



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

MICHAEL ARNOLD

W42708

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 31, 2012

DATE OF DECISION: March 27, 2012

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

DECISION OF THE BOARD: Release to Home after six months completed successfully in lower security. The decision is unanimous.

I. INTRODUCTION

Mr. Arnold appeared before the Massachusetts Parole Board on February 15, 2012 for a release hearing, his parole having been previously revoked by unanimous vote of the Board. After careful consideration of all relevant facts, including the nature of the underlying offense, the circumstances surrounding his parole violations, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional department, and his level of engagement with rehabilitative programming while incarcerated, we conclude that a positive vote is indicated in this case, subject to the conditions described below and such other conditions as may be imposed by the Board from time to time.

II. STATEMENT OF FACTS

The victim in this case, John Howard, was introduced to the inmate by a mutual friend, William Dzugan. On the day of the murder, the three men drank together in a bar near Sandwich, MA. When the bartender refused to serve the group any more drinks, Howard

invited his two companions back to his house in Sagamore to continue drinking. Once there, an argument ensued. During the struggle, the inmate struck the victim over the head with a vase while Dzugan beat and kicked him. As a result of these blows, Mr. Howard was rendered unconscious. After a brief discussion, the inmate and Dzugan determined to kill Howard. Dzugan found an electrical cord and strangled him to death.

The pair then looted Howard's house, wrapped his body in a rug, and dumped it in a ravine in Cedarville. The inmate returned to the site less than a week later to bury the body and conceal other evidence of the crime. However, a few days after that, the inmate and Dzugan were arrested on OUI charges. During questioning, the story of the murder was revealed. Both were charged and the inmate eventually pled guilty to second-degree murder.

While incarcerated, the inmate's institutional adjustment was excellent. He participated in a very large number of rehabilitative programs, including those recommended by the Department of Correction in his risk reduction plan. He completed the CRA (twice), all phases of Alternatives to Violence, and numerous substance abuse programs. He regularly attended AA sessions. The inmate has displayed exemplary institutional decorum, incurring approximately six disciplinary reports, mostly for minor infractions. His last disciplinary report was more than a decade ago. On the strength of this record, as well as in consideration of other factors described more fully in the Board's prior record of decision, the inmate was paroled on December 26, 2006.

Unfortunately, the inmate's parole was ultimately not successful. On May 6, 2011, the inmate's parole was revoked due to illegal drug use. In mitigation, the inmate did not seek to avoid responsibility for his missteps, and was taken into custody without incident. He now seeks a further opportunity to reside in the community on parole, which opportunity we are inclined to grant him.

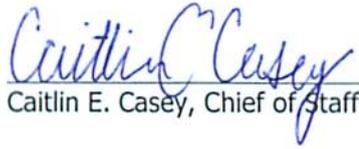
III. DECISION

Several considerations underlie our decision. First, we note that while the inmate has a moderate criminal record apart from the murder, it is not otherwise significantly marked by violence. Further, the inmate enjoys unusually strong community support, both from family members and friends, many of whom stand ready to provide direct assistance to him upon release. We were particularly impressed by the public testimony of numerous former employers, all of whom roundly praised the inmate's work ethic and offered him continued employment if reparaoled. Also, as noted already, the inmate worked hard while in prison to further his rehabilitation. He also proved his ability to abide by the institutional rules. Finally, and perhaps most important, the inmate demonstrated during the first four years of his parole that he has significant capacity to lead a productive and law-abiding life in the community.

The standard we apply in assessing candidates for parole is set out in 120 CMR 300.04, which provides that "[p]arole 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, we find the inmate deserving of a second opportunity on parole. We caution him, however, not to assume that such second chances are freely given. It is our expectation that he will consider carefully the circumstances that gave rise to his prior parole failure, making changes in his behavior as appropriate, to ensure a different outcome this time. To assist the inmate in developing the sort of pro-social habits that will facilitate parole success, we conclude that re-parole shall be contingent upon the inmate completing six months in pre-release with no disciplinary reports.

SPECIAL CONDITIONS: Six months successfully completed in lower security; mental health evaluation at the institution prior to release; Board expects evaluation to set mental health treatment program (including substance abuse treatment) and parolee is required to follow the recommended treatment.

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


Caitlin E. Casey, Chief of Staff

3/27/12
Date