



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

RICHARD DESROSIER
(AKA RICHARD DESROSIERS)
W49873

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **April 7, 2015**

DATE OF DECISION: **July 16, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Sheila Dupre.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On February 5, 1991, in Worcester Superior Court, Richard Desrosier pleaded guilty to the second degree murder of 19-year-old Karen Barriere and was sentenced to life in prison. Desrosier was 22-years-old on the day he murdered Ms. Barriere. In 2000, nine years after pleading guilty, Desrosier was successful in his motion to withdraw his guilty plea and order a new trial. Desrosier's motion was allowed in Worcester Superior Court on the grounds that his guilty plea was not given freely or voluntarily, as he was not sufficiently informed of the elements for the crime of murder. However, on November 1, 2002, the Appeals Court reversed the lower court's decision and re-instated Desrosier's conviction and life sentence.

The following facts are taken from *Commonwealth v. Desrosier*, 56 Mass. App. Ct. 348 (2002). In the late afternoon of April 16, 1990, Richard Desrosier, Karen Barriere, a friend of Desrosier's (and witness to the crime), and a juvenile female met in downtown Worcester. The foursome pooled their money and purchased two large bottles of beer and a half-gallon of vodka. They then went to the roof of Union Station (an abandoned railroad depot), where they drank the beer and most of the vodka. They split off into couples. The witness and the juvenile went to the other side of the roof, where they could neither see, nor hear, Desrosier and the victim.

After a while, the witness came back to check on Desrosier and Ms. Barriere. Desrosier told him "don't come near here." The witness approached anyway and saw Ms. Barriere, lying naked on the roof, with her upper torso and head engulfed in flames. He also observed Desrosier with blood on his hands and clothing. He then screamed at Desrosier, to which Desrosier replied, "She's dead. She wouldn't [have sex] with me, so I killed her." Desrosier then threatened the witness not to tell anyone about the murder. The witness fled the building and reported what he had just seen to the police. He brought the officers to the scene, where they found Ms. Barriere's body on the lower level of the roof. Her body had been thrown from an opening in the roof's upper level to a concrete area, 19 feet below. The medical examiner determined that the victim died from blunt force trauma, thermal injury to the neck, and smoke inhalation. The victim's facial features were burned beyond recognition, but her identity was confirmed through her fingerprints.

Several hours after the murder, the police found Desrosier at his parent's house. Shortly thereafter, they charged him with the murder of Karen Barriere. Subsequent investigation revealed that on the evening of April 16, 1990, Desrosier told several other people that he had killed and burned someone that evening. Desrosier said he had no recollection of killing Ms. Barriere due to an alcohol-induced blackout.

II. PAROLE HEARING ON APRIL 7, 2015

Richard Desrosier is now 47-years-old and has been incarcerated for 25 years. This was his third appearance before the Massachusetts Parole Board. His initial hearing was in August 2005, after which the Board denied parole with a review in five years from the date of the hearing. He next appeared before the Board for a review hearing in April 2010, after which the Board again denied parole and set a review for five years from the date of the hearing.

Desrosier opened the hearing by offering an apology to the victim's family and friends. He said he holds himself accountable for the brutal and violent death of Karen Barriere. He said that during that period in his life, he lived "compulsively and recklessly" and "cared for no one but himself." Desrosier added that while he is incapable of changing what happened, he continues to do everything he can to "become a better person" and "overcome the causes of his actions."

When a Board Member asked Desrosier why he committed such a torturous murder, he replied, "I don't know." He said that on the day of the crime, he was drinking excessively and suffered an alcohol-induced blackout. As a result, he has little recollection of what occurred. Desrosier admitted during the hearing that, in 2010, he first introduced the idea that his motive for the murder was "a book about the afterlife" and the victim's desire to "experience what life

was like after death." Desrosier acknowledged that this new theory of his motive for murdering Karen Barriere presents as "an insane and an irrational thought [process]" and told the Board, "I was a very irrational person." He said that he has since "tried to make sense of it, but there is no sense."

A Board Member asked him how it is that he remembers some aspects of the afternoon and evening before the murder, but not others. Desrosier explained that when he was drinking, his pre-blackout memory remained, but after "a certain point of intoxication," he had no recollection. He said the conversation with the victim about the "life after death book" occurred earlier in the evening before he was "intoxicated." He believes the book conversation occurred around 4:00 pm and the murder occurred at about 6:00 pm or 7:00 pm. Another Board Member asked how he had the presence of mind to instruct multiple witnesses (after confiding in them about the murder) to not tell anyone what had happened. Desrosier replied, "I was fully functional in [my] alcohol blackouts."

A Board Member asked Desrosier about how they (the Board) should reconcile that Desrosier never mentioned the motive for the murder (of the victim wanting to experience the afterlife) until his 2010 hearing, 20 years after the murder. He said, "I was doing what I was told by my lawyers." Desrosier said that immediately after his arrest, his attorney told him that "if he doesn't remember everything, he can't talk about anything." Desrosier also suggested that now that his federal appeal is done, he is able to "speak as openly as he can." Desrosier said he was "so much in denial."

When a Board Member asked Desrosier what has changed since the 2010 hearing, he said "so much is different." He said he knows what he wants and continues to change the way he thinks and listens. He now asks questions and respects people. Desrosier admitted that for at least the first 10 years of his incarceration, he was in denial and refused to participate in rehabilitation programs. He said, "I was on vacation" and "doing everything I wasn't supposed to do, including drinking alcohol." He said he now understands that he should have taken advantage of the opportunities presented to him earlier. Desrosier told the Board that since his last hearing, he has worked to correct his "thinking errors" and to address his problem solving and substance abuse issues. He said he is an active participant in the AA/NA program and The Big Book, and incorporates these principles into his daily life. He said he has become more compassionate and helpful to people in need due to his volunteer work with the mentally ill and young adults. He is a facilitator in the Alternatives to Violence Program and Toastmasters and recently enrolled in the Leadership in Transitional Thinking Program. He is currently employed in the property department.

When a Board Member asked Desrosier if he's done enough to address his violent behavior, he admitted that the extent of his involvement in violence reduction programming is his "biggest weakness." He acknowledged that, aside from the Correctional Recovery Academy, "the violence reduction work" didn't begin until 2014. He also admitted that he still doesn't know why he went into "such a rage" on the day of the murder. He said he doesn't know whether it was a "one time thing" or "a sporadic thing." He added that "it was horrendous, brutal, and ugly" and a "big part of the hate I had in me for myself."

One Board Member expressed concern over his lack of specialized sex offender treatment, considering the statements Desrosier made to witnesses that he committed the crime because the victim wouldn't have sex with him and the fact that the victim was found nude from the waist down. Desrosier disputed any sexual motivation for the murder, insisting that the crime was committed because the victim wanted to see what life was like after death.

During questioning about his background, Desrosier provided insight into his antisocial behavior prior to the commission of the murder. Before the murder, he described himself as a "self-centered alcoholic" who "ran the streets" and did "crazy things." Beginning at age 14, "pieces of him had become broken" and he was "completely dysfunctional" by the time the crime occurred. He admitted that he has been unable to "pinpoint how that happened" and reported that he refused efforts by his family to seek help. Desrosier said that "if I didn't come to prison, I wouldn't be alive today." When questioned about his relationship with his family, Desrosier admitted that he hasn't had regular contact with his parents since 2006, which he says was due to a rift that began when his attorney prevented him from telling anyone his version of events about the murder.

Desrosier has incurred a total of seven disciplinary reports during this incarceration. His most recent disciplinary report was in August 2010 for fighting with another inmate. Desrosier described the event as a "disagreement over a song choice" and said they "got into each other's face." He admitted that the fight was an opportunity where he could have used the communication and conflict resolution skills he had learned, but did not. When one Board Member expressed concern that the incident occurred immediately after his parole was denied in 2010, Desrosier said that he was "under stress" and "not at 100 percent of his faculties." He says that he has since used the "proper tools" to avoid conflict. Desrosier said he believes previous Parole Boards have denied him primarily because he lacks insight into the underlying offense. As a result, he said he has attempted to see a therapist to begin to "peel the layers away" and to fully address the causative factors of his conduct.

Several people spoke in support of Desrosier's parole, including his mother, a friend, and a cousin. Worcester County Assistant District Attorney Michelle King testified in staunch opposition. A representative from the Bridge Program also spoke, but as a neutral party. He said he had worked with the victim prior to her murder and attended the hearing to find out if Desrosier had made any efforts to rehabilitate himself.

Desrosier provided a parole plan that would allow him to go to a structured half way house in order to reacclimate to society.

III. DECISION

Desrosier was convicted of an especially heinous and cruel murder. His account of Ms. Barriere's death as being associated with "helping her to explore the afterlife" is not credible, or even conceivable. Desrosier's current version of his motive for the murder, which he first introduced in 2010, indicates that he has not accepted the full horrific nature of what he did and has confabulated some sort of alternative explanation. Desrosier acknowledged that he's provided varying versions, saying that he could not remember many of the details of the murder because his mind was impaired by intoxication. In addition, he now reports that his attorney had previously prevented him from telling anyone his version of the crime.

Desrosier admitted that he continues to struggle to understand his behavior and the source of his rage, despite his participation in many rehabilitation programs. Further exploration of the unresolved issues is critical if he hopes to understand the causative factors of the crime and develop preventive strategies for the future. While his rehabilitation is progressively greater, it is still not sufficient.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Richard Desrosier does not merit parole because he is not rehabilitated. The review will be in five years, during which time Desrosier should commit to a more comprehensive rehabilitation by addressing anger and violence issues, substance abuse, and criminal thinking, as well as by maintaining a positive adjustment.

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.


Michael J. Callahan, General Counsel

July 16, 2015
Date