



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



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RECORD OF DECISION

IN THE MATTER OF

**RICHARD BALDWIN
W56202**

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: May 16, 2024

DATE OF DECISION: August 20, 2024

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

VOTE: Parole is denied with a review in five years from the date of the hearing.

PROCEDURAL HISTORY: On April 4, 1994, following a jury trial in Essex Superior Court, Richard Baldwin was convicted of murder in the first degree in the death 15-year-old Beth Brodie. Mr. Baldwin was sentenced to life in prison without the possibility of parole, but became parole eligible as a result of the Supreme Judicial Court's decision in *Diatchenko v. District Attorney for the Suffolk District*, 466 Mass. 655 (2013).

On August 26, 1999, in Norfolk Superior Court, Mr. Baldwin was convicted of armed assault with intent to murder and three counts of assault and battery with a dangerous weapon arising from an incident that occurred while he was incarcerated for first-degree murder. Mr. Baldwin was sentenced to serve 5 years to 5 years and a day in state prison for the armed assault with intent to murder and one of three counts of assault and battery with a dangerous weapon. These sentences were ordered to run from and after his life sentence for murder. The remaining counts of assault and battery with a dangerous weapons were filed, and a single count of attempted murder was filed without a change of plea.

On April 1, 2010, in Norfolk Superior Court, Mr. Baldwin was convicted of assault and battery with a dangerous weapon and two counts of assault and battery on a correctional officer arising from another incident that occurred while he was incarcerated. Mr. Baldwin was sentenced to 1 year to 1 year and a day in state prison for each of these offenses. These sentences were ordered to run from and after all other sentences.

On May 16, 2024, Mr. Baldwin appeared before the Board for an initial hearing.¹ He was represented by Attorney Dana Curhan. The Board's decision fully incorporates, by reference, the entire video recording of Mr. Baldwin's May 16, 2024 hearing.

STATEMENT OF THE CASE: On November 18, 1992, Richard Baldwin, 16, expressed to a friend that he wanted to die because Beth Brodie, 15, did not want to resume their dating relationship. That afternoon, Mr. Baldwin went to the aforementioned friend's house and directed him to convince Ms. Brodie to come back to the house. When Mr. Baldwin's friend returned with Ms. Brodie, he went upstairs and left Mr. Baldwin and Ms. Brodie downstairs. At some point, Ms. Brodie went upstairs and told Mr. Baldwin's friend that Mr. Baldwin had threatened to kill her. Mr. Baldwin then walked into the room carrying a metal baseball bat, approached Ms. Brodie, and repeatedly asked if she was scared. He then swung the bat at her, and she fell while deflecting the first blow. After pushing his friend away, Mr. Baldwin swung the bat at Ms. Brodie two more times, hitting her head and causing fatal skull fractures. Following the attack, Mr. Baldwin appeared at Pentucket Regional High School, where he asked for an ambulance because he had ingested alcohol and pills. While at the school, Mr. Baldwin admitted to the principal and a teacher that he had killed Ms. Brodie. After being transported to the hospital, Mr. Baldwin admitted to killing Ms. Brodie to a nurse. This statement was overheard by police officers on guard in Mr. Baldwin's hospital room.

Mr. Baldwin was ultimately convicted of first-degree murder and sentenced to life in prison without the possibility of parole. While serving this sentence on February 4, 1999, Mr. Baldwin armed himself and attacked another inmate with the intention of murdering him. While still in prison on March 19, 2008, Mr. Baldwin and four other inmates attacked two correctional officers, causing them serious bodily injuries. During the attack, Mr. Baldwin punched, kicked, and beat one of the officers while he lay on the ground.

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).

In the context of an incarcerated individual convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has a meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Diatchenko v. District Attorney for the Suffolk*

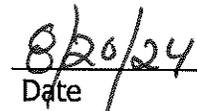
¹ Mr. Baldwin elected to postpone his 2014 and 2019 hearings.

District, 466 Mass. 655, 674 (2013). See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include a juvenile's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015). The Board also recognizes the incarcerated individual's right to be represented by counsel during their appearance before the Board. *Id.* at 20-24.

DECISION OF THE BOARD: This was Mr. Baldwin's first appearance before the Board. He has served 31 years of a life sentence for murder in the first degree. He was 16-years-old at the time of the offense, and the Board has considered factors relevant to his age and maturity. The Board is of the opinion that Mr. Baldwin is not rehabilitated. He engaged in minimal programming in over 30 years of incarceration. The Board is also concerned about his difficult adjustment, which includes 174 disciplinary reports, three violent incidents in the past five years, and a 60-month DDU placement. He has been charged and convicted twice for violent assaults while incarcerated. He acknowledged that he is still struggling with substance use. The Board recommends that Mr. Baldwin invest in rehabilitative programming, continue with his Native American Group, and complete a forensic psychological evaluation with risk assessment. There were no speakers in support of parole. There were a significant number of attendees in opposition to parole. Four family members of the victim and Essex County ADA Jessica Stransnick spoke in opposition to parole.

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