



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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*Chair*

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*Acting Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**LOUIS MARKHAM**  
**W55913**

**TYPE OF HEARING:**            **Review Hearing**

**DATE OF HEARING:**        **May 2, 2023**

**DATE OF DECISION:**      **August 15, 2023**

**PARTICIPATING BOARD MEMBERS:** Tina Hurley, Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse, Colette Santa

**STATEMENT OF THE CASE:** On February 17, 1994, following a jury trial in Berkshire Superior Court, Louis Markham was convicted of assault with intent to rape, second offense, and sentenced to 15 to 20 years in prison. On May 10, 1994, the Appeals Division of the Superior Court amended his sentence to life imprisonment with the possibility of parole. The victim of these offenses was Mr. Markham's 88-year-old aunt.

Mr. Markham appeared before the Board for a review hearing on May 2, 2023. He was represented by Attorney Justin Drechsler. Parole was denied following Mr. Markham's prior hearings in 2008 and 2018. The entire video recording of Mr. Markham's May 2, 2023 hearing is fully incorporated by reference into 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 unanimous vote that the inmate is not a suitable candidate for parole.

The Board is of the opinion that Louis Markham has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Parole denied, 3-

year review. Mr. Markham had 3 interpreters at hearing. Mr. Markham was represented by Justin Drechsler. On February 17, 1994, after jury trial, Louis Markham was found guilty of assault with intent to rape, second offense, and sentenced to 15 to 20 years in prison. On May 10, 1994, following an appeal, his sentence was converted to life with possibility of parole. On same date was found guilty of assault and battery and sentenced to 1 year in prison concurrent with the 15 to 20 year sentence. The victim of [the] offense was his 88-year-old great-aunt who was suffering from Alzheimer's disease and residing in Great Barrington Healthcare facility. The offense occurred on February 20, 1993.

This was Mr. Markham's third appearance before the Parole Board. The Board reviewed his prior history of sexual offenses. On November 15, 1973, he was found guilty of rape. On February 13, 1979, he was convicted of assault with intent to rape. At the time of this offense, Mr. Markham was on parole from his 1973 rape conviction. In addition, in 1991 in Connecticut, a female waitress reported she was followed by Mr. Markham and that he drove her off the road and attempted to enter her vehicle. In another incident, Mr. Markham's brother's girlfriend alleged he attempted to rape her. Mr. Markham was not charged in this incident.

Despite having completed sex offender treatment, Mr. Markham continues to provide varying accounts of his sexual offenses that are in direct conflict with the evidence, convictions, and prior testimony regarding his offenses. His profound lack of insight calls into question whether he has benefitted from treatment. [The] Board also expressed concern regarding three parole failures, including commission of crimes on each parole, all sex offenses. Subject continues to deny committing offense, contrary to the evidence and victim's own statements to the contrary. [The] Board recommends Mr. Markham continue with available sex offender treatment, AA/NA, and programming to address victim empathy. Mr. Markham should remain D-Report free and work on establishing a support system that would address his needs.

No one appeared in support. Assistant District Attorney from Berkshire County appeared in opposition emphasizing concerns that [Mr. Markham] has not benefitted from treatment.

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

Mr. Markham's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages him to continue working toward 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.*

  
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Tina M. Hurley, Chair

08/15/2023

\_\_\_\_\_  
Date