



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

LOUIS BENOIT

W36700

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 20, 2016

DATE OF DECISION: July 20, 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 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.¹

I. STATEMENT OF THE CASE

On December, 5, 1977, in Worcester Superior Court, Louis Benoit pled guilty to the second degree murder of Unto Robert Lane. In addition to the life sentence, Mr. Benoit received consecutive sentences of 10 to 15 years for unarmed robbery and 9 to 10 years for kidnapping.²

On September 5, 1977, 17-year-old Louis Benoit, along with his older brother, 25-year-old Richard, beat and robbed Unto Robert Laine, a 62-year-old man whom they had met at a local tavern in Templeton. The brothers forced Mr. Laine into the trunk of his own car, drove it to a nearby wooded area, and lit the car on fire, killing him.

¹ Two of the six Parole Board Members voted to schedule a review hearing in four years. Four of the six Parole Board Members voted to schedule a review hearing in five years.

² As a result of Board policy in effect at the time of the murder, the life sentences were aggregated with the consecutive sentences to create a single parole eligibility date of November 20, 1996.

II. PAROLE HEARING ON DECEMBER 20, 2016

Parole was denied after both Mr. Benoit's 1997 initial hearing and his 2000 review hearing. He was granted parole, however, after his March 2002 review hearing. In October 2012, Mr. Benoit was returned to custody. He was re-paroled in February 2013 and remained at liberty until October 2013, when he was returned to custody. In February 2015, he was granted parole to a long term residential treatment center after the completion of the Correctional Recovery Academy. He was released in March 2016 to the Phoenix Rising Recovery Academy, but absconded from supervision in April 2016. He was located and taken into custody in May 2016. Revocation was affirmed on September 9, 2016.

Mr. Benoit, now 57-years-old, appeared before the Parole Board for a review hearing on December 20, 2016, and was represented by Attorney David Larsen. In his opening statement to the Board, Mr. Benoit apologized for taking Mr. Laine's life and expressed his remorse. Mr. Benoit discussed his health issues, which involves a problem within his central nervous system that affects signals from his brain to his heart. The health issue arose upon his most recent return to custody. He was treated at Boston Medical Center, where he underwent a pace maker implant. There were no prior incidents relating to this health issue before, although Mr. Benoit suggested that it might have been caused by being assaulted.

The Board focused on Mr. Benoit's medical issues, his alcohol addiction, and his prior parole violations. They also considered any rehabilitative steps he has taken since his last return to custody. The Board addressed their concerns with the fact that Mr. Benoit was on parole (at the Phoenix Rising Sober House) for only seven weeks before his violations occurred. Mr. Benoit explained, however, that he was allegedly hit on the back of the head on his way home from AA. He cannot give a detailed description of the event, but recalls someone taking him to Saint Vincent's Hospital. Medical reports do not report any abrasions to the face or head, but Mr. Benoit claimed he had a lump on the back of his head and a cut on his forehead. Mr. Benoit cannot recall whether drugs or alcohol were involved on the night of the alleged assault. Board Members, however, expressed their concern about the underlying facts of the incident, as well as whether alcohol or drugs may have triggered his loss of memory regarding the incident.

The Board questioned Mr. Benoit as to the nature of his parole violations. Mr. Benoit responded by saying that drugs and alcohol were involved while he was on parole. Mr. Benoit was also questioned as to how many times he should be granted the opportunity of parole. Board Members expressed their concern regarding public safety, in light of Mr. Benoit's drug and alcohol issues. The Board also questioned Mr. Benoit about a report of him being thrown off his previous work site. An individual living next to the work site indicated that Mr. Benoit asked her to stay there on multiple occasions, raising an issue of concern for the Board with problems that arose within the Phoenix Rising Sober House. This same individual made a statement to Mr. Benoit's parole officer that the abrasion on Mr. Benoit's face was from falling off a motorcycle, and that it was not a result of an assault. The Board is concerned with the lack of knowledge that Mr. Benoit has presented at this hearing regarding multiple incidents.

Since returning to custody, Mr. Benoit has worked as a supply clerk, attended AA meetings every Tuesday, and completed Violence Reduction. He also helps inmates with their English. When questioned about a parole plan, Mr. Benoit expressed that he would like to attend SPAN and counseling, as well as use his degree to help others.

The Board received a letter in opposition to parole from Worcester County Assistant District Attorney Michelle King.

III. DECISION

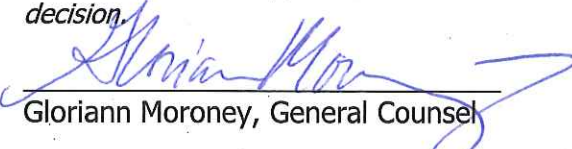
The Board is of the opinion that Mr. Benoit has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Benoit has had a poor history on parole supervision and was on parole for only seven weeks when he absconded from supervision. The Board does not find Mr. Benoit's version of events to be plausible. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Benoit'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 the context of an offender convicted of first or second degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

In forming this opinion, the Board has taken into consideration Mr. Benoit'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. Benoit's risk of recidivism. After applying this standard to the circumstances of Mr. Benoit's case, the Board is of the opinion that Mr. Benoit is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Benoit'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. Benoit 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

7/20/17
Date