he screamed at Ms. Newberry, she climbed out of the window and called police. When police arrived at the house, Ms. Newberry told them that Mr. Farrier had shot at her with a rifle. Mr. Farrier stated that the charges were later thrown out because Ms. Newberry went to court and "told the truth," when she stated that he had not fired a gun at her. When asked about his history of domestic violence with Ms. Newberry, Mr. Farrier admitted that he had been a batterer and had exerted power and control over Ms. Newberry, as well as other women with whom he had been involved romantically.

Mr. Farrier was asked about his marriage to another woman at the time of Ms. Newberry's murder. Mr. Farrier said that he had married his (then) wife in 1969 and had two children together. While he was married, Mr. Farrier also fathered six children (with four women) outside of his marriage. Mr. Farrier stated that he had been a "womanizer" at the time, and he viewed women "just as objects." Further, he said he did not care about anyone back then. Although he loved his eight children, he was gone most of the time. Mr. Farrier told the Board he thinks that he has made "some great strides" since then. When asked if he is suitable for parole now, Mr. Farrier said he believes that everyone deserves a second chance. However, he stated that he has not "earned" parole because he took someone's life and committed rape.

Mr. Farrier addressed his crimes against Ms. Newberry and her daughter on the night of the murder. Mr. Farrier said that he entered Ms. Newberry's home that evening and sat at the kitchen table, where he had a beer and "did some drugs." He had been drinking for most of the day. Mr. Farrier was angry over the fact that Ms. Newberry was not home and decided to go into her daughter's room. When he found Ms. Newberry's son and daughter sleeping in their mother's bed, he told her daughter to get up and go into her own room. Mr. Farrier had taken a gun out of a drawer in the house to scare the little girl. He then went into the child's room and raped her. When asked why he raped the child, Mr. Farrier replied, "I was angry and I

wanted someone else to feel my pain." When questioned as to why he chose to rape a child, if he was angry at the child's mother, Mr. Farrier said, "I thought that was the only way I could get back at her mother."

Mr. Farrier said that after he raped the child, he decided to lie down and go to sleep. Ms. Newberry then knocked at the door, and her daughter got up to answer it. Mr. Farrier went into the kitchen and believes the little girl told her mother what had happened because Ms. Newberry started punching him and screaming, "What did you do!" The Board asked Mr. Farrier if he realized that the child victim's account of what had happened was different than his. Mr. Farrier said that he had no idea what the child's version included. When asked why he killed Ms. Newberry, Mr. Farrier stated that it was not his intention. Mr. Farrier claimed that the gun had been in the house, and he wanted to use it to scare Ms. Newberry. He said that he had been an angry person and wanted someone else to hurt. During his incarceration, Mr. Farrier completed the Sex Offender Treatment Program (SOTP). He also participated in a victim empathy program, as well as a program that addressed domestic violence. However, the Board raised concerns that had been expressed by the Sex Offender Treatment Team regarding issues with Mr. Farrier's treatment, attendance, and anger.

Mr. Farrier did not have any supporters in attendance at his hearing, and the Board did not receive any letters in support of his parole. Mr. Farrier told the Board that he chose not to tell his family about the hearing. The Board considered oral testimony from Ms. Newberry's son and one of her daughters (siblings of the other victim), both of whom spoke in opposition to Mr. Farrier being granted parole.


III. DECISION

The Board is of the opinion that Mr. Farrier has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board notes the severity and gravity of the governing offense. Although Mr. Farrier has completed the SOTP, the treatment team is still concerned. The team does not have a sense of who he is and, thus, has found it difficult to formulate a treatment assessment of Mr. Farrier. In addition, a Board Member notes that Mr. Farrier needs to address his history of domestic violence, as well as his control issues with women. The Board believes that a longer period of positive institutional adjustment and additional programming would be beneficial to Mr. Farrier's rehabilitation.

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

Mr. Farrier's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Farrier 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.


Gloriann Moroney, General Counsel

12/14/10
Date