



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**PAUL SHEEHY**

**W55638**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** July 26, 2011

**DATE OF DECISION:** September 10, 2012

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

**DECISION OF THE BOARD:** Parole is denied. The next hearing will be in three years. The decision is unanimous.

**I. STATEMENT OF THE CASE**

Paul Sheehy murdered Samantha Fischer in Fort Hill Park in Lowell at approximately 3:00 a.m. on July 13, 1986. Mr. Sheehy was alone with the victim and there were no witnesses to the event. Ms. Fisher was found face down in a puddle of water. The medical examiner determined that she died from asphyxiation by compression of her neck and drowning (from the puddle). She also had injuries to her face and hands. Mr. Sheehy gave a statement to police, in which he said he was with the victim at the scene, that they had consensual sexual intercourse in his car after which the victim "passed out" due to intoxication, and that he responded by putting the victim on her back in the grass and leaving her in the park. At trial, Mr. Sheehy provided the same story in his testimony and presented testimony from a pathologist who claimed that the victim died solely from drowning and that the injuries to her neck must have been caused by emergency medical personnel.

The jury rejected the testimony of Mr. Sheehy and his pathologist, and convicted Mr. Sheehy of first-degree murder on September 23, 1987. The Supreme Judicial Court reversed the conviction in 1993 because the alternate jurors were not kept separate from the

deliberating jurors. After the reversal, the defendant pleaded guilty to second-degree murder and received a life sentence on December 17, 1993.

Mr. Sheehy now admits that he lied in his trial testimony and his statement to police. Those lies have confused the situation to the point that important details about the murder will never be known with certainty. Given Mr. Sheehy's history of prevarication, his more recent version of the crime which is significantly more forthcoming is still subject to scrutiny and skepticism.

## **II. OTHER CRIMINAL ACTIVITY**

One week after the murder, on July 21, 1986, Paul Sheehy committed another violent offense against a woman. Shortly after midnight, he led a woman into a secluded area and attacked her by strangling her with a belt, throwing her to the ground, getting on top of her, and slapping her. The victim struggled with Mr. Sheehy and pleaded for her life. She eventually broke free and ran from the secluded area. A police report records that the belt broke which appears to have impeded Mr. Sheehy's attempt to murder the woman. The victim knew Mr. Sheehy and immediately reported the crime and identified him as the attacker. Responding police officers observed injuries to the victim's neck. The investigation of this attack led to information implicating Mr. Sheehy in the murder of Samantha Fisher: this victim's brother was a friend of Mr. Sheehy's and he reported to police that Mr. Sheehy had made certain admissions to him about the murder of Samantha Fisher.

Mr. Sheehy pleaded guilty to assault with intent to murder for the July 21 strangling and received a sentence of 10 to 12 years to be served concurrently with the murder sentence.

## **III. PAROLE HEARING ON JULY 26, 2011**

This is Paul Sheehy's third parole hearing. He was denied parole and received five year setbacks in 2001 and 2006. He gave an account of the murder in 2001 that he repeated in 2006 and at this hearing. Mr. Sheehy provided the following sequence of events in his testimony. He left a house party after using alcohol, heroin, and cocaine. He noticed the victim on the street and asked her "to party." She agreed and got in his car. After stopping at a convenience store, he drove to Fort Hill Park where they used cocaine. They had consensual sexual intercourse in the back seat of the car. During the sexual activity the victim said "it's going to cost you." When she repeated the statement, Mr. Sheehy became enraged and started to choke the victim. Mr. Sheehy stopped strangling her when she was incapacitated, pulled her out of the car, threw her to the ground, and drove away. He was unaware that the victim landed in a puddle of water. He described his conduct as part of a "pattern in my life at that time to get violent either verbally or physically."

Mr. Sheehy was asked about admissions he made to a witness within days of the murder. The witness reported to police that Mr. Sheehy said, "I killed a girl because she wouldn't give in." Mr. Sheehy testified at the hearing that he told the witness he was with the girl who died but never made a statement that "she wouldn't give in."

Mr. Sheehy gave a candid portrayal of his attitudes and conduct during the years leading up to the murder. He lived at home with his parents where disagreements led to "throwing things and breaking things, along with verbal violence." He said he was "selling drugs, and using alcohol, cocaine, and heroin, and fighting out in the streets." Mr. Sheehy described himself as a "womanizer who was verbally and physically abusive." His values and attitudes included "no respect for people; I thought I could do what I want; I didn't care about the other person's feelings." He stated that the 1985 indecent assault and battery charge that was dismissed in 1986 resulted from an incident in which he "slapped a woman on the back side." Mr. Sheehy was in default on this case at the time he committed the murder.

In discussing the attempted murder he committed one week after the murder, Mr. Sheehy said the woman sought him out to obtain cocaine and when she later revealed she had no money to pay for the drugs "I became enraged and tried to kill her." He said this conduct was part of a "pattern of violence." The victim of this crime testified at this hearing as an opponent of parole. She described that Mr. Sheehy tricked her into following him to the secluded area and she denied that the incident involved any discussion of drugs.

Mr. Sheehy was an especially unruly inmate during his first 12 years of incarceration. By 1998 he had accumulated 33 disciplinary reports with seven returns to higher custody. Seven returns to higher custody is a remarkable number and signals an inmate who continued with anti-social behavior and made no measurable progress towards rehabilitation. His behavior improved significantly thereafter and he has not received a disciplinary report since December 1998. At the hearing Mr. Sheehy said his conduct improved when "I stopped minimizing, rationalizing, justifying and started taking responsibility for my own actions." This fundamental attitude change led him to get involved in rehabilitative programs. He has completed Anger Management, the Correctional Recovery Academy (twice), Men's Recovery Group, Alternatives to Violence (several phases), Jericho Circle, and Emotional Awareness. He participates in AA and NA. He obtained his G.E.D., obtained some college course credits, and completed HVAC, welding, and culinary arts training.

During this period of active program participation, Mr. Sheehy has also practiced Judaism and connected with Orthodox Jews in the community. Mr. Sheehy married 14 years ago. He meets with a mental health counselor, at his expense, three times a month.

A difficult issue to resolve is whether Mr. Sheehy acted with a sexual motive. The evidence is strong but perhaps not conclusive on this point: the victim was found with her shirt pulled up and her pants and underwear pulled down hanging off her right leg; there was semen on her underwear; she had injuries to her neck, face, and hands; and a witness reported that Mr. Sheehy said he killed the victim "because she didn't give in." The evidence reasonably supports two equally likely motives: that Mr. Sheehy used force in an attempt to compel sexual activity or that he converted consensual sexual activity into a murder by strangling the victim in order to gratify his own violent sexual deviance. He denies a sexual motive and offers an unlikely story that the victim asked for something after sex rather than before, and that her unclear and unspecific statement sufficiently enraged him to kill her. His previous lies do not help him when, on this issue, the evidence weighs against his version. To his credit, Mr. Sheehy did complete three phases of sex offender treatment between 2006 and 2008. He testified that "I wasn't allowed to go to core treatment."

In 2006 the Parole Board did not accept Mr. Sheehy's claim that neither crime involved a sexual motive. The decision recorded that Mr. Sheehy "greatly minimized the level of violence and sexual overtone of these similar crimes." At the hearing, several Board Members expressed skepticism or rejection of the inmate's proffered motive. One Board Member described his conclusion that Mr. Sheehy apparently strangled the victim as part of violent sexual gratification. The Board Member expressed skepticism about the inmate's proffered motive and said it makes no sense that Mr. Sheehy would be in a homicidal rage if he had smoothly obtained the sexual encounter that he sought that night.

Mr. Sheehy has created a predicament for himself. His assertion that he does not have a sexual violence problem to address has little support in the evidence and is inconsistent with a common-sense view of the facts of the case. Mr. Sheehy's willingness to lie under oath to avoid responsibility does not help him when he insists he is now truthful. This question of whether Mr. Sheehy needs to address issues related to sexual violence will no doubt be of concern at his next parole hearing.

Samantha Fisher's mother and sister testified in opposition to parole. The victim of the attempted murder also testified in opposition to parole. Middlesex Assistant District Attorney Jay Livingstone spoke in opposition to parole. Five people spoke in support of parole, including Mr. Sheehy's wife and a rabbi.

#### **IV. DECISION**

Paul Sheehy established himself as an extraordinarily violent and dangerous person during a one-week period in 1986: he murdered a woman he didn't know and nearly murdered a woman he did know. In each case he used strangulation, which requires prolonged effort, considerable force, and a duration of multiple minutes to cause death. Mr. Sheehy continued to be guided by anger and hostility during his first 12 years in prison. He has, however, made remarkable improvements in conduct through the combination of attitude change, marriage, religious commitment, rehabilitative programming, and mental health counseling. He has a plan for rehabilitation that he is working hard to achieve. A long and sustained period of rehabilitative work is certainly necessary to reduce the extraordinary danger posed by Mr. Sheehy. Given the ferocity of Mr. Sheehy's anger and violence, 13 years of good conduct and rehabilitative efforts are insufficient to reduce the risk he would pose to women in the community. The Parole Board concludes based on all the facts and circumstances that Paul Sheehy is likely to re-offend if released and that his release is not compatible with the welfare of society. Accordingly, parole is denied with a review in three years.

*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

  
Date