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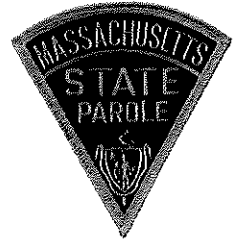
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Tina M. Hurley
Chair

Lian Hogan
Executive Director

RECORD OF DECISION

IN THE MATTER OF

REGINALD BUTLER
W70534

TYPE OF HEARING: Review Hearing

DATE OF HEARING: July 23, 2024

DATE OF DECISION: November 20, 2024

PARTICIPATING BOARD MEMBERS: Edith J. Alexander,¹ Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole to CRJ program, but not before DA clearance (Suffolk and Plymouth County).²

PROCEDURAL HISTORY: On February 1, 2002, after a jury trial in Plymouth County Superior Court, Reginald Butler was convicted of aggravated rape.³ On February 8, 2002, after a jury-waived trial, Mr. Butler was convicted of being a habitual offender and sentenced to life in prison with the possibility of parole. In 2003, Mr. Butler was also convicted of rape in Suffolk County. He was sentenced to 9 to 15 years in prison to be served from and after the life sentence.⁴

Mr. Butler had been denied parole after his initial parole hearing in 2016, and after his review hearing in 2021. Reginald Butler, now sixty years old, appeared for his review hearing on July 23, 2024. He was represented by student attorneys Isaiah Kazunga and Taylor

¹ Board Member Alexander was not present for the hearing, but reviewed the video recording of the hearing and the entirety of the file prior to vote.

² Two Board Members concurred with the vote but would waive the mandatory Sex-A program "fantasy log."

³ On May 28, 1999, Mr. Butler was indicted for the charges of aggravated rape, armed home invasion, breaking and entering in the daytime, assault and battery by means of a dangerous weapon, and being a habitual offender. Mr. Butler was acquitted of home invasion, breaking and entering in the daytime, and assault and battery with a dangerous weapon.

⁴ Pursuant to *Dinkins & another v. Massachusetts Parole Board*, 486 Mass. 605 (2021), the parole ineligibility terms on both sentences were aggregated.

McDowell from the Northeastern University School of Law. The Board's decision fully incorporates, by reference, the entire video recording of that hearing.

STATEMENT OF THE CASE: The Plymouth County Case: On February 8, 1999, a 16-year-old girl awoke to find 34-year-old Reginald Butler sitting on her bed with a windbreaker hood pulled down to conceal his face. Over a 20 minute period, Mr. Butler raped the victim, held a sharp silver object (a knife or a pair of scissors) to her neck, and punched her repeatedly in the ribs. He told her to lie face down, so that she would not see him. After he left, the victim immediately called a friend to report what happened. She later went to the hospital. Initially, the victim did not tell anyone who raped her, fearing retribution against her and her family. About five weeks after the rape, the victim disclosed that she had recognized her assailant as the cousin of her neighbor. Shortly thereafter, the victim identified Reginald Butler in a photo array.

The Suffolk County Case: The defendant broke into the victim's apartment in Chelsea in the middle of the night of September 13, 1991. The victim was alone in her apartment and had fallen asleep on the living room couch while watching television. She had been out earlier in the night with a group of friends. The defendant, at various points in the evening, had been part of the group. During the socializing, the victim had resisted the defendant's sexual advances, including the defendant's offer to exchange cocaine for sex. The defendant was staying with a friend in an apartment in the same building where the victim lived. At 4:00 a.m., the victim awoke to find the defendant on top of her attempting to have sexual intercourse with her. The victim resisted by attempting to kick and punch the defendant. The defendant continued the assault, slapped the victim, and swore at her. The victim became more afraid as the defendant became angrier and more aggressive. She eventually ceased physical resistance out of fear of the defendant. The victim reported the crimes later in the morning of September 13th. Four witnesses (the victim, two of her friends and a police officer) saw damage to the victim's apartment door. The victim reported to the police that the defendant broke through the locked apartment door.

The victim was treated at the hospital. A rape kit included a vaginal swab which tested positive for the presence of semen. (The victim had reported that the defendant ejaculated.) DNA testing by Cellmark Laboratories established that the DNA profile obtained from the vaginal swab matches the DNA profile of the defendant.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

DECISION OF THE BOARD: Reginald Butler has been incarcerated for 25 years and was last before the Board in 2021. Since that time, Mr. Butler has demonstrably followed recommendations of the Board. Specifically, Mr. Butler has engaged in therapy to address past trauma issues noted in previous evaluations and has also completed multiple Restorative Justice Programs to learn more about empathy, repairing harm, and the root causes of his behavior. Mr. Butler has also completed and served as a mentor in the S.O.T.P. program. Mr. Butler has been sober for 25 years, and the Board notes that drug use may have played some role in the underlying convictions. Mr. Butler has worked to address causative factors related to the underlying crime and will continue to do so upon release. The Board heard from one of Mr. Butler's two victims, and a victim's family member, in opposition to parole. The Board also heard testimony from Plymouth County Assistant District Attorney Karen Pumbo and Suffolk County Assistant District Attorney Montez Haywood in opposition to parole. In support, the Board heard testimony from Mr. Butler's appellate attorney, as well as Mr. Butler's uncle and a friend.

SPECIAL CONDITIONS: Waive work for 2 weeks; Curfew-must be home between 10 P.M. and 6 A.M. at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Supervise for drugs with testing in accordance with Agency policy; Supervise for liquor abstinence with testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must have substance abuse evaluation and follow all recommendations; Counselling for grief and childhood trauma; Residential program – CRJ; Mandatory Sex-A conditions.

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.


Tina M. Hurley, Chair


Date