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Gloriann Moroney
Chair

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Executive Director

DECISION

IN THE MATTER OF

ROD MATTHEWS
W44614

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 8, 2021

DATE OF DECISION: February 17, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa

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 three 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 second-degree murder in the death 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 JUNE 8, 2021

Rod Matthews, now 49-years-old, appeared before the Parole Board for a review hearing on June 8, 2021. He was represented by Attorney Christopher Saccardi and Attorney Patricia Garin. This is Mr. Matthews' fourth appearance before the Board. His initial hearing took place on December 6, 2001 which 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. He was denied parole after his last hearing in 2016.

In his opening statement to the Board, Mr. Matthews apologized for his crime, stating that he felt both sorrow and remorse for his actions. He further acknowledged the impact on the victim's family, his own family, and the community at large. Mr. Matthews reported that he experienced familial strife as a child and stated that his family's "dysfunction" greatly affected him. According to Mr. Matthews, familial discord contributed to his stunted emotional state, allowing him to commit murder. His father was often unfaithful to his mother, which caused a great deal of tension and hostility within the family unit. Although he did not suffer from physical abuse, Mr. Matthews reported that he did not have close emotional relationships with his family members, nor did his family openly discuss their problems. Mr. Matthews acknowledged that he frequently lit fires as a youth, beginning at age nine. He felt "relief" from setting fires and admitted that he was responsible for 30 to 50 fires.

When the Board questioned him as to his motivation for the governing offense, Mr. Matthews stated that it was difficult for him to accept that he committed such a crime. He stated that at the time of the crime he had "no concern for anyone else" and, at 14-years-old, he did not have the "emotions" that would have stopped him from committing murder. Mr. Matthews admitted to planning the homicide without consideration of the aftermath or the consequences of his actions. He cited familial strife and his inability to communicate with his family as the reason for his emotional and mental state at the time. Mr. Matthews referred to past psychological evaluations in an attempt to answer Board Member questioning as to the motivation for his actions. He stated that it was through reading his early evaluations and

reports that he came to understand "how dysfunctional the family was." In response to a direct question from a Board Member inquiring, "Why did you murder?" Mr. Matthews gave a non-responsive answer in which he again discussed his familial troubles. When the Board Member followed up with another question about what had happened in the years leading up to the offense that made him capable of murder, Mr. Matthews responded, "It seemed that there was some disruption when I was younger. Again, this is what I read, I don't understand, but there is this progression that's in there, that for me, at that age, at 14, to be so emotionally disturbed, detached, socially and emotionally, there had to be something that progressed over the years to get to that point where when my family broke down I was not able to deal with it, but I can't tell you what the actual . . ."

Mr. Matthews admitted that he felt no remorse directly after the crime, and estimated that it took 10 months before he gave thought to the feelings of the victim's family. He stated this took place after receiving "feedback from my therapists and other doctors." Mr. Matthews reported to the Board that he struggles with the results of his actions every day, and that he frequently thinks of the victim. Upon Board Member questioning, Mr. Matthews reported that he suffers from depression and anxiety, but claims that both conditions are successfully managed. A Board Member acknowledged that Mr. Matthews' most recent psychological evaluations do not indicate evidence of psychopathy. Mr. Matthews denied a pattern of obsessional thoughts about harming others and, similarly, denied any homicidal fantasies.

When the Board questioned him as to his institutional adjustment, Mr. Matthews acknowledged receiving a disciplinary report in 2019 for engaging in a three-way phone call. The Board acknowledged that Mr. Matthews has participated in programming during his incarceration, including the Men's Work Group, Jericho Circle, and Alternatives to Violence. He also performed volunteer work with an elderly patient suffering from dementia.

The Board considered oral testimony in support of parole from a family member of Mr. Matthews. The Board considered oral testimony from Dr. Robert Kinscherff, Dr. Frank DiCataldo, and Dr. James Fox. The Board also reviewed the written reports of Dr. Kinscherff and Dr. DiCataldo. The Board considered the testimony of several individuals, who testified in opposition to parole, including several members of the victim's family. Canton Chief of Police Kenneth Berkowitz and Norfolk County Assistant District Attorney Michael McGee also testified in opposition to parole. The Board reviewed a written submission from the Norfolk County District Attorney's Office in opposition to 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. Mr. Matthews has served 35 years for the brutal murder of Shaun Ouillette. Both Mr. Matthews and the victim were 14-years-old. The Board considered expert testimony provided by Dr. Robert Kinscherff and Dr. Frank DiCataldo. While experts indicated that Mr. Matthews gained insight into his offense, it was not apparent during his presentation at the hearing. The Board believes Mr. Matthews should participate in treatment/programming to address empathy, as subject at hearing presented as not possessing genuine empathy. He should pursue programming, such as full spectrum of Restorative Justice programming, and continue with mental health treatment. The Board recognizes Mr. Matthews was 14-years-old at the time of the offense as

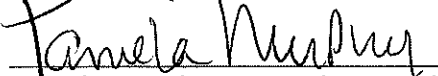
it relates to *Diatchenko* and *Miller* factors. However, peer influences and impulsivity in commission of the crime do not appear to be present in this case. The Board remains concerned about the detailed level of planning in the murder and in the weeks following the murder.

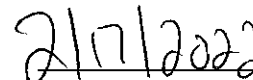
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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 Rod 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 three 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.


Pamela Murphy, General Counsel


Date