



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Paul M. Treseler
Chairman

Michael J. Callahan
Executive Director

DECISION

IN THE MATTER OF

ROD MATTHEWS
W44614

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 29, 2016

DATE OF DECISION: September 26, 2016

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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, 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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On March 10, 1988, in Norfolk County Superior Court, a jury found Rod Matthews guilty of the second degree murder of Shaun Ouillette. Mr. Matthews was subsequently sentenced to life in prison with the possibility of parole.

In late October 1986, 14-year-old Rod Matthews told two of his classmates that he "wanted to know what it was like to kill someone." Mr. Matthews decided to kill Shaun Ouillette. He later told his friends that he selected Mr. Ouillette because he "would be easy to get to and he probably would be the least missed... [because he] didn't have many friends." On November 20, 1986, Mr. Matthews invited Mr. Ouillette to his house after school and suggested that they go into the woods to build a fort. While in the woods, Mr. Matthews proceeded to strike Mr. Ouillette in the head with a baseball bat. He swung with enough force to severely crush Mr. Ouillette's skull. After repeatedly striking Mr. Ouillette in the head, Mr. Matthews used snow to clean the blood off the bat and then left the woods. Shortly after killing Mr.

Ouillet, Mr. Matthews walked to a friend's house and told him about the murder. Mr. Matthews then took his friend to see Mr. Ouillet's body. When the friend asked Mr. Matthews why he had killed Mr. Ouillet, he replied, "Just for the heck of it." Mr. Matthews' friend told another friend about the killing. The other friend refused to believe it until days later, when Mr. Matthews and the first friend took him to view Mr. Ouillet's body. Mr. Matthews then threatened the two friends, saying that they might be his next victims if they told anyone about the murder.

In early December, one of Mr. Ouillet's friends sent an anonymous letter to the police, stating that Mr. Matthews had killed Mr. Ouillet and describing the location of the body. Investigators located Mr. Ouillet's body on December 11, 1986. On December 13, Mr. Matthews was arrested and arraigned in Stoughton District Court, in a juvenile session, on a charge of delinquency by reason of the murder of Mr. Ouillet. Subsequently, a judge ordered Mr. Matthews to be transferred to the Superior Court Department for arraignment as an adult. On July 5, 1987, a Norfolk County Grand Jury returned an indictment charging Mr. Matthews with murder in the first degree.

II. PAROLE HEARING ON MARCH 29, 2016

Mr. Matthews, now 44-years-old, appeared before the Parole Board for a review hearing on March 29, 2016, and was represented by Attorney Patricia Garin and Attorney Christopher Saccardi. This is Mr. Matthews' third appearance before the Board. His initial hearing took place on December 6, 2001, and resulted in the denial of parole. On May 15, 2007, Mr. Matthews had a review hearing, which also resulted in the denial of parole. Mr. Matthews was eligible for his next review hearing in 2012, but requested to postpone the hearing on multiple occasions.

In his opening statement to the Board, Mr. Matthews apologized for taking Mr. Ouillet's life and expressed his remorse. During the course of the hearing, Mr. Matthews discussed his lifestyle in the years leading up to the murder. He grew up in a middle class neighborhood in Canton. He said that his father resided in the home sporadically, at times leaving the family to engage in extra-marital affairs. Mr. Matthews' parents had tried to shelter him from his father's infidelities, but approximately a month and a half before the murder, his mother told him about his father's affairs. She told him that his father would no longer be living in the family home. Mr. Matthews also stated that he acted like a "class clown" in school to get attention, and that he began lighting fires when he was 10 or 11-years-old. He started lighting larger fires in the months leading up to Mr. Ouillet's murder, including an attempt to set a shopping mall on fire (while aware that his mother was working inside the mall). He also wrote a note to a teacher shortly before Mr. Ouillet's murder, stating that he liked to light fires and wanted to kill people that he did not like. Mr. Matthews believes that lighting the larger fires, and the note to his teacher, were a "cry for help" to bring attention to what was going on with his family.

The Board questioned Mr. Matthews as to how his actions could be a cry for help regarding his home life, if Mr. Matthews had not realized (at the time) that his family was dysfunctional. Mr. Matthews responded by saying that his father would be away from the house every couple of years and that he did not know why, until shortly before the murder when his mother told him about his father's affairs. Mr. Matthews was also questioned as to

why he engaged in deception with the police, as well as an attempted cover up, if he was seeking help. In response, Mr. Matthews indicated that talking with one of his friends about the letter he wrote to his teacher was a "turning point" for him. He said that once he began talking with his two friends about killing someone, it "became a whole twisted thing" and getting help was no longer on his mind. In addition (and before deciding to kill Mr. Ouillette), Mr. Matthews had contemplated killing two other classmates. After getting mad at the classmates over trivial issues (including not being given a piece of bubble gum), Mr. Matthews said that he got it in his head that he wanted to murder them. Mr. Matthews admitted that he spoke with his two friends about choosing Mr. Ouillette, based on "the fact that he wouldn't be missed" and that "he'd be easy to get to." Mr. Matthews indicated multiple times during the hearing that he had wanted to show his two friends that he could kill a person.

Mr. Matthews had originally planned to murder Mr. Ouillette on November 19, but a snow storm caused school to be cancelled that day. The following day, Mr. Matthews told his two friends that he was going to kill Mr. Ouillette. That afternoon, Mr. Matthews and Mr. Ouillette hung out in Mr. Matthews' basement, playing pool for about half an hour. During that time, one of Mr. Matthews' friends called and asked him if Mr. Ouillette was at the house. When Mr. Matthews confirmed that Mr. Ouillette was there, the friend told Mr. Matthews "not to do anything" to him. The Board questioned why Mr. Matthews went through with the murder, if part of the reason he was killing someone was to get the approval of his friends, and one friend had just told him not to kill Mr. Ouillette. Mr. Matthews responded by saying he believed, at that time, that he was "too deep" into his plan to not follow through. At that point, he had been "constantly" thinking about killing a person for three or four weeks. Mr. Matthews had "wanted to get this murder over with." He had experienced "nervous energy" leading up to the killing and believed that if he murdered someone, the thoughts would go away.

When Mr. Matthews and Mr. Ouillette headed to the woods, Mr. Matthews brought a baseball bat, telling Mr. Ouillette that he needed to return the bat to a friend. He also grabbed a knife and put it in his sock. A couple of minutes into the woods, Mr. Matthews asked Mr. Ouillette to walk in front of him. He did so with the intention of hitting Mr. Ouillette in the back of the head with the bat. A minute or two later, when Mr. Matthews struck Mr. Ouillette in the back of the head, Mr. Ouillette "collapsed" to the ground (on his hands and knees) and cried out for help. Mr. Matthews hit him in the head again. While on the ground, Mr. Matthews proceeded to hit Mr. Ouillette in the head another three or four times. Right after the murder, Mr. Matthews felt "relief that it was over." In the days following the murder, Mr. Matthews said that he had "no remorse" and "no guilt." He stated that it was almost as if the murder had not happened. Mr. Matthews claimed that the murderous thoughts went away after the killing, and he has not experienced this type of obsessive thinking again.

When addressing the reasons as to why he killed Mr. Ouillette, Mr. Matthews said that it was due to a combination of factors. Mr. Matthews focused on the medicine that he was taking at the time of the murder, the issues going on within his household, and his desire to prove to his friends that he was capable of murder. Mr. Matthews also contemplated whether he had a mental health issue that may have contributed to his decision to murder Mr. Ouillette. A majority of the doctors who assessed Mr. Matthews when he first went into prison thought he may be suffering from mental illness. However, Mr. Matthews disagrees and believes that the "emotional deficit" he was experiencing during that period impaired his judgment. The Board questioned why Mr. Matthews was dismissing the possibility that mental illness may have

played a role in the murder. Mr. Matthews said that, over the years, his therapists and other doctors have told him that they did not believe he had a mental illness. Although (in early assessments) a couple of doctors diagnosed Mr. Matthews with atypical psychosis, he has been told that this diagnosis is no longer used on "someone that young." Mr. Matthews said that his doctors felt that he had "detachments" and issues with his family. The Board noted that some would argue that the symptoms Mr. Matthews described throughout the hearing (as having experienced at the time of the murder) could be considered a form of mental illness.

The Board asked Mr. Matthews about a 2012 investigation involving contact that his relative had with one of the childhood friends who had testified at Mr. Matthews' trial. Mr. Matthews explained that, after hearing that the former friend was struggling, he assumed it was because of what he had put the childhood friend through regarding the murder. Mr. Matthews claimed that he was feeling guilty and ashamed, so he wanted to reach out to the former friend to see if he could do anything to "help him out" and to let the man know that he had not done anything wrong. Mr. Matthews asked the relative to get in touch with the former friend to see if he would be receptive to receiving a letter from Mr. Matthews. According to Mr. Matthews, he had written a letter taking full responsibility for Mr. Ouillette's death and apologized to the friend for what he had put him through. Mr. Matthews' relative discovered where the childhood friend lived, showed up at his house, and implied that the childhood friend was somehow involved in the murder. Mr. Matthews, however, maintains that his only intent in involving the relative was to find out whether the childhood friend would be receptive to getting a letter from him.

While incarcerated, Mr. Matthews received mental health treatment, as well as individual and group therapy. He has also participated in such programs as the Correctional Recovery Academy (CRA), Men's Work, Self-Preservation Group, and Asking for Help.

The Board considered oral testimony from Mr. Matthews' mother, who expressed support for Mr. Matthews' parole. The Board considered testimony from Dr. Robert T. Kinscherff, a forensic psychologist, and Dr. James Alan Fox, a criminologist, who presented their findings at Mr. Matthews' request. The Board also considered the testimony of the victim's mother, sister, and brother, as well as Canton Police Chief Kenneth Berkowitz and Norfolk County Assistant District Attorney Marguerite Grant (accompanied by retired Norfolk County Assistant District Attorney Peter Casey and Norfolk County Assistant District Attorney Stephanie Martin Glennon), all of whom spoke in opposition to Mr. Matthews' parole. The Board received letters both in support of, and in opposition to, Mr. Matthews being granted parole.

III. DECISION

The Board is of the opinion that Mr. Matthews has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that a longer period of positive institutional adjustment and programming would be beneficial to Mr. Matthews' rehabilitation.

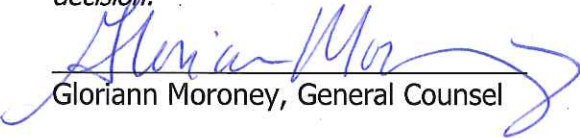
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender 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 real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015).

The factors considered by the Board include the offender'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." *Id.* The Board has also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Matthews' risk of recidivism. After applying this standard to the circumstances of Mr. Matthews' case, the Board is of the opinion that Mr. Matthews is not yet rehabilitated, and his release is not compatible with the welfare of society. Mr. Matthews, therefore, does not merit parole at this time.

Mr. Matthews' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Matthews 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.


Gloriann Moroney, General Counsel

9/26/14
Date