



Charles D. Baker  
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*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*

**PAROLE BOARD**

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Paul M. Treseler  
Chairperson

**DECISION**

**IN THE MATTER OF**  
**LOUIS MARKHAM**

**W55913**

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

**DATE OF HEARING:** **August 29, 2017**

**DATE OF DECISION:** **September 14, 2018**

**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 by unanimous decision 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.

**I. STATEMENT OF THE CASE**

On February 17, 1994, after a jury trial in Berkshire Superior Court, Louis Markham was found guilty of assault with intent to rape, second offense, and sentenced to 15 to 20 years in prison. On that same date, he was also found guilty of assault and battery and sentenced to 1 year in prison concurrent with the 15 to 20 year sentence. On May 10, 1994, following an appeal for a review of sentence, the Appellate Division of the Superior Court ordered that the original sentence of 15 to 20 years be amended to a life sentence with the possibility of parole.

On February 20, 1993, Mr. Markham went to the Great Barrington Health Care facility, where his elderly great-aunt, who suffered from Alzheimer's disease, was a resident. Staff at the facility observed Mr. Markham with his pants down. He was taking his belt off, and his penis was exposed. Further investigation revealed that Mr. Markham was attempting to cause his great-aunt sexual harm.

Mr. Markham had been convicted of sexually violent offenses, prior to the governing offense. On November 15, 1973, in Berkshire Superior Court, Mr. Markham was found guilty of rape and sentenced to 5 to 8 years. Mr. Markham and his brother had encountered the woman on the street, brought her into the woods, and raped her. On February 13, 1979, in Berkshire Superior Court, Mr. Markham was convicted of assault with intent to rape. Mr. Markham had knocked on a woman's door, forced his way inside, and attempted to rape her. He subsequently fled the scene. At the time of this offense, Mr. Markham was on parole from the sentence of his 1973 rape conviction. In 1991, in Connecticut, there was a report that Mr. Markham waited for a waitress to leave work, drove her off the road and attempted to gain entrance to her vehicle. In another incident, Mr. Markham's brother's girlfriend alleged that Mr. Markham had raped her. Mr. Markham, however, was not charged in connection with that incident.

## **II. PAROLE HEARING ON AUGUST 29, 2017**

Louis Markham, now 65-years-old, appeared before the Parole Board on August 29, 2017, for a review hearing. He was assisted by an American Sign Language interpreter. Mr. Markham's handcuffs were removed during the course of the hearing to enable him to speak via sign language. Mr. Markham was not represented by counsel. Mr. Markham was denied parole in 2008 with a five year review, but had postponed his 2013 review hearing.

In his opening statement to the Board, Mr. Markham expressed his regret and "deepest apologies" to his great-aunt and to the other victims, as well as anyone else who has been harmed by his "sexual deviance." Mr. Markham indicated that he has "tried to make sense of his problematic aggressive and impulsive behavior and find answers to reasons for his deviant mind set." Mr. Markham stated that through counseling, he has gained insight into his "criminal sexual deviance" and the effects it had on his victims. Mr. Markham stated that he has "no excuse for his behaviors, except to say that during this dark period in [his] life, he was addicted to sex, marijuana, alcohol, and aggression, and didn't care about [anyone] but [himself]." He stated that he understands his actions were "far reaching," but that he is "worthy of parole." He explained that he has addressed his issues through counseling and will continue to do so for the rest of his life.

Mr. Markham indicated that he began to engage in sexual deviant behavior with his girlfriend when he was approximately 19 to 21-years-old. He also acknowledged that he was abusive towards her. When asked about the victim of his 1973 rape conviction, Mr. Markham said that he and his brother saw the victim walking down the street. Mr. Markham walked her into the woods and raped her. When a Board Member asked why, he stated, "I thought maybe she liked me." When asked about the victim of his second conviction of assault with intent to rape, Mr. Markham indicated that he forced her door open, pushed her to the ground, slapped her, and tried to rape her. However, when he saw a boy coming, he "took off." When asked by a Board Member why he had tried to rape her, he said he "thought maybe she wanted me" and that he "had alcohol." When asked if he had also raped his brother's girlfriend, he stated that he "did not remember." Mr. Markham also discussed the incident where he followed a waitress in a vehicle, forced her off the road, and attempted to gain entry in her vehicle. Mr. Markham denied that his intent was to sexually assault the woman, stating that he followed her because he wanted to buy cocaine from her. When asked by the Board if he considers himself to be a serial rapist, Mr. Markham stated that he takes responsibility for all three victims. He explained that "alcohol caused it" and that he "was wrong."



In describing the governing offense, Mr. Markham indicated that he had been drinking and using marijuana. He went to the nursing home where his great-aunt had been living. He had urinated in his pants and went to the bathroom of his great-aunt's room to "clean [himself] up," and his great-aunt came in the bathroom. He thought she needed help and, when he tried to help her, she thought he was trying to rape her. Mr. Markham denied that he intended to rape anyone that day. Mr. Markham also explained that for a period of time he believed his great-aunt was his grandmother because his mother had told him so as a child.

Mr. Markham completed the Sex Offender Treatment Program and currently participates in the Sex Offender Treatment Management Program. Mr. Markham discussed the issues he has addressed and the skills he has learned through programming, such as "self-control," "anger management," "solving problems," and "taking full responsibility."

No witnesses testified in support or opposition to Mr. Markham's release.

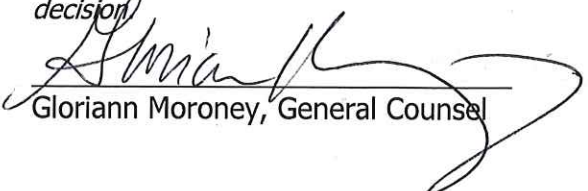
### **III. DECISION**

The Board is of the opinion that Mr. Markham has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Markham's deportment is not conducive to community supervision. Mr. Markham admitted to numerous acts of sexually deviant behavior. In addition, he has a history of aggression and a lack of impulse control.

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 Louis 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 five years from the date of this hearing. During the interim, the Board encourages Mr. Markham 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.*

  
Gloriann Moroney, General Counsel

9/4/18  
Date