



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

LOUIS BENOIT
W36700

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **December 1, 2020**

DATE OF DECISION: **June 23, 2021**

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On December 5, 1977, in Worcester Superior Court, Louis Benoit pleaded 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.¹

Mr. Benoit appeared before the Parole Board for a review hearing on December 1, 2020 and was represented by Attorney David Larsen. This was Mr. Benoit's second appearance before the Board since his final revocation hearing in 2016. Mr. Benoit was previously released on parole in 2002, 2013 and 2016 but was revoked due to parole violations. The entire video recording of Mr. Benoit's December 1, 2020 hearing is fully incorporated by reference to the Board's decision.

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 an unanimous decision that the inmate is a suitable candidate for parole. Reserve to Long Term Residential Program. Mr. Benoit appeared before the Board for a second review hearing since his return to custody. On September 5, 1977, Louis Benoit 17 years old along with his brother beat and robbed 62-year-old Unto Robert Lane before placing him in the trunk of the car and setting the car on fire, killing Mr. Lane. Since his last hearing, he transferred to Pondville Correctional

¹ 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.

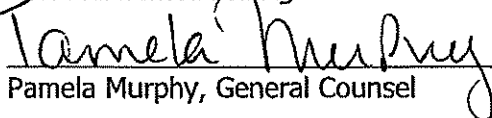
Center in August of 2019 and completed several programs. Mr. Benoit appears to have benefitted from re-incarceration. Additionally, he is employed in the Central Transportation Unit – Autobody Shop. Re-parole meets the legal standard and is not incompatible with the welfare of society.

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 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 the 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). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*

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 appropriately high standard to the circumstances of Mr. Benoit's case, the Board is of the opinion that Mr. Benoit is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program (LTRP); Waive work for LTRP; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence; testing in accordance with agency policy; Must take prescribed medication; Report to assigned MA Parole Office on day of release; No contact with the victim's family; Mental health counseling – adhere to plan; AA/NA at least 3 times/week; Mandatory – obtain a sponsor.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Pamela Murphy, General Counsel

6/23/2021
Date