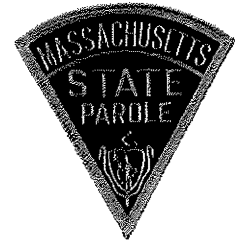




The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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RECORD OF DECISION

IN THE MATTER OF

ROD MATTHEWS
W44614

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 4, 2024

DATE OF DECISION: November 6, 2024

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

VOTE: Parole is granted to Community Resources for Justice (CRJ) after a 9 month step-down to lower security.¹

PROCEDURAL HISTORY: On March 10, 1988, following a jury trial in Norfolk Superior Court, Rod Matthews was convicted of murder in the second degree for the death of Shaun Ouillette. He was sentenced to life in prison with the possibility of parole. Parole was denied following an initial hearing in 2001, and after review hearings in 2007, 2016, and 2021.² On June 4, 2024, Rod Matthews appeared before the Board for a review hearing. He was represented by Attorney Christopher Saccardi. The Board's decision fully incorporates by reference the entire video recording of Rod Matthews's June 4, 2024 hearing.

STATEMENT OF THE CASE: 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.

¹ Three Board Members voted to deny parole.

² A review hearing in 2012 was postponed.

Matthews used snow to clean the blood off the bat and then left the woods. Shortly after killing Mr. Ouillette, Mr. Matthews walked to a friend's house and told him about the murder. Mr. Matthews then took his friend to see Mr. Ouillette's body. When the friend asked Mr. Matthews why he had killed Mr. Ouillette, he replied, "Just for the heck of it." Mr. Matthews's 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. Ouillette'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. Ouillette's friends sent an anonymous letter to the police, stating that Mr. Matthews had killed Mr. Ouillette and describing the location of the body. Investigators located Mr. Ouillette'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. Ouillette. 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.

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 inmate'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 inmate'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 inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

In the context of an offender convicted of 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 considers whether risk reduction programs could effectively minimize the offender's risk of recidivism.

DECISION OF THE BOARD: This was Mr. Matthews's fifth appearance before the Board. He has been incarcerated for 37 years. He was 14 years old when he committed the offense. Given

his age at the time of the offense and the nature of the crime, the Board has required intensive rehabilitative programming to address his needs, which he has completed and benefitted from. Since his last hearing Mr. Matthews has completed several additional programs that increased his insight, empathy, and appreciation for the harm he has caused the victims and the community. Mr. Matthews was working as a medical companion six days a week assisting the most vulnerable population with their daily living needs. He has had no violence in 37 years. Mr. Matthews has no history of substance misuse. The Board considered the factors related to the Diatchenko/Miller decisions and notes Mr. Matthews's history of adverse childhood experiences and untreated mental health issues as contributing to his offense. The Board considered the expert forensic evaluation by Dr. Kinscherff who assessed Mr. Matthews as low risk for violence and recidivism. Dr. Kinscherff stated in his report that Mr. Matthews no longer requires incarceration to secure community safety; the goal of specific deterrence has been achieved. Mr. Matthews rates low on the LSCMI. Mr. Matthews has engaged in and benefitted from mental health treatment. He has achieved 72 college credits and has developed occupational skills. Mr. Matthews has a significant support system to assist with his re-entry needs. The Board considered public testimony in rendering its decision including Dr. Kinscherff, Dr. Fox, Mr. Matthews's niece, and a mentor who spoke in support of parole. The Board also considered testimony from three members of the victim's family, Canton Chief of Police Helena Rafferty, and Norfolk County ADA Michael McGee, all of whom spoke in opposition to Mr. Matthews's parole. The Board concludes that Rod Matthews has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: CRJ program for at least 90 days; Waive work for 2 weeks; Curfew - must be home between 10PM and 6AM; Electronic Monitoring for first 6 months upon release and then at Parole Officer's recommendation to the Board; Supervise for drugs -- testing in accordance with Agency policy; Supervise for liquor abstinence -- testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact with victim(s)' family; Must stay out of city/town where the victim(s)' family resides; Must have a substance abuse evaluation and must comply with the recommended treatment plan; Must have mental health counseling for generalized anxiety disorder, dysthymia disorder, and social anxiety; Must sign all release and authorization of information, treatment, and medical forms.

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