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PAROLE BOARD

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Charlene Bonner
Chairperson

DECISION

IN THE MATTER OF

ROBERT BEAUCHAMP

W33990

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 7, 2015

DATE OF DECISION: September 2, 2015

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

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 23, 1973, after a jury trial in Middlesex Superior Court, 23-year-old Robert Beauchamp was found guilty of second degree murder and sentenced to life in prison with the possibility of parole. The victim was 21-year-old Charles McGrath.

On August 5, 1971, while at his Arlington apartment, Beauchamp fired five shots at his longtime friend, Charles McGrath. Mr. McGrath had arrived at the apartment minutes earlier, after Beauchamp invited him to come over. Despite being struck by four bullets, Mr. McGrath managed to flee the apartment, but collapsed and died on a landing one flight down. Police officers arrived on the scene, and Beauchamp immediately admitted to shooting Mr. McGrath, claiming that the victim had attacked him with a knife that had been placed on a small table near the front door. No fingerprints were found on the knife, but Beauchamp told police that Mr. McGrath held the knife with a napkin.

On April 29, 1974, while incarcerated at MCI-Norfolk, Robert Beauchamp escaped while on a 12 hour furlough. He was apprehended in 1981, and he then served two federal commitments for crimes of mail fraud and embezzlement that were committed under assumed names in California and Illinois. On August 7, 1987, Beauchamp was returned to Massachusetts after fighting extradition for six years.

In 1996, Beauchamp filed a request for leave to file a late notice of appeal of his 1973 murder conviction. Beauchamp's request was allowed and, in 1997, the Supreme Judicial Court reversed the 1973 conviction on the grounds of an erroneous self-defense instruction.¹ After a retrial, Beauchamp was again found guilty of second degree murder and, in 2000, the Appeals Court affirmed this conviction. Subsequently, Beauchamp filed motions for a new trial, but the Superior Court rejected those motions, as did the Appeals Court.

II. CRIMINAL AND PAROLE HISTORY

In addition to his murder conviction, Beauchamp has a criminal record in South Africa, California, Illinois, and Massachusetts. The most recent entry on Beauchamp's criminal record was the 1987 Massachusetts charge for the 1974 escape from MCI-Norfolk. Beauchamp's initial hearing before the Parole Board was on July 5, 2000, after which the Board denied parole with a review in five years from the date of the hearing. The Board noted that Beauchamp's version of the offense was not credible, and he presented a high risk for community supervision given his history of jumping bail and escape. Beauchamp next appeared before the Board on July 13, 2005, after which the Board again denied parole with a review in five years. The Board found that Beauchamp showed no remorse and had participated in minimal programming to address his criminal history. Beauchamp appeared before the Board for his third hearing on July 8, 2010. Again, the Board denied parole with a review in five years. The Board noted that very little had changed in Beauchamp's status since his initial parole hearing in 2000. The Board found that he had not demonstrated a commitment to rehabilitation, and had yet to avail himself of programs that addressed the causative factors of his violent behavior.

III. PAROLE HEARING ON JULY 7, 2015

Robert Beauchamp appeared before the Parole Board (without legal representation) for the fourth time on July 7, 2015. Beauchamp was 22-years-old when he committed the murder for which he now serves. Beauchamp is currently 67-years-old and has been in custody in Massachusetts since 1987. Beauchamp did not have representation at this hearing, but indicated that he has sought counsel with regard to other legal matters, such as seeking to reduce his conviction to manslaughter.

Beauchamp began the hearing with a "procedural matter," when he informed the Board that the Middlesex District Attorney's Office provided him with their letter of opposition "at the last minute" and that it contained "eighteen easily provable lies." The Chairperson of the Board then asked Beauchamp if he was requesting to postpone his hearing due to (what Beauchamp considered) the late receipt of documents that would have assisted him in the preparation for his hearing. Beauchamp insisted, however, that he did not want to postpone the hearing and would prefer to proceed. Beauchamp's opening statement included theories that Assistant

¹ *Commonwealth v. Beauchamp*, 424 Mass. 682 (1997).

District Attorneys from Middlesex County planted false evidence at his trial, and that the imprisonment of Beauchamp is related to an attempt to hide information and/or protect various public officials.

The Board focused their questioning on Beauchamp's lack of programming during his long period of incarceration. Beauchamp testified that he has "done nothing" since he was denied parole in 2010, and that he occupies his time by reading, watching television, exercising, and tutoring. Despite the Board's recommendations of increased program participation in all of its previous denials, Beauchamp feels that he is unsuitable to participate in programming because the Department of Correction identified him as low need in all areas. Beauchamp said that he thinks his parole denials are "politically based" and that he is "as suitable as anybody" for parole, according to the parole guidelines. Beauchamp then digressed when he verbalized a litany of defamatory comments aimed at various political leaders. He was quickly redirected by the Board to answer only those questions that were asked of him. However, Beauchamp attempted to insert such remarks throughout the hearing, insisting that there exists a conspiracy that, if exposed, would exonerate him in many ways.

The Parole Board questioned Beauchamp about the details of the murder and his criminal history. Beauchamp did not agree with Board Members who found his criminal history concerning. While on furlough for the murder, Beauchamp absconded and traveled to several countries within Africa, allegedly stealing supplies from a hotel. He told the Board that he paid the hotel back for the items and was not charged with a crime. Beauchamp traveled to San Francisco, California where he was arrested for "bad checks" in 1972. Beauchamp said he then traveled to Chicago, Illinois and incurred federal charges related to mail fraud in 1980 when he published an advertisement, but did not deliver the merchandise. Beauchamp fought extradition and was eventually returned to Massachusetts. He referred to his criminal activity after the murder conviction as "minor white collar crimes" and that he just "grew out of it."

When speaking about the murder, Beauchamp testified that the victim arrived at Beauchamp's apartment and was "barefoot, bare-chested [and] demanding money" due to their failed attempt at a crime. Beauchamp said that the victim threatened him with mace, so he told the victim that he had money in a briefcase. Beauchamp said that he (Beauchamp) took a gun out of his briefcase and waved it at the victim, asking him to put the mace away. Beauchamp said that he then verbally insulted the victim, at which point the victim turned around and reached for the gun. Beauchamp said that he fired the gun once into the floor and "then emptied it into him." Beauchamp acknowledged that he lied at his first murder trial when he testified that the victim had a knife, and went after Beauchamp with the knife, just before Beauchamp shot him. Beauchamp indicated that he did not testify at his second trial because he claimed prosecutors altered evidence in the case. He attempted to expand on his theory that there was a conspiracy against him, but he was once again redirected by the Board to only provide information that the Board could consider in determining whether he meets the legal standard for parole.

When asked about his level of remorse for having taken a life, Beauchamp told the Board that he wished it had been "me instead of him" and that "this has been a nightmare for his family and my family for decades." Beauchamp said that he demonstrated remorse at all his hearings and then stated, "How do you apologize for something like that?" When asked to

provide the Parole Board with his proposed plan for re-entry, Beauchamp described living with his sister and her husband in East Falmouth and working as a paralegal.

There was no one present in support of parole at the hearing.

Three members of the victim's family spoke in opposition to parole, stating that Beauchamp is "a con man, a scam artist, and more so, a liar." They said that he continues to lack remorse for the crime, has not participated in programming, and should remain incarcerated. The family also described the significant impact that the crime had on their family. The victim's older brother stated that their mother consistently warned the victim not to spend time with Beauchamp because he was "bad news," and that she subsequently became an advocate for gun control after the victim's death.

Middlesex County Assistant District Attorneys Bethany Stevens and Thomas O'Reilly were present at the hearing. ADA Stevens spoke in opposition to parole by describing Beauchamp's lack of accountability for his actions, as well his misguided focus on his own victimization based on "specious conspiracy theories." She commented that Beauchamp's current description of the crime is inconsistent with the evidence, and that he has not participated in rehabilitative programming while incarcerated.

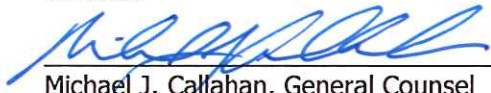
When Beauchamp was given the opportunity to provide a closing statement, he spoke about his escape while on furlough, his extradition, and the "false evidence" used at his trial that resulted in his second degree murder conviction. Beauchamp concluded by stating, "I'm not looking for parole, to tell you the truth. What I'm looking for is to have this conviction vacated and millions of dollars for the seventeen years of false imprisonment."

IV. DECISION

Beauchamp committed the murder in 1971 and then escaped while on a 12-hour furlough in 1974. During his escape, he traveled to Africa, California, and Illinois and committed crimes in all these locations. Beauchamp was extradited back to Massachusetts in 1987 and has been incarcerated here since that time. Despite past parole denials that explicitly stated that Beauchamp should participate in programming, he has yet to involve himself in any meaningful rehabilitation. Rather, Beauchamp has invested his time in trying to convince others that there has been a miscarriage of justice based on a political conspiracy against him. Beauchamp also continues to speak in a callous manner about the murder.

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 Robert Beauchamp does not merit parole at this time. The review will be in five years, during which time Beauchamp should engage in substantive rehabilitative programming that addresses the causative factors of his anger, violence, and lack of empathy.

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

September 2, 2015
Date