



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Charlene Bonner
Chairperson

Janis DiLoreto Smith
Executive Director

DECISION

IN THE MATTER OF

LOUIS BENOIT
W36700

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **December 2, 2014**

DATE OF DECISION: **February 11, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, criminal record, institutional record, the inmate's testimony at hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to a long term residential treatment program after the completion of the Correctional Recovery Academy (CRA).

I. STATEMENT OF THE CASE

On September 5, 1977, Louis Benoit, age 17, along with his older brother, Richard, age 25, beat and robbed Unto Robert Laine, a 62 year-old man whom they met at a local tavern in Templeton, Massachusetts. At closing time, Mr. Laine had given the Benoit brothers a ride home. During the ride home, Benoit and his brother had Mr. Laine pull the car over on the pretense that they had to relieve themselves. However, upon returning to the car, Benoit and his brother beat and robbed Mr. Laine. The brothers then forced Mr. Laine into the trunk of his car, drove it to a nearby wooded area, and lit the car on fire, killing Mr. Laine.

On December 5, 1977, Louis Benoit pleaded guilty in Worcester Superior Court to second degree murder.¹ In addition to the life sentence, Benoit received consecutive sentences of ten to fifteen years for unarmed robbery and nine to ten years for kidnapping.²

II. INSTITUTIONAL, CRIMINAL, & PAROLE HISTORY

During his incarceration from 1977 to 2002, Benoit received only one major disciplinary report (on April 3, 1985) for fighting with another inmate. During this time, Benoit had been program-involved and attended AA regularly. In addition, Benoit received his GED, his Bachelor of Science Degree in Psychology from Boston University, and completed coursework towards a Master's Degree. Benoit had excellent housing and work evaluations, having been employed full time in the license plate metal shop and in the General Library as a maintenance man. Benoit also participated in the Music Program and in the Project Bread Program.

On May 13, 1997, after serving approximately 20 years on his aggregated sentences, Benoit appeared before the Board for an initial hearing and was denied with a three year review period. On August 28, 2000, Benoit was seen by the Board for a review hearing and was again denied with a three year review period. Although Benoit was program involved and remained free from disciplinary reports, the Board noted (as it had in 1997) that Benoit had yet to come to terms with the circumstances of his crime and the extent of his involvement.

On administrative appeal to the Board, the review period was reduced to 18 months and, on March 7, 2002, the Board conducted a review hearing that resulted in a positive parole vote. Noting his continued positive institutional behavior and rehabilitative efforts, Benoit was released on parole on April 19, 2002. Benoit remained on this parole for over 10 years and maintained steady employment and a residence in Grafton, Massachusetts. Overall, his time on parole was marked by stability and his ability to adhere to parole conditions.

Although this parole was largely positive, it was not without issue. In September 2005, Mr. Benoit was arraigned in Greenfield District Court on charges of operating negligently and failure to obey a police officer. Benoit had been traveling at an excessively high rate of speed on a motorcycle. Benoit pleaded guilty and received a \$100 fine, a six-month suspended sentence, and one year of probation. Benoit remained on parole and received a final warning for irresponsible conduct.

On October 5, 2012, however, Benoit was returned to MCI-Walpole due to irresponsible behavior. At the time, his ex-girlfriend obtained a harassment prevention order³ against him and he admitted to drinking alcohol in the home. While incarcerated during this four month period, Benoit remained disciplinary report free. On February 22, 2013, the Board decided not

¹ Richard Benoit (W36394) also pleaded guilty to a second degree murder and received a life sentence on the same day as Louis Benoit. Richard Benoit is currently an active parolee who has been on parole since 2005. He receives positive evaluations while out in the community and is reportedly compliant with all conditions.

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

³ There were no related criminal charges.

to affirm the revocation and re-paroled Benoit. The Board issued Benoit another warning and also added conditions, including a curfew and monthly alcohol testing. In addition, Benoit was not allowed to resume his tenancy in Grafton, but he was able to secure a home sponsor with a relative residing in Athol.

Benoit remained on parole until October 2013. During this time, Benoit maintained compliance with AA attendance and, by April 2013, was able to secure new employment. He seemingly had no issues with alcohol, as he demonstrated compliance with AA attendance and alcohol testing. However, on October 29, 2013, Benoit was arrested by the Orange Police Department and charged with OUI and having an open container of alcohol in his vehicle. Although found not guilty on these criminal charges, Benoit had his parole revoked and he was returned to custody.

Since his return to custody in October 2013, Benoit has enrolled in the Correctional Recovery Academy (CRA) and testified that he anticipated completing the program sometime in February 2015. He attends AA and is the Secretary in the Lifers' Group. Benoit explained that he is currently unemployed in the institution in order to concentrate on his recovery by attending the CRA program.

III. PAROLE HEARING ON DECEMBER 2, 2014

On December 2, 2014, Benoit appeared before the Board for a review hearing after revocation. He was represented by counsel. This is Benoit's fourth appearance before the Board. The Board focused on Benoit's issue with alcohol abuse and the rehabilitative steps he has taken since his last return to custody. Benoit was more forthcoming about his alcohol abuse and testified that financial issues, the stress of moving from Grafton, and having to secure new employment and supports in a different community, had been a trigger to his drinking. Rather than directly address his alcohol abuse, Benoit testified that he had chosen to conceal it from his parole officer. Benoit acknowledged that this poor decision led to his OUI charge and the revocation of his parole.

Benoit, who testified that he has been sober for over a year, is well on his way to completing the CRA. Successful completion of the CRA will provide Benoit with a highly structured and supportive learning environment to address his addictive behaviors and the contributors to his alcohol abuse. In addition, Benoit testified that he is engaged in one-on-one counseling and is a regular participant in AA.

Although no one testified, the Board received several letters in support of parole for Mr. Benoit. Worcester Assistant District Attorney Michelle King spoke in opposition.

IV. DECISION

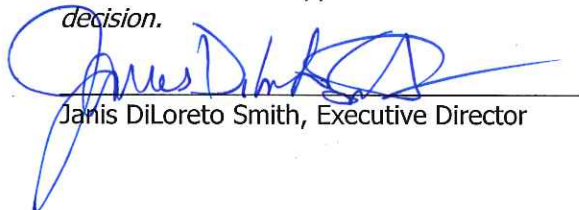
After a night of drinking at a local tavern, seventeen-year-old Louis Benoit and his older brother escalated a robbery to the kidnapping and murder of a 62 year-old man who had offered them a ride home. While serving approximately 25 years of his aggregated sentences, Mr. Benoit took advantage of work, educational, and institutional programming. These positive efforts earned him a parole in 2002. For most of his nine and a half years on parole, Mr. Benoit demonstrated an overall ability to adhere to the expectations of parole.

Mr. Benoit, however, minimized his issue with alcohol abuse and was able to conceal it. He has now come to terms with it, but only after a 2013 arrest for OUI and the revocation of his parole. Through both his testimony at this hearing and his program involvement since his return to custody, Mr. Benoit has demonstrated greater insight and a commitment to sobriety. In light of his most recent commitment, combined with his prior overall positive experience on parole, the Board is convinced that Mr. Benoit will be a suitable candidate for parole upon completion of specified programming.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Louis Benoit merits parole. Upon completion of the CRA program that he already started, Mr. Benoit will be paroled to an approved long term residential treatment program to further his treatment.

Benoit will be expected to comply with all conditions set forth by the Board.

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.


Janis DiLoreto Smith, Executive Director


Date