



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF
JOSEPH DEMERS

W48449

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 4, 2011

DATE OF DECISION: August 25, 2011

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Denied, review in 4 years. The decision is unanimous.

Using a shotgun, the defendant shot his girlfriend, Catherine Gochinski, once in the chest, in their apartment in Montague, Massachusetts (Franklin County) on February 4, 1989. The shot was a contact wound, as evidenced by extensive gunpowder deposit on the victim's clothing. A large slug and the shotgun wadding were recovered from the victim's body at autopsy. The victim's toxicology test was negative for alcohol and cocaine. Mr. Demers shot the victim in the heart and the lung. The defendant was 19 years old; the victim was 16 years old. Mr. Demers was intoxicated and angry because the victim had stated her intention to leave him. Mr. Demers now admits to jealousy and a fear that she was "cheating on him."

The Parole Board has denied parole for Mr. Demers on two prior occasions, in 2004 and 2007. The Board noted for each denial that Mr. Demers was not taking responsibility for his crime. The 2007 decision stated that Mr. Demers' "rehabilitation has yet to begin."

Mr. Demers continues in his decades-long pattern of obscuring the truth, minimizing his conduct and refusing to accept full responsibility. At trial, Mr. Demers perjured himself in trying to convince the jury he was not the person who shot the victim; he allowed his lawyer to present a false defense that the murder resulted from a love triangle and some other man was

responsible. Years later, Mr. Demers finally admitted that he was the perpetrator. Mr. Demers said that after participation in programs that stressed honesty, he admitted in 1994 that he is the killer. The Appeals Court denied the appeal of Mr. Demers in 1996; so apparently he let his lawyer continue to put forth false factual claims even after Mr. Demers was making admissions in his programs (The Appeals Court affirmed the denial of a motion for new trial in November 1996.) He has, however, continued to obscure and minimize by claiming lack of memory but always insisting that he did not intentionally pull the trigger. At this hearing, he insisted the shooting was an accident and that he had no intent to shoot Catherine Gochinski.

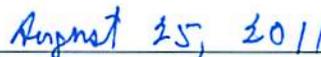
No supporters spoke at the hearing. Mr. Demers said he expected members of the victim's family to speak and support his parole. Members of the victim's family did speak, and all opposed parole. An Assistant District Attorney of the Northwestern District appeared in opposition, and provided information, presented at trial, that the victim intended to break up with Mr. Demers and that she had told him so, that Mr. Demers had previously told a friend he wanted to kill the victim, and that Mr. Demers showed the shotgun to friends on the evening of the murder.

Board members in 2004 and 2007 did not accept Mr. Demers' claim of accident. Likewise, in 2011, the Board does not accept the claim of accident. While highly intoxicated and very angry, he retrieved his shotgun, loaded it, approached the victim, and shot at close range. He then fled, and for years lied about his role as the killer. He has not accepted that he is a domestic violence murderer, who has dangerous levels of anger and controlling behavior. Treatment through programming has not been successful for Mr. Demers; he continues with denial, minimization, and false views of his own conduct. Because he is not rehabilitated, Mr. Demers release is not compatible with the welfare of society.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Josh Wall, Chairman



Date