



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor
Andrea J. Cabral
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

DAMIEN LOCKHART

W64441

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: March 12, 2013
DATE OF DECISION: March 31, 2014

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 10, 1996, Damien Lockhart sexually assaulted and murdered a 17-year old girl in Framingham.¹ Her body was discovered by the edge of a railroad dirt access road known as "the Weeds" in the early hours of August 11. Her pants had been pulled off of one of her legs, and her underwear had been pulled down around her knees. Bloody rocks and a paper bag were discovered near her head and in the surrounding vegetation, and a large pool of blood was nearby. On the night of murder, Lockhart and the victim had been seen together walking toward "the Weeds." Lockhart was carrying a brown paper bag at the time.

The cause of the victim's death was multiple severe blunt force trauma to the head. She had suffered seven distinct blows to her head and face, along with multiple abrasions and contusions to both hands, consistent with defensive wounds. There were also indicia of sexual

¹ The identity of the victim is withheld. G.L. c. 265, § 24C.

assault, including an external abrasion in the genital area and internal vaginal bruising. Sperm cells were found; however, the quantity was not sufficient for DNA testing.

During the course of the investigation, police obtained the clothing that Lockhart had worn on the night of the murder. Subsequent testing revealed that a blood stain on Lockhart's jeans was consistent with the victim's blood. In addition, footwear impressions found at the scene of the murder were characteristically similar to the sneakers that Lockhart had worn on the night of the murder.

Lockhart pleaded guilty to second-degree murder and attempted rape in Middlesex Superior Court on September 2, 1997. He was sentenced to serve life in prison for the murder along with a concurrent term of nine to 12 years for attempted rape. These sentences were ordered to run from and after a sentence that he was already serving for armed robbery.

II. PAROLE HEARING ON MARCH 12, 2013

Damien Lockhart appeared for his initial parole hearing on the life sentence he is serving for the sexual assault and murder of a 17-year-old girl. Lockhart provided information on his childhood. He grew up in Dorchester but moved to Framingham in 1988 to live with an aunt. He said, "I was 14 or 15; I moved because I was getting in trouble in Boston; later I moved back to Boston to live with my grandmother; I had substance abuse issues; I started drinking and smoking marijuana at age 11 or 12."

Lockhart had many criminal cases as a juvenile and young adult. He provided information on some of those cases. At age 13, he was found delinquent and committed to the Department of Youth Services (DYS) for assault and battery on a public servant. Lockhart explained that, "I hit a teacher in the stomach." At age 16, he was committed to DHS for possession of an infernal machine and burning a dwelling house in Dorchester. Lockhart said, "I came out of a bar drunk; I had a fire bomb; I threw a Molotov cocktail at house; I had gas in a bottle." Lockhart said he was retaliating against a person who he thought had stabbed a friend of his. He was convicted of armed robbery in 1995. He said, "I was 20 or 21; I was with a group of people in a house and I ran out of drugs; I went into the kitchen and got a knife and then I patted down everyone to see if they had drugs; there were three females and that's why there were indecent assault and battery charges, but those charges didn't make it through grand jury; I pled out; I served two years and couple of months; then I was on probation and I was on probation when I committed this crime."

Board Members asked Lockhart to give the details of the murder. He said, "That day I was smoking crack; I didn't know she was 17; at 10:45 at night I was alone with her; we were talking and making out and then she said, 'no, not here;' I pursued it and she refused my physical advances and I became physical with her; I wrestled her to the ground and I attempted to rape her; she was saying, 'why are you doing this? stop'; she got up and she was walking away to the access road; she was scared; she was trying to get away from me and she said she was going to tell the cops; I picked up a rock and I walked up on the side of her and struck her with the rock; she fell to the ground; I was confused; blood was coming out of her head; I moved her body to the side of the access road; I heard her groan; she was still alive; knowing what I had done, I picked up another rock and struck her; then I struck her again; I don't know the exact number of times I struck her; then I fled the area."

Board Members asked follow up questions to clarify some of the facts. Lockhart addressed those questions: "I was smoking and drinking that day; if I hadn't been high and drunk I don't believe this would have happened; she said 'no' when I tried to put my hands in her underpants; her shoes were off because I took them off in an attempt to take her pants off; her vagina was bruised from me trying to penetrate her with my penis; my thinking was I was not going to be denied; I didn't wake up and plan to do it; I was scared and I didn't want her to tell on me."

Substance abuse continues to be an issue. Lockhart has six disciplinary reports during his incarceration, including 2007 for using alcohol and 2003 for marijuana. Lockhart said, "I have been sober since 2007." He has completed several programs, including Violence Reduction in 2009, Introduction to Treatment in 2009, Cognitive Skills in 2009, Relapse Prevention in 2009, Alternatives to Violence (three phases), the Correctional Recovery Academy in 2011, and Emotional Awareness in 2011. He reported that he attends AA and NA. His last disciplinary report was in 2010 and resulted from his connection to a cell phone being used by inmates.

Board Members asked Lockhart to describe his involvement in sex offender treatment. He reported that "I started treatment last year; I haven't talked about the murder yet in treatment; I need to complete treatment because it will give me more insight." When asked why it has taken him so long to address the issues related to sexual offending, Lockhart said, "I should have addressed it long before." When asked about the armed robbery that included indecent assault and battery charges that were dropped, he said, "I was touching pockets looking for drugs and I believe I touched their breasts underneath the bra thinking that they might have hidden drugs in their bras." A Board Member pointed out that the police reports "show a very angry young man, you made disparaging comments to the police about the victim's appearance." Lockhart said that through his program work he realized that "I felt abandoned and neglected because my mother was never there for me and my father wasn't part of the picture; there were beatings from my grandmother and mother that caused my anger."

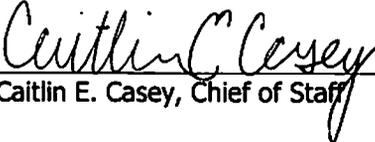
The victim's cousin and aunt spoke in opposition to parole, as did Middlesex Assistant District Attorney Carrie Spiros. Lockhart's cousin, aunt, and girlfriend spoke in support of parole.

III. DECISION

Damien Lockhart murdered the victim after she resisted forced sexual activity and stated that she planned to call the police. Lockhart had a substance abuse problem and a serious criminal history. He continued with substance use in prison for several years but reported that he has been sober since 2007. He has completed some rehabilitative programs but has only one year of sex offender treatment. Given the sexual violence involved in the murder, Lockhart needs to complete sex offender treatment. His successful program participation thus far was evident at the hearing as he candidly described the sexual assault and murder, his previous crimes, his drug use in prison, and the issues that led him to substance abuse and criminal activity.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that Mr. Lockhart does not merit parole because he is not rehabilitated. The period of review will be five years during which time Mr. Lockhart should continue with sex offender treatment, substance abuse programming, and address issues of anger and violence.

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.


Caitlin E. Casey, Chief of Staff

3/31/14
Date