



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

**CHARLES DOUCETTE
W51582**

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: March 20, 2012

DATE OF DECISION: February 14, 2013

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

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Raymond Bufalino worked at a Texaco service station in Salem owned by Charles Doucette's father. Charles Doucette loaned money to Bufalino, and became upset when payment on the loan was not forthcoming. Doucette was further angered by Bufalino's assertion that he had been injured at work and might file a lawsuit against the elder Doucette's business. Unable to contain his anger over these two financial matters, Doucette shot Raymond Bufalino on February 21, 1987 as they were seated together in Bufalino's car on Harmony Grove Road near the Salem-Peabody town line. Doucette shot Bufalino once behind the right ear and once in the mouth. Doucette was charged with murder two days later.

The murder case followed a highly unusual path through the criminal justice system. Doucette posted bail on the murder case. While out on bail awaiting trial, Doucette approached a Commonwealth witness and threatened to kill her. The witness reported the incident and Doucette was indicted for intimidation of a witness. A jury convicted Doucette of first degree murder on October 6, 1988, but the Superior Court trial judge vacated the verdict on October 7 and released Doucette. The trial judge did not issue a decision stating his reasons for vacating the conviction. The Supreme Judicial Court reinstated the first degree murder verdict on

September 25, 1990, which returned Doucette to prison to serve life without parole. Doucette then filed a motion for new trial on September 28, 1990, which the Superior Court judge allowed on November 5, 1990. The Parole Board does not have information about the claims of error alleged in the motion for new trial, and is unaware of the grounds for the motion that prompted the trial judge to vacate the first degree murder verdict after its reinstatement by the Supreme Judicial Court. Like his ruling vacating the verdict, the trial judge ordered a new trial without issuing a substantive decision.

Doucette faced a second trial, and he was given bail in the amount of \$50,000. He was unable to post that amount. On February 22, 1991, however, the Superior Court reduced the amount of bail to \$25,000, presumably with the expectation that Doucette could post that amount. Doucette did in fact post bail and was released on March 22, 1991. While on bail awaiting trial, Doucette committed two violent home invasions.

On September 16, 1991, Doucette and another man posed as delivery men to gain entrance to a Lynnfield home. Once inside, Doucette, using a handgun, and his associate, using a stun gun, assaulted a middle-aged husband and wife, bound them with duct tape, demanded access to their safe, and stole money, a bar of silver, and jewelry. Doucette ransacked the house, including the bedroom of the couple's recently deceased son. Doucette ignored the mother's pleas not to disturb her son's room.

On October 29, 1991, Doucette and another man broke into a Peabody home, beat the man who lived there, used an electrical cord to tie up the victim, assaulted him with a stun gun, and stole a diamond watch and gold bracelet. They left the victim tied up with a bloody face and an injured eye. The victim identified Doucette as the man who beat him and tied him up.

In December 1991, Doucette faced a second trial on the murder charge, this time with a different trial judge presiding. He pleaded guilty on December 3, 1991 to the second degree murder of Raymond Bufalino. He received a life sentence with parole eligibility at 15 years. Doucette also pleaded guilty to the intimidation of a witness offense he committed while on bail, and the charge was placed on file without a sentence imposed. On the same day, he pleaded guilty to crimes he committed in the Lynnfield home invasion, and received six life sentences for two counts of home invasion, two counts of armed robbery, and two counts of stealing by confining or putting a person in fear. He also pleaded guilty to crimes committed in the Peabody home invasion, and received 10 to 15 year sentences for home invasion and armed robbery. All the sentences, including the seven life sentences, were concurrent.

Doucette has also been convicted of three operating under the influence charges, in 1983, 1984, and 1985.

II. PAROLE HISTORY

From a prior Parole Board, Charles Doucette received a positive parole vote in 2006 on seven life sentences after his first parole hearing. The vote was 4 to 2. Considering that the murder was, according to the parole dissenting opinion, an "execution style murder" that was "particularly heinous," that the Supreme Judicial Court upheld a jury verdict of first degree murder, and that Doucette committed two violent home invasions while on bail for the murder, Charles Doucette received an extraordinary opportunity when he was granted parole on seven life sentences after serving just fifteen years.

Doucette was difficult to supervise. He worked sporadically, with long periods of collecting unemployment. Doucette's parole officer documented that she was "uneasy about his whereabouts each day." He had several minor contacts with law enforcement. He had volatile relationships with women that created frequent problems. His parole officer recorded that she was "trying to work with subject but he always seems to have his own agenda." A female acquaintance accused Doucette of raping her in July 2008, which led to a parole revocation process with a return to custody. The grand jury voted against indicting the case, and charges were dismissed. The Parole Board, relying on the grand jury result, did not affirm the revocation, and Doucette resumed supervision in January 2009.

Beverly Police arrested Doucette on February 14, 2011 and charged him with assault and battery with a dangerous weapon, intimidation of a witness, and threats. The complaining witness was Doucette's girlfriend. She received injuries to her eyes, forehead, lip, hands, and arm. She alleged that she reached into Doucette's truck and he drove away with her arm holding onto his sweatshirt, causing her to be dragged and injured. After an evidentiary hearing at which the complaining witness testified, a district court judge found the witness credible and concluded that there was probable cause that Doucette committed the crimes and he was held without bail as a dangerous person. At the dangerousness hearing, Doucette's girlfriend testified about two earlier incidents of domestic violence: in July 2009 he hit her in the face and head-butted her, causing a black eye and a nose injury; and in December 2009 he hit her in the face; Doucette was not charged for these incidents. A jury acquitted Doucette of the charges in May 2011.

At the dangerousness hearing on February 24, 2011, the district court judge stated his findings after hearing the testimony: the complaining witness gave credible testimony about the February 14 incident and the two earlier beatings; the injuries documented in the photographs corroborated the complaining witness' description of events; the defense witness "filled in a lot of blanks and assumed a lot of things;" the photographs of the injuries were "not consistent, in the least, with the version of events" given by the defense witness; that there was probable cause that Charles Doucette committed an assault and battery with a dangerous weapon and made a threat to kill; and that there was clear and convincing evidence that Doucette, if released, posed a danger to the community.

After a hearing, the Parole Board revoked Doucette's parole for conduct associated with the domestic incident, failure to attend AA as required, and violating a condition of parole by allowing a person to live in his residence without notifying or obtaining permission from his parole officer. Doucette admitted to his parole officer that he was skipping some of the required AA meetings and that he allowed a young woman to live in his residence without notifying parole. There was marijuana paraphernalia found in the young woman's bedroom. At his revocation hearing, Doucette denied any wrongdoing. He said his girlfriend was lying, that he was blameless, and that she caused her own injuries by falling due to intoxication. Relying in large part on the findings of the district court judge who presided over the dangerousness hearing, the Parole Board concluded that Doucette is not accurate in describing his intentions and actions at the time the complaining witness was injured. At the hearing, Doucette claimed he went to AA faithfully and that he did not know that he needed his parole officer's permission to have a young woman live with him. The Parole Board concluded that neither of those claims is truthful.

III. PAROLE HEARING ON MARCH 20, 2012

After parole revocation, Charles Doucette appeared for his hearing to determine whether he meets the legal standard for release on parole after revocation. Doucette was represented by two lawyers, Eitan Goldberg and Scott Dulea. Attorney Goldberg gave an opening statement in which he emphasized that his client was acquitted of all criminal charges associated with the events, and that he was "living in the community as a good neighbor."

Doucette asserted that the murder happened because "I got scared when [Bufalino] waved his hand." Doucette said that Bufalino "hit my hand and the gun went off; the first shot was not intentional." Concerning the second shot, Doucette said, "I wasn't thinking." Given all the facts of the case and the SJC decision that there was sufficient evidence to support a first degree murder verdict, Board Members did not accept Doucette's claim that the first shot occurred due to an accident caused by the victim striking the gun. As stated by the Essex Assistant District Attorney and the Parole Board Members who voted against parole in 2006, the murder of Raymond Bufalino was "execution style."

As part of the effort to assess his current capacity for violence, Board Members asked the inmate not only about his recent criminal charges, but also about the murder and the two home invasions that he committed while on bail for the murder. Doucette gave self-serving accounts of the incidents that omitted or altered relevant information. As one Board Member said: "you were not forthright; you have minimized, denied, or made excuses for everything." A Board Member also commented that "your actions are those of a domestic abuser."

Members of the Bufalino family appeared in opposition to parole and their letters of opposition were read. The woman who reported a sexual assault by Doucette in 2009 spoke in opposition. Essex Assistant District Attorney Elin Graydon spoke in opposition and submitted a letter providing considerable information about the murder, the home invasions, and the court proceedings. Doucette's mother and sister were present to support him, but no one spoke in support of parole.

IV. DECISION

Charles Doucette was the beneficiary of a generous parole decision by a previous Parole Board. He was difficult to supervise throughout his parole, and finally violated parole due to a series of poor decisions concerning a personal relationship, his living situation, and his failure to attend AA. The Board now applies the legal standard to his current situation with consideration of all the facts and circumstances related to his crimes, his background, his institutional record, and his performance on parole. It would be an extraordinary feat for an inmate serving seven life sentences to achieve rehabilitation after just 15 years of incarceration. His performance on parole revealed his lack of rehabilitation and his inability to meet the expectations of the Parole Board. As his parole officer documented, Doucette "always seems to have his own agenda," and that agenda did not include steady employment, positive relationships, candor with his parole officer, or accountability for his activities and whereabouts. Doucette's choices, often at odds with his parole officer's advice and requests, led to sexual assault charges in 2008, a girlfriend's restraining order in 2009, and domestic abuse charges in 2011. None of these incidents resulted in a criminal conviction, but the conduct, in combination with other parole shortcomings and lack of candor at his revocation hearing and this parole hearing, lead the Parole Board to conclude that Charles Doucette is not rehabilitated. He has developed more self-control, but he has not sufficiently reformed his antisocial thinking and behavior. He is clear that he intends to follow his own rules rather than meet the requirements of parole or the expectations of his parole officer. With that mindset and his history of violent crime, Doucette

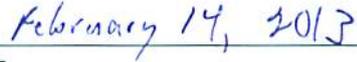
presents an unacceptable risk for violence. Charles Doucette is likely to re-offend if released and his release is not compatible with the welfare of society. Accordingly, parole is denied.

Given that Doucette sees no problem with his poor parole performance and does not accept a need to improve his thinking or behavior, it would be counterproductive to shorten the review period from the statutory period of five years. The inmate needs considerable time to reflect on his parole conduct, absorb lessons, develop insight into his issues, and commit to a reform plan for his thinking and behavior.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.



Josh Wall, Chairman



Date