



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

MICHAEL WARE

W32549

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: June 7, 2011

DATE OF DECISION: June 6, 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 with a review in three years. The decision is by a vote of 6-1.

I. STATEMENT OF THE CASE

Michael Ware robbed the Playboy Club at Boston's Park Square shortly before 3:00 a.m. on July 18, 1969. Ware shot and killed two employees, Roger Howes and Robert Hershman. Ware shot Mr. Howes in the right temple and the abdomen. He shot Mr. Hershman once in the chest. Ware was arrested days later and pleaded guilty on January 20, 1970 to two second-degree murders and related crimes. He received concurrent life sentences for the murders. Because of a consecutive sentence for armed robbery, he did not become eligible for parole until 1991.

These crimes are the only convictions in Massachusetts. Ware does, however, have criminal convictions in Florida and Texas. He received a five year sentence in 1962 in Texas for burglary. While serving that sentence, he killed another inmate who assaulted him. It appears that Texas authorities did not charge him for the killing, presumably because they accepted the assertion of self-defense.

The inmate's request for parole on the two life sentences was denied after hearings in 1991, 1993, 1996, and 1999. He received parole in 2001 after his fifth hearing and after 32 years of incarceration.

II. PAROLE HISTORY

Ware was released on parole from Souza-Baranowski Correctional Center on November 1, 2001 to live with his wife, Cecilia Sederman, at her home in Lawrence. They married 18 years ago, while Ware was incarcerated. They later moved to Methuen. Ware worked at a gas station in Lawrence. In 2005, Ware received radiation and chemotherapy treatments for colon cancer. He recovered and returned to work at the gas station in 2006.

Ware began drinking alcohol in violation of his parole in late 2005 or early 2006. His parole officer worked diligently for many months to assist Ware in resuming sobriety. On April 19, 2007, his parole officer found him in a bar and took him home. Ware received a graduated sanction from the Parole Board requiring him to attend OCC Level III programming, including increased substance abuse counseling and testing. Two weeks later Ware tested positive for marijuana use. He was allowed to remain in the community with services through OCC. The parole officer learned of a relapse in October 2007. The parole officer ordered Ware to submit to substance abuse testing and Ware admitted that he was drinking alcohol every night. His test was positive for marijuana and also showed possible cocaine use. Ware was again allowed to remain in the community but received a graduated sanction requiring outpatient substance abuse counseling. In November 2007 Ware relapsed again by drinking alcohol; this time he was returned to custody and his parole was revoked.

The Parole Board denied re-parole after a review hearing in April 2008. The Board decision noted Ware's "swift and significant downward spiral and his inability to grasp the extent of his addictions and utilized the resources available to assist him."

III. PAROLE HEARING ON JUNE 7, 2011

Michael Ware admitted his frequent alcohol drinking while on parole. He also admitted to smoking marijuana many times. He denied using cocaine. He said he drank up to three quarts of beer a day. He stated that he was no longer a criminal. He described his actions in shooting Mr. Howes and Mr. Hershman. He said "I was a very angry young man, a dangerous young man; I was angry at myself and everyone else."

The inmate said he escaped twice from county jail in Texas. He also escaped from a furlough at the Fernald School in 1986; he was caught in New York a week later. He has 40 disciplinary reports during his incarceration, including three since his return to custody on this parole violation.

Since his return to custody in November 2007, Ware completed the Correctional Recovery Academy but is not currently involved in substance abuse programming or counseling. He does not attend AA because he says "it goes against my grain; it does not help me; God is my strength."

Ware's wife, Cecilia Sederman, spoke in support of parole. She said that her husband is an alcoholic who needs a program. She said "he can't control it without a program." She acknowledged that her husband drove his motorcycle while under the influence.

III. DECISION

Michael Ware murdered two young men in the course of a robbery. The Parole Board gave him an opportunity in 2001 to live in the community as long as he abided by certain conditions designed to protect the public from risks associated with relapse and re-offense. Sometime in late 2005 or early 2006, Ware began regular violations of those conditions by drinking alcohol and smoking marijuana. He drank alcohol daily during extended periods of his parole. The Parole Board, once it became aware of the alcohol relapse, gave Ware assistance and counseling in several forms over many months in 2007. Ware's drinking problem is so serious that none of the assistance was effective. Since his return to custody, he has not worked persistently to address his substance abuse issues and reduce his chances for relapse. He has given the Parole Board no reason to expect that he would remain sober if re-paroled. Much of the inmate's violent history, including the murders, is connected to heavy alcohol consumption. Ware apparently expects the Parole Board to relax its requirements of no alcohol or drug use so that he can live in the community. The Parole Board is not inclined to make those exceptions for a person who committed a double homicide while highly intoxicated; that would be an unjustified public safety risk. The public should not have to bear the risks of re-offense associated with Michael Ware's daily alcohol use. Parole is denied, as it is incompatible with the welfare of society. The review will be in three years which will give the inmate sufficient time to address his substance abuse issues while safely confined. One Board member, Dr. Bonner, would grant re-parole to a long-term residential program with mandatory mental health and substance abuse counseling.

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