



**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**

**TODD FOURNIER**

**W35435**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** December 6, 2016

**DATE OF DECISION:** June 26, 2017

**PARTICIPATING BOARD MEMBERS:** Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 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 25, 1976, in Plymouth County Superior Court, a jury found Todd Fournier guilty of second degree murder for the shooting death of David Courtney. Accordingly, Mr. Fournier was sentenced to life imprisonment with the possibility of parole.

On October 24, 1975, 18-year-old Todd Fournier bought a bottle of wine and went to a park in Middleborough to drink it. Two persons known to Mr. Fournier approached him, one of whom was the victim, 18-year-old David Courtney. Mr. Courtney had a .22 caliber rifle that he used for shooting birds and squirrels. Mr. Fournier asked Mr. Courtney to go into the adjacent woods with him to shoot some squirrels, and Mr. Courtney agreed. While walking into the woods, Mr. Fournier handed Mr. Courtney the bottle of wine, and Mr. Courtney handed his rifle to Mr. Fournier. Shortly thereafter, Mr. Fournier pointed the rifle at Mr. Courtney and demanded his money. As Mr. Courtney put his arm in the air, Mr. Fournier shot him with the .22 caliber rifle, striking Mr. Courtney in the arm. The shot ricocheted and hit Mr. Courtney in



the head, killing him. After the shooting, Mr. Fournier went into Mr. Courtney's pockets and took six dollars from him. Mr. Fournier ran away with the gun, smashed it against the trees, and hid the pieces. He was arrested later that day.

## **II. PAROLE HEARING ON DECEMBER 6, 2016**

Mr. Fournier, now 59-years-old, appeared before the Parole Board for a review hearing on December 6, 2016. He was not represented by an attorney. Mr. Fournier appeared before the Board for his initial parole hearing in 1991 and was denied parole. He was again denied parole at his review hearings in 1993, 1994, and 1996. After his review hearing in 1999, he was given a reserve parole date and was paroled on January 22, 2002. In March 2004, however, Mr. Fournier's parole was revoked as a result of an arrest for operating under the influence of liquor. After a review hearing in July 2004, Mr. Fournier was re-paroled. Then, in September 2006, Mr. Fournier tested positive for marijuana and received a warning. On October 4, 2006, Mr. Fournier was questioned by a Massachusetts State Trooper at a rest area at midnight. The trooper noted that Mr. Fournier was in his vehicle with his pants unbuttoned and pornography on the passenger side seat. Mr. Fournier did not report this police contact to his parole officer. On October 6, 2006, Mr. Fournier reported to his parole field office, where he tested positive for cocaine. Mr. Fournier's parole was revoked and he was returned to custody. Mr. Fournier was denied parole after his review hearings in 2007, 2009, and 2012.

Mr. Fournier admitted that both parole violations were due to his substance abuse and denial of addiction. He discussed his mental health evaluation that was conducted prior to his 2007 hearing. As the evaluation indicated (and he confirmed), he does not suffer from a major mental illness. Rather, he suffers from substance abuse and addiction. The Board questioned Mr. Fournier about his childhood and his crime. Mr. Fournier said he did not have a healthy home environment, stating that his substance abuse began during his early teen years. His drugs of choice were LSD and marijuana, but he would use "whatever he could get." He also began drinking alcohol at a young age. At the suggestion of the juvenile court, he left school at age 17 to join the National Guard. He did not succeed in the National Guard, largely due to substance abuse, and was discharged. A few weeks prior to the murder, his father kicked him out of his home in Middleborough. He went to stay with family in New Hampshire, where he drank and used drugs. When he returned to Middleborough, he had no money and no place to live. He told the Board that he had no premeditations to rob or shoot the victim (on the day of the murder). He had been drinking and using drugs for days prior, and had been drinking that day, as well. At the time, he had no value for his life or anyone else's life. He could not offer an explanation, beyond his substance abuse and self-loathing, as to why he decided to pull the trigger.

Board Members questioned Mr. Fournier about his sobriety, and what he views as his sobriety date. He gave conflicting answers to several Board Members and could not clarify exact periods of sobriety. He told one Board Member that he had been sober since 1976, but then acknowledged to another Board Member that (at a later point) he had disciplinary reports for marijuana use and possession of home brew while incarcerated. The Board conveyed concern that Mr. Fournier demonstrates a disconnect between his upbringing and his substance abuse issues. Board Members expressed concern that he still has not made that correlation and that it may be hindering his rehabilitation. The Board also noted that in the autobiographical statement he submitted, and throughout the hearing, Mr. Fournier seemed to view himself as a

victim of the criminal justice system. However, Mr. Fournier has yet to articulate his motive or intent for shooting someone in cold blood. Board Members also noted that Mr. Fournier spoke about how the victim's death affected his own life, but failed to offer any insight into the impact of the murder on the victim's family.

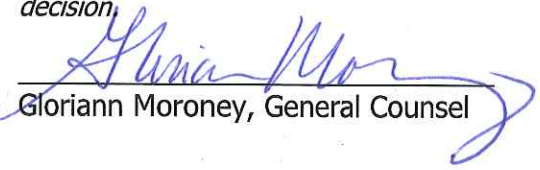
The Board considered oral testimony in opposition to parole from the victim's sister and niece. Plymouth County Assistant District Attorney Stacey Gauthier spoke in opposition to parole.

### **III. DECISION**

The Board is of the opinion that Mr. Fournier has not demonstrated a level of rehabilitative progress that would make his re-release compatible with the welfare of society. Mr. Fournier minimizes his criminal conduct. He was paroled twice and committed new crimes both times. Mr. Fournier must continue to examine and address issues related to his substance abuse and criminal thinking.

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. The Board has also taken into consideration Mr. Fournier's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Fournier's risk of recidivism. After applying this standard to Mr. Fournier's case, the Board is of the unanimous opinion that Mr. Fournier does not merit parole at this time. Mr. Fournier's next appearance before the Board will take place in three years from the date of this hearing.

*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

6/26/17  
Date