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DECISION

IN THE MATTER OF

LOUIS GOFORTH

W35249

TYPE OF HEARING: **Review Hearing after Revocation**

DATE OF HEARING: **December 16, 2014**

DATE OF DECISION: **March 4, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On November 24, 1975, in Suffolk Superior Court, Louis Goforth pleaded guilty to the second degree murder of Gabriel Peters. On the same date, for his involvement in the robbery and murder of Joseph Bardsley, he also received a ten to fifteen year sentence for armed robbery, a five to seven year sentence for accessory after the fact to murder, and a two and a half to three year sentence for larceny from a person. All sentences were ordered to run concurrently with each other.

In 1975, while awaiting trial, Louis Goforth was charged with crimes relating to two escapes, one of which involved him holding a correctional officer hostage. These charges resulted in additional five to ten year sentences ordered to run concurrently with each other, but from and after the life sentence.

On July 8, 1974, Louis Goforth (then 21 years-old), Donald Cook, and James G. Johnson ("Little Jimmy"), decided to commit some holdups to support their drug habits. To this end, they armed themselves with a sawed-off shotgun and a .25 caliber pistol. That afternoon, Joseph T. Bardsley was with his sister-in-law at a variety store on Blue Hill Avenue in Roxbury, which was a block and a half from Mr. Bardsley's home. They left the store and walked towards his home. As they neared the driveway, Little Jimmy, Donald Cook and Louis Goforth approached. Little Jimmy pulled out a sawed off shotgun and yelled at Mr. Bardsley to stop. Mr. Bardsley hollered to his wife who was inside the house to "let the dogs out." Little Jimmy fired a shot from the shotgun and struck Mr. Bardsley in the neck or heart area, whereby Mr. Bardsley fell mortally wounded. The three men fled.

Later that evening, Gabriel Peters, an ice cream man, and his assistant, Raymond Burston, age 16, were selling ice cream in Roxbury. The three men who killed Mr. Bardsley met a fourth individual, James E. Johnson ("Johnson"), and decided to "hit the [ice cream] truck" and get some money. Little Jimmy went to the left rear of the truck with the shotgun, while Cook and Goforth went to the right rear window. Johnson reached in and grabbed Mr. Peters by the pants. Mr. Peters resisted and reached for a can of mace. Goforth then responded by shooting Mr. Peters once with his .25 caliber pistol. Mr. Peters fell to the floor of the truck. Little Jimmy ran to the right side of the ice cream truck and also fired his shotgun at Mr. Peters. Little Jimmy then pulled Mr. Peters from the truck and out into the gutter. He went through Mr. Peters' clothes and removed some money. The men fled with Mr. Peters' wallet that contained \$43, which they used to buy heroin.

II. PAROLE HEARING ON DECEMBER 16, 2014

Louis Goforth, now 63 years-old, represented himself when he appeared before the Parole Board on December 16, 2014, for a review hearing. Goforth had his parole revoked in 2007 when he pleaded guilty to armed robbery and assault with a dangerous weapon. He offered a brief opening statement, apologized to the families of the victims of his crimes, promised the Board that he would never commit another violent offense, and asked the families for forgiveness.

Goforth began by confirming his parole history. He stated that he received a positive parole vote in 1990 and was released in 1991, only to be returned to custody for a list of violations including an arrest for possession of heroin and marijuana. Goforth was subsequently denied parole in 1993, 1995, 1997 and 1999, before receiving his second positive parole vote in 2003. He violated that parole in 2007, when he was arrested for armed robbery and assault with a dangerous weapon. He has been incarcerated since his arrest.¹

He described the 2007 crime that resulted in his parole revocation. "I bought an ounce of coke from a guy I knew for \$650. It turned out to be bad and I went to get my money back. Me and the other guy argued about whether the coke was good or not and he would not give me my money back. I left the store, went and got a gun, went to the store where he was and pulled the gun on him. I pointed the gun at him and told him to empty his pockets onto the

¹ On August 20, 2008, in Suffolk Superior Court, Goforth was sentenced to seven to ten years for the armed robbery and received three four to five year sentences for three counts of assault with a dangerous weapon. These sentences imposed in 2008 were ordered to run from and after the life sentence, and concurrently with each other. A positive parole vote would mean Goforth would be paroled from his life sentence to these 2008 sentences.

counter. When he did, I took back my \$600 and left. I split the money with my nephew." Goforth appeared to lack insight into what would cause him to revert back to drug use and his obvious criminal thinking and behavior. When asked to explain what was going on in his life that would cause him to commit an armed robbery, he replied, "I don't know. I was having problems with my wife and kids. The kids never liked me. I was only using a little bit of coke once in a while at first, but by the end I was spending about \$600 a week [on coke]."

He was unprepared for questions regarding his last denial. Shuffling through a folder full of papers, he muttered, "I think they said I was unsuitable." When asked what he is asking of the Board this time, he said, "Nothing." When asked what expectations he had about this hearing, he said, "None." He admitted that he "doesn't deserve a parole right now" and he "only came to this hearing because they scheduled it." Goforth could not articulate a clear release plan. He said that he hoped to go to "a program," but could not state whether he would need mental health counseling, despite it being ordered in the past.² He explained that he has no support in the community, as he is divorced and has no relationship with the children. When asked where his family was, he said, "That is a good question. No, a great question."

The Board questioned Goforth about his commitment to programs since his return to prison. He stated that he has "done every program available." He said that he is participating in Alcoholics Anonymous, Narcotics Anonymous, Jericho Circle, and GED classes. He said that the Correctional Recovery Academy (CRA) was the best program "because they had in-depth discussions. I learned that I was afraid to ask for help. They taught me how to reach out to people for help. I should have reached out for people to help me, but I didn't." Goforth also told the Board about his participation in Alternatives to Violence and Violence Reduction.

No one attended the hearing in support of Goforth's parole request. Joseph Bardsley's son spoke in strong opposition to parole. After refusing an invitation to comment on what Mr. Bardsley said, Goforth gave a closing statement that reiterated his opening remarks. He apologized, promised no more violence, and asked for forgiveness.

III. DECISION

Louis Goforth was on parole from a life sentence for the murder of Gabriel Peters which occurred during an armed robbery in 1974. Earlier in the day of Mr. Peter's murder, Goforth participated in the armed robbery and shooting death of Joseph Bardsley. Despite almost thirty years in prison, Goforth committed another armed robbery while on parole in 2007. Clearly, Goforth has not been rehabilitated. At that time, he was living a life of crime. He ignored his wife's efforts to help him and he refused to get help from his parole officer or anyone else in the community. To the contrary, Goforth sought to deceive parole by preparing to provide a "fake" urine sample to his parole officer, which is a further sign of his lack of rehabilitation. He associated with known criminals and abused cocaine. He robbed, at gun point, the individual with whom he participated in the conspiracy to violate drug laws.

² Goforth failed to participate in mandated mental health counseling when on parole in 1991. His failure to participate was one of the violations for which he was returned to custody in 1992.

In addition to the foregoing, Goforth's lack of family and community support, lack of insight into the causative factors of his crimes, and inability to articulate a clear release plan raise concerns for the Board that Goforth, if released, would pose a danger to the community.

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 Goforth does not merit parole at this time because he is not fully rehabilitated. The review will be in five years, during which time Goforth should commit to a more comprehensive rehabilitation as recommended by the Parole Board. It is hoped that Goforth continues on his positive path of rehabilitation and tries to learn what causes his relapses into criminal thinking and criminal behavior.

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

3/4/10
Date