



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**AMENDED DECISION**

**IN THE MATTER OF**

**OSCAR HOFFMAN**

**W47389**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** February 25, 2020

**DATE OF DECISION:** August 12, 2020

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On November 13, 1989, in Middlesex Superior Court, Oscar Hoffman pleaded guilty to second-degree murder in the death of 29-year-old Linda Rossi Montgrain and was sentenced to serve life in prison with the possibility of parole.<sup>1</sup>

On November 13, 1987, at approximately 3:00 a.m., 20-year-old Oscar Hoffman and his co-defendant, 20-year-old Norman Bettencourt,<sup>2</sup> climbed through Linda Rossi Montgrain's bedroom window. The two men had been drinking throughout the day. Mr. Hoffman had a prior dating relationship with Ms. Rossi Montgrain; however, she had recently been granted a protective

<sup>1</sup> On the same date, the Middlesex District Attorney's Office filed a nolle prosequi on a charge of Aggravated Rape.

<sup>2</sup> Mr. Bettencourt pleaded guilty to second-degree murder on November 12, 1989.

order against Mr. Hoffman. While in her home, an argument ensued between Mr. Hoffman and Ms. Rossi Montgrain, and he began beating her. Ms. Rossi Montgrain protested when Mr. Hoffman took money from her purse, and he responded by gagging her with a sock. Mr. Hoffman and Mr. Bettencourt used their shirts to tie up Ms. Rossi Montgrain's arms and legs. When she started to scream, they used a towel to strangle her and then suffocated her with a pillow. Ms. Rossi Montgrain's two young sons were sleeping in the next room during the murder of their mother.

Following the murder, the men took Ms. Rossi Montgrain's money and went to Mr. Hoffman's house. Mr. Hoffman instructed Mr. Bettencourt to throw the shirts in the river, but Mr. Bettencourt threw them in Mr. Hoffman's backyard instead. Later that day, Mr. Bettencourt was questioned by police and implicated Mr. Hoffman in the murder. Mr. Hoffman was subsequently questioned and gave numerous statements to police that implicated Mr. Bettencourt as the aggressor. Both men were charged with murder.

## **II. PAROLE HEARING ON FEBRUARY 25, 2020**

Oscar Hoffman, now 53-years-old, appeared before the Parole Board for a review hearing in January 25, 2020. He was represented by Attorney Deirdre Thurber. Mr. Hoffman was denied parole after his initial hearing in 2002, and after his review hearings in 2007 and 2012. Mr. Hoffman postponed his 2017 review hearing. In his opening statement to the Board, Mr. Hoffman said that he takes "full responsibility" for the murder of Ms. Rossi Montgrain and apologized to both her family, and his family, for what he had done. The Board acknowledged Mr. Hoffman's traumatic childhood, as well as his unhealthy romantic relationships with older women, starting at age fifteen. Although he did not receive mental health treatment until his incarceration, Mr. Hoffman believes that he suffered from anxiety and depression during adolescence and young adulthood that he treated through drug and alcohol abuse. He told the Board that domestic violence was present in many of his romantic relationships, including his relationship with Ms. Rossi Montgrain. He stated that he experienced memory lapses prior to the commission of the governing offense, but attributed the lapses to intoxication.

The Board questioned Mr. Hoffman as to his relationship with Ms. Rossi Montgrain leading up to her murder. He explained that they had been in a dating relationship for about one year, and that he stayed at the apartment she shared with her two young sons "from time to time." When the Board pressed him to explain the domestic violence patterns that existed in their relationship, Mr. Hoffman responded that they frequently argued about Ms. Rossi Montgrain not standing up for him in disputes he had with her neighbors. When asked if the arguments ever became physical, Mr. Hoffman said, "No one likes to be yelled at and I would do that sometimes," explaining that both he and Ms. Rossi Montgrain would be physically violent with one another. He denied ever being arrested for physical violence against Ms. Rossi Montgrain and claimed that she got a restraining order because her neighbors constantly called the police on him "for no reason." Mr. Hoffman said that he "might have" damaged some property at the apartment building. He admitted, however, that he damaged Ms. Rossi Montgrain's car and had to get her new tires. He could not explain the reason he damaged it.

Mr. Hoffman told the Board that he has no recollection of the murder, the events leading up to the murder, or any possible motivation for committing the murder. The Board discussed with him their struggle to reconcile this position with his numerous statements, both to police at the time of the offense, and in subsequent interviews with parole staff. Mr. Hoffman stated that

he has never been able to recall the details of the murder, and that his statements have come from what others have told him about what he did, and from reports, transcripts, and his "dreams" about the crime. When Board Members asked what he believes to be the cause of his memory lapse, Mr. Hoffman responded that he does not know. The Board told Mr. Hoffman about their trouble in fully gauging his rehabilitative progress, when he cannot understand or remember what drove him to commit murder.

The Board discussed Mr. Hoffman's mental health history at length and recognized that he suffers from significant traumatic events that have either created, or worsened, his diagnosis of Post-Traumatic Stress Disorder. Mr. Hoffman shared that he has also been diagnosed with Bipolar Disorder, anxiety, depression, and Anti-Social Personality Disorder, although these diagnoses sometimes change, depending on the mental health professional evaluating him. The Board noted that Mr. Hoffman has worked extensively with institutional staff to determine which medications are most beneficial to him. Mr. Hoffman explained that he was transitioning to different medications during the time he got into a confrontation with a correctional officer, resulting in a 2015 disciplinary report. The Board raised concerns about the violent thoughts and fantasies that Mr. Hoffman shared with his counselors and his son, as recently as the spring of 2019, including the thought that he wanted to "smash someone's head." Mr. Hoffman told the Board that he is able to distinguish thoughts from actions and does not wish to do anyone harm. He further explained that he employs meditation tactics to manage his consistent PTSD flashbacks and nightmares.

Mr. Hoffman told the Board he has benefited most from mental health counseling and steady employment throughout his incarceration. When Board Members noted that he has completed only a handful of programs in the last eight years, Mr. Hoffman explained that he has participated in those programs available to him, including Anger Management, but has not found many to be beneficial to his rehabilitation. The Board shared that participation in rehabilitative programming helps them track an individual's progress and growth. The Board also encouraged Mr. Hoffman to seek accommodations for his learning disability at the institution, and with his attorney, so that he can pursue educational opportunities. Mr. Hoffman agreed with the Board's recommendation to again request placement in a Residential Treatment Unit, given the Department of Mental Health's recent letter stating that he would qualify for services.

Mr. Hoffman's attorney shared a brief verbal statement from Mr. Hoffman's sister in support of parole. The Board considered testimony from Dr. Stephanie Tabashneck regarding a forensic mental health evaluation. The Board also considered testimony from a Department of Mental Health transition coordinator. The Board considered the report of Mr. Hoffman's mental health counselor Dr. Hughes. Ms. Rossi Montgrain's son, and her two sisters, testified in opposition to parole. Middlesex County Assistant District Attorney Ashlee Mastrangelo submitted a letter and testified in opposition to parole.

### **III. DECISION**

Mr. Hoffman has served approximately 32 years for the brutal murder of Ms. Rossi-Montgrain. It is the opinion of the Board that he has yet to make a level of rehabilitative progress that would make his release compatible with public safety. Mr. Hoffman should engage in meaningful rehabilitative treatment and programming. Since his last hearing in 2012, he has

completed five programs and sporadically attends AA/NA. Mr. Hoffman should pursue accommodations via the Department of Correction due to his learning disability.

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

Mr. Hoffman's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Hoffman to continue working towards 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

8/12/2020  
Date