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*The Commonwealth of Massachusetts*  
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Josh Wall  
Chairman

**DECISION**

**IN THE MATTER OF**

**MATTHEW O'CONNELL**

**W47916**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** July 24, 2012

**DATE OF DECISION:** December 5, 2012

**PARTICIPATING BOARD MEMBERS:** Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre  
Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

**I. STATEMENT OF THE CASE**

On July 9, 1990, Matthew O'Connell was found guilty of the second-degree murder of Julie Hamilton, age 22. Mr. O'Connell was initially indicted for first-degree murder. Prior to trial, the prosecution reduced the charge to second-degree murder, presumably after evaluating evidence of Mr. O'Connell's mental state at the time of the crime. Mr. O'Connell waived a jury trial and provided a defense of not guilty by reason of insanity. The trial judge convicted Mr. O'Connell of second-degree murder for which he received a life sentence with parole eligibility at 15 years.

Mr. O'Connell denies committing the offense and provides no factual details of the offense.

On the afternoon of August 19, 1987, Mr. O'Connell met Ms. Hamilton, whom he had known for approximately one week, in a bar in Weymouth. After consuming alcohol, Mr. O'Connell, his friend Christopher Kendall, and Ms. Hamilton agreed to go back to Mr. O'Connell's residence (his mother's home). Mr. O'Connell made references to Mr. Kendall that he wanted to have sexual relations with Ms. Hamilton, and Mr. Kendall left the home presumably so they could be alone. As the evening progressed, Mr. O'Connell and Ms. Hamilton continued to drink and they used some cocaine. Both individuals then walked to an area known as the cliffs, which was approximately three hundred yards from Mr. O'Connell's residence. Mr. O'Connell brought a double edged hunting knife with him. At approximately 12:30 a.m., witnesses report they could hear a female screaming in that area. Mr. O'Connell stabbed Ms. Hamilton approximately 40 times, causing her death. He then carried her body back to his residence where she was found buried in his backyard two days later.

During the course of the investigation, Mr. O'Connell was not cooperative. His mother attempted to have him committed under Chapter 123, section 35 to a hospital for drug and alcohol treatment. She was unsuccessful in doing so. Based on the evidence gathered at the scene of the crime and from Mr. O'Connell's home, he was arrested and held without bail. While awaiting trial at the Norfolk House of Correction, Mr. O'Connell was committed to Bridgewater State Hospital under the provisions of Chapter 123, section 18(a) for mental health treatment. Mr. O'Connell was unable to be managed in the penal setting after exhibiting behaviors that included setting fire to his bed sheets, flushing his prescribed psychiatric medication down the toilet, and sticking his finger in a light socket in an effort to commit suicide. The recommendation of the treating psychiatrist was that Mr. O'Connell be committed to Bridgewater State Hospital for continued treatment of "bipolar disorder, manic with psychotic features."

Several experts testified at Mr. O'Connell's trial both in support of his defense of "not criminally responsible by virtue of his mental illness," and in opposition to this defense stating Mr. O'Connell was able to conform his conduct to the law.

## **II. INSTITUTIONAL ADJUSTMENT**

Mr. O'Connell has been unable to be managed in the penal setting due to behavioral issues related to his mental illness. He has been admitted to Bridgewater State Hospital every year since 1993. He has been recommitted on four occasions, most recently in 1998 and has remained incarcerated at Bridgewater State Hospital since that time. Mr. O'Connell has been deemed to meet the criteria for such commitment: (1) mental illness and (2) is not a proper subject for commitment to any facility of the Department of Mental Health, and failure to confine him in strict security would create a likelihood of serious harm to himself or others.

Mr. O'Connell is now diagnosed with schizophrenia, disorganized type and his most recent commitment is based on the opinion of his treating psychiatrist that "failure to hospitalize would create a likelihood of serious harm to self and others; the patient does require further hospitalization within the strict security of Bridgewater State Hospital; the patient is not capable of returning to a penal environment to serve his sentence." This opinion, rendered in 2011, is consistent with previous recommitment evaluations. Mr. O'Connell has been under a court order to accept his medications, and has remained symptomatic with continued behaviors that meet the criteria for his recommitment.



### III. DECISION

Mr. O'Connell waived his first parole hearing on 2002. The Board voted to deny his parole with the next eligibility date of 2007. Following that hearing, Mr. O'Connell was denied parole with a review hearing in five years. The Board noted that "Bridgewater State Hospital documents state that he is mentally ill and is not suitable for commitment to any Department of Mental Health facility as he is dangerous to himself and others."

Mr. O'Connell appeared before the Board for this review hearing with no improvement in his mental status. The documentation provided by Bridgewater State Hospital continues to support his need for commitment to that facility and that he could not safely be managed in any other penal setting or mental health facility. Included in his most recent evaluation for recommitment, dated November 15, 2011, Mr. O'Connell is noted to have continued delusions of grandeur, insisting that he is a doctor, a Supreme Court Judge, a surgeon in Vietnam, and other roles in contrast to reality. Although his evaluator stated he is currently compliant with medications under a court order, she noted his history of non-compliance with medication resulting in his decompensation, and his "lack of insight into the need for medications." In addition the evaluator noted his continued denial of having a mental illness. Even with his medication treatment, Mr. O'Connell reportedly continues to exhibit psychotic symptoms.

During his presentation to the Board, Mr. O'Connell provided nonsensical testimony that appeared to reveal his continued psychotic thought process. Mr. O'Connell's answers were not based in reality. He was unable to provide any testimony to show that he is capable of living in any type of community supervision. In addition, he continued to deny committing the offense, and denied that he is mentally ill.

Mr. O'Connell has a long history of mental health treatment, beginning at age 14. He also has a long history of substance abuse. Mr. O'Connell did not have any supporters at his hearing, and he offered no parole plan that would support his need for continued care and treatment. Expert evaluations by Bridgewater State Hospital document that he remains a danger to himself and others by virtue of his mental illness, which has resulted in his continued need for commitment and court order to accept medications. Mr. O'Connell is likely to re-offend if released and his release on parole supervision is not compatible with the welfare of society at this time. Accordingly, parole is denied. The Board encourages Mr. O'Connell to accept the care and treatment provided by Bridgewater State Hospital.

*I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.*

  
Timothy V. Dooling, General Counsel

  
Date