

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



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

**MATTHEW LAVOIE
W82875**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 1, 2021

DATE OF DECISION: October 7, 2021

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

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 that the inmate is not a suitable candidate for parole.¹ Parole is denied with a review in two years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 16, 2003, after a jury trial in Middlesex Superior Court, Matthew Lavoie was convicted of second-degree murder in the death of 29-year-old Westley Vaananen² and was sentenced to life in prison with the possibility of parole.

In March 2001, Westley Vaananen was living at a home in Townsend with his co-defendants Kevin Fuller and Samantha Litalien (Mr. Fuller's girlfriend). In the weeks preceding Mr. Vaananen's murder, the three roommates had been joined by 21-year-old Matthew Lavoie for about four nights a week. On March 7, 2001, Mr. Vaananen was fatally shot three times with a nine-millimeter handgun, while lying in bed.³ About two weeks prior to Mr. Vaananen's

¹ Two Board Members voted to grant parole to the Mission Program/I Care.

² The jury had been instructed on the theories of murder in the first and second degrees, as well as joint venture, during the trial. The general verdict did not specify whether the jury found Mr. Lavoie guilty individually or as a joint venturer. *Commonwealth v. Lavoie*, 67 Mass.App.Ct. 1114 (2006).

³ There were conflicting accounts as to who actually shot Mr. Vaananen.

murder, Mr. Lavoie and Mr. Fuller were both seen playing with the gun used to kill him. At the time of his death (or immediately following it), Mr. Fuller took money and cocaine from Mr. Vaananen's pockets. Mr. Lavoie, Mr. Fuller, and Ms. Litalien then smoked the drug and divided the money. Mr. Fuller allegedly gave Mr. Lavoie \$1,500 of Mr. Vaananen's money and kept the rest for himself.

Mr. Lavoie and his co-defendants waited until nightfall to dispose of Mr. Vaananen's body and evidence of the murder. Mr. Lavoie helped wrap his body in an egg crate foam pad, duct tape, plastic wrap, and a blanket. He and Mr. Fuller then placed Mr. Vaananen's body in a vehicle and drove it to a secluded area of Fitchburg. The two men proceeded to remove the body from the vehicle, douse it with gasoline, and light it on fire. Mr. Lavoie and Mr. Fuller then returned to the home in Townsend and, along with Ms. Litalien, put the contents of Mr. Vaananen's bedroom, as well as the weapon, in black trash bags and loaded them into Mr. Fuller's vehicle.

A witness discovered the charred remnants of Mr. Vaananen's body the next day. On March 9, Mr. Fuller and a third party were observed disposing of trash bags in a dumpster at the restaurant where Mr. Lavoie and Mr. Fuller had been seen on the night of the murder. Mr. Lavoie and his co-defendants were arrested on March 10, 2001.

II. PAROLE HEARING ON APRIL 1, 2021

Matthew Lavoie, now 42-years-old, appeared before the Parole Board on April 1, 2021, for a review hearing. He was represented by Attorney Russell Sobelman and Attorney Lance Sobelman. Mr. Lavoie was denied parole after his initial hearing in 2016. In his opening statement to the Board, Mr. Lavoie apologized to the victim and his family and expressed remorse for his actions. Mr. Lavoie reflected on his previous hearing, indicating significant progress in his rehabilitation during the past four years. He admitted to struggling with substance use at the time of the governing offense, which played a role in the choices he made. Mr. Lavoie admitted to being present both when the homicide occurred and in the subsequent effort to conceal the death. Upon Board Member questioning, however, Mr. Lavoie stated that he had no memory of the inculpatory statement he made to investigators shortly after Mr. Vaananen's death.

Mr. Lavoie initially had a poor institutional adjustment, accumulating numerous disciplinary reports. Since his last parole hearing, however, he has not incurred any sustained disciplinary reports. Mr. Lavoie explained to the Board that he was ashamed of his presentation at the previous hearing and, at that time, resolved to fully commit to his rehabilitative efforts. Mr. Lavoie has since completed several programs, including a Substance Abuse Education program and CRA. He is currently enrolled in a General Maintenance Program, attends AA/NA meetings, and is on a waitlist for two additional programs. He also obtained his Barber's License. In addition, Mr. Lavoie regularly meets with a mental health clinician.

When the Board inquired, however, as to any substance use, Mr. Lavoie admitted to using Suboxone as recently as 18 months prior to this hearing. He expressed frustration with his continued struggles. The Board also inquired about Mr. Lavoie's association with a security threat group. While Mr. Lavoie admitted to association with the group for protection purposes upon entering prison, he explained that he recently began the process of formal renunciation. In 2020, Mr. Lavoie suffered a serious injury after an attack by another inmate.

The Board considered testimony in support of parole from Mr. Lavoie's family members. The Board also considered testimony in support of parole from Dr. William Stuart regarding Mr. Lavoie's medical history and status. The Board considered testimony in opposition to parole from family members of Mr. Vaananen. The Board also considered testimony in opposition to parole from Middlesex County Assistant District Attorney Hallie Speight as well as a letter submitted by Assistant District Attorney Adrienne Lynch.

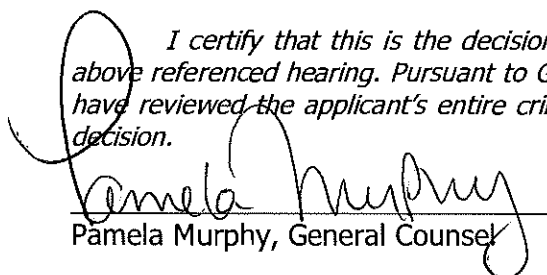
III. DECISION

The Board is of the opinion that Matthew Lavoie has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Although Mr. Lavoie has made some progress, he still has more work to do towards his rehabilitation. He admitted that his last substance use was in the past 18 months. He is affiliated with an STG (Security Threat Group) and has not formally renounced, only recently beginning the endeavor into that process. He should continue to remain compliant with programming and maintain a positive institutional adjustment and sobriety.

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

Mr. Lavoie's next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages Mr. Lavoie 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.


Pamela Murphy, General Counsel

10/7/2021
Date