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Paul M. Treseler
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DECISION

IN THE MATTER OF

LEONARD GIROUX

W83952

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: March 23, 2017

DATE OF DECISION: November 1, 2017

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 four years from the date of the hearing.

I. STATEMENT OF THE CASE

On July 15, 2004, after a trial by jury in Barnstable Superior Court, Leonard Giroux was convicted of murder in the second degree and sentenced to life imprisonment with the possibility of parole.

On April 8, 2002, Cheryl Tavares was found dead in the trunk of her car in the Sagamore commuter parking lot. Earlier that evening, Ms. Tavares had met Mr. Giroux at a nightclub and they ended up having sex in a car. Mr. Giroux subsequently told one of his friends that he thought the victim passed out while they were having sex. Mr. Giroux said that the victim had told him to choke her. The others present told Mr. Giroux to check her pulse, but Mr. Giroux said he did not think she had one. Stating that he was unsure of what he was going to do with the body, Mr. Giroux subsequently drove the victim's car away from the house.

Mr. Giroux was arrested in Maine on April 9, 2002. He gave a statement to police indicating that he knew they were there about the victim and that they were arresting him for murder. The medical examiner concluded that her death was a strangulation/asphyxia-type death and ruled her death a homicide. Mr. Giroux had three codefendants.

II. PAROLE HEARING ON MARCH 23, 2017

Leonard Giroux, now 35-years-old, appeared before the Parole Board for his initial hearing on March 23, 2017. In Mr. Giroux's opening statement, he expressed remorse for the death of Ms. Tavares. He accepts full responsibility for his crime and regrets the pain and suffering he has caused her family. He stated that he is ashamed and disgusted with himself and described himself as selfish and dishonest at the time of the offense.

Mr. Giroux provided the Board with a comprehensive overview of the governing offense that included his culpability. Mr. Giroux described a troubled upbringing, wrought with verbal, emotional, physical, and sexual abuse from a young age. He grew to despise his mother, as well as other women who possessed the same moral compass. He was exposed to drugs and alcohol at age 10, and used them to suppress his feelings. Mr. Giroux met the victim (unknown to each other before that night) at the Fan Club in Wareham, after a long day of consuming drugs and alcohol. Sometime during the early hours of April 8, 2002, the two left the bar together and engaged in sexual relations. Mr. Giroux revealed his intentions toward the victim were never romantic in nature, as he perceived the victim as a barfly with no worth at the time. At some point, Mr. Giroux began to verbally degrade the victim, which led to a verbal altercation. He then put his hand on her neck to further demean her. The victim responded by slapping him in the face. The verbal altercation continued, resulting in a struggle. Mr. Giroux described himself as enraged, when he grabbed her by the neck and strangled her until her body was lifeless.

When pressed by the Board, Mr. Giroux acknowledged a history of abuse toward woman. Mr. Giroux attributes this behavior to the trauma he endured throughout his childhood. He acknowledged a pattern of behavior when angered; he would become verbally combative, and attempted to control women through fear and intimidation. He acknowledges that he still struggles with abandonment and has yet to fully reconcile with his mother. It was recommended that he consider pursuing the assessment and treatment introduction component (Phase I) of the sex offender treatment program, in order to further understand the history and pattern of abuse.

The Board also questioned Mr. Giroux as to his progress in rehabilitation. Mr. Giroux stated that he has spent a significant amount of time trying to make sense of his life and his actions. Mr. Giroux is currently incarcerated at MCI-Norfolk, where he works as a tutor in the culinary arts program and regularly attends NA/AA. He has successfully participated in programs covering a variety of topics, including those recommended by the Department of Correction in his risk reduction plan. Although he did not immediately embrace rehabilitation, Mr. Giroux began (in 2010) to immerse himself in treatment and programming, including the Correctional Recovery Academy, Restorative Justice, Alternatives to Violence (multiple phases), Jericho Circle, Cognitive Skills Workshops, and Emotional Awareness. It was during his participation in the Emotional Awareness program (three years ago), when he began to disclose his crime, the circumstance leading up to the murder, and his culpability. Mr. Giroux had

previously maintained that he did not intentionally strangle Ms. Tavares, claiming it was an accident. Through participation in programming, he has learned to identify the contributing factors that left him devoid of empathy and riddled with anger. He has since learned necessary coping skills in order to live in a pro-social manner.

The Board considered written testimony in opposition to parole from the Cape and Islands District Attorney Michael O'Keefe.

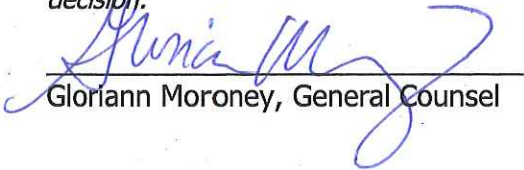
III. DECISION

Leonard Giroux has served 15 years for the strangulation of Cheryl Tavares. Although the subject has availed himself of treatment and programming, it is the opinion of the Board that he has yet to be rehabilitated. Criminal history and prior incidences of domestic violence are a major concern of the Board to include the underlying tones of a sexual assault.

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

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

11/1/17
Date