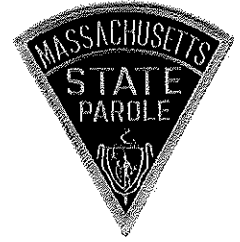


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

TODD FOURNIER

W35435

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 10, 2019

DATE OF DECISION: April 30, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Gloriann Moroney, 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 a suitable candidate for parole. Parole is granted to a Long Term Residential Program, but not before completion of 6 months in lower security and with special conditions.

I. STATEMENT OF THE CASE

On March 25, 1976, in Plymouth County Superior Court, a jury found Todd Fournier guilty of second-degree murder in the shooting death of 18-year-old David Courtney. Accordingly, Mr. Fournier was sentenced to life in prison 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 David Courtney. Mr. Courtney had a .22 caliber rifle that he used for shooting birds and squirrels. When Mr. Fournier asked Mr. Courtney to go into the adjacent woods with him to shoot some squirrels, he 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 rifle, striking Mr. Courtney in the arm. The shot ricocheted, however, and hit Mr. Courtney in the head, killing him. After the

shooting, Mr. Fournier went through Mr. Courtney's pockets and took six dollars. 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 10, 2019

Todd Fournier, now 62-years-old, appeared before the Parole Board for a review hearing on December 10, 2019. He was not represented by an attorney. Mr. Fournier was denied parole after his initial hearing in 1991. He was also denied parole after review hearings in 1993, 1994, and 1996. After his review hearing in 1999, Mr. Fournier was given a reserve parole date and was subsequently paroled in January 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, along with pornographic material 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. His parole was revoked, and he was returned to custody. Mr. Fournier was denied parole after review hearings in 2007, 2009, 2012, and 2016.

In his opening statement to the Board, Mr. Fournier apologized to the victim's family, friends, and community for the pain and suffering they endured, adding that he is "truly sorry." He acknowledged his incarceration of over 13 years since his return to custody, as well as his completion of approximately 44 years on this sentence. In discussing the day of the murder, Mr. Fournier stated that he asked Mr. Courtney if he wanted to shoot squirrels and whether he wanted wine. When Mr. Courtney gave him the rifle, Mr. Fournier gave Mr. Courtney the wine. Mr. Fournier told the Board that, on an impulse, he decided to rob Mr. Courtney. He told Mr. Courtney to give him money, or he was going to kill him. Mr. Fournier admitted that when he shot Mr. Courtney, the bullet ricocheted off Mr. Courtney's elbow and hit him in the head, killing him. Mr. Fournier stated that anger made him pull the trigger and indicated that he was desperate for money to buy drugs. He described the murder as "senseless."

When the Board questioned him as to his causative factors, Mr. Fournier responded that as a youth, he always hurt people because his father hurt him. He explained that his father was more like a friend who taught him bad habits, such as introducing him to alcohol at 6 or 7-years-old. Mr. Fournier spoke of the time he was beaten by his father (at age 13) because his father thought he was high. Additionally, he told the Board that he was an angry child. Mr. Fournier also spoke about his previous parole supervision in 2001. He told the Board that although he had been working, his parole was revoked due to an OUI arrest. He explained that he had been influenced by "peer pressure," but has since developed more self-esteem and confidence. He acknowledged that during another period of parole supervision, he tested positive for marijuana (in 2006). He "over loaded" himself and became "stressed out" when creditors called for money. Mr. Fournier also admitted to his use of cocaine at the time. When Board Members noted that his violations have been related to drugs and alcohol, Mr. Fournier stated that he has been "clean and sober" since 2006.

Since his return to custody, Mr. Fournier told the Board that he has addressed his issues. He became involved with Alcoholics/Anonymous (AA) and completed the following programs: Criminal Addictive Thinking, Emotional Awareness, Restorative Justice, Countdown to Freedom, Jericho Circle, and Genesis Process for Change. Having learned the issues surrounding substance abuse, Mr. Fournier explained to the Board that, if paroled, he would utilize a sponsor and participate fully in his recovery. His support system includes his nieces and pastor, as well as a friend in the community. If released, he hopes to go to pre-release and then the Gavin House, where he would attend counseling.

The Board considered testimony in support of parole from Mr. Fournier's pastor and niece. The Board considered testimony in opposition to parole from Mr. Courtney's sister and niece. Plymouth County Assistant District Attorney Keara Kelley testified in opposition to parole.

III. DECISION

Mr. Fournier has made a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Fournier has been back in custody for 13 years. Since his return to custody, he has invested in rehabilitation programming to address his causative factors. Mr. Fournier indicated that he would benefit from a gradual transition, prior to residing at a long term residential treatment program to further address his addiction.

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 forming this opinion, the Board has 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 also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Fournier's risk of recidivism. After applying this appropriately high standard to the circumstances of his case, the Board is of the opinion that Todd Fournier merits parole at this time. Parole is granted to a Long Term Residential Program, but not before completion of 6 months in lower security and with special conditions.

SPECIAL CONDITIONS: Waive work for Long Term Residential Program; Must be at home between 10pm and 6am; ELMO-electronic monitoring; 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; Must have mental health counseling for adjustment/transition; Long Term Residential Program - minimum 6 months; AA/NA at least 3 times/week; Obtain a sponsor; No contact with victim's family.

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