



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

MICHAEL FOSTER

W46916

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 7, 2014

DATE OF DECISION: July 15, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 December 20, 1986, Anna Foster's clothesline-bound body was discovered in a pond in Wrentham. Ms. Foster had been missing since November 1, 1986. It was determined that Ms. Foster had died of strangulation and that her body had been in the pond for several weeks at the time it was discovered. Michael Foster, who was then 22 years old, and Ms. Foster had attended a Halloween party on the evening of October 31, 1986, and after the party went to a friend's house. In the early morning hours after leaving the friend's house, Mr. Foster had strangled his wife, tied her body with clothesline, and put her body in a nearby pond in an attempt to conceal the crime. Mr. Foster also joined in efforts to try and find his wife.

Michael Foster fled to Florida after the body was discovered, and while there he was convicted of several offenses, including battery on a law enforcement officer, disorderly conduct, and grand theft (stealing an automobile). Although he initially fought extradition, he was returned to Massachusetts in 1989 to face the murder charge.

On August 14, 1989, in Norfolk Superior Court, Michael Foster pled guilty to murder in the second degree.

II. PAROLE HEARING ON JANUARY 7, 2014

This was Michael Foster's third parole hearing. Foster has been denied by the Board twice due to his extremely poor institutional conduct, his lack of rehabilitation, and his lack of insight into his need for rehabilitation. He has received over 100 disciplinary reports requiring several transfers with extended stays in special management units. During this hearing, the Parole Board focused on these issues and the varying versions he has provided regarding the murder of his wife, Anna Marie Foster. Foster attributed his significant disciplinary history to a number of factors, including being an "angry person with low self-esteem and no confidence, and I just wanted people to respect me. I took the coward's way out." The Board also addressed the nature of his disciplinary reports, which include significant violence, substance abuse, and disturbing behavior such as throwing feces. Foster stated that he was unsure what made him engage in such perverse behavior, but stated he has worked hard on being "pro-social" and feels that he no longer has the issues that precipitated the behavior reflected in his disciplinary reports. Foster attributed his reform to engaging in programs and learning how to manage his emotions. Foster acknowledges that his continued disciplinary issues for tattoo paraphernalia show disregard for following even the simple rules; however, he stated that he is a tattoo artist and has received many requests from other inmates to give them tattoos. He stated that he takes pride in his skill, but acknowledged that he has had to put the rules of the institution first. The Board also inquired why the Department of Correction has listed him as being affiliated with white supremacy groups. Foster emphatically denied such affiliation and stated that he has given others white supremacy tattoos and that is why he is labeled as a suspected member. The Board also questioned why he would agree to contribute to hate groups by engaging in such behavior. Foster stated that he never looked at his role in such a way.

The Board questioned Foster at length about the history of his relationship with his wife, and the different versions of events he has given over the years. He gave conflicting information concerning prior abuse of the victim, and added "I only hit her twice before I took her life." He also believed that he provided his daughter with a good upbringing, but acknowledged that his extensive substance abuse would have played a negative role in her life. Foster continued to provide little information that made sense on the issues of why he murdered his wife. The Board questioned whether his wife told him she was going to leave him and that served as the precipitant for such extreme violence. Foster described his relationship with his wife as being primarily positive, and he acknowledged that they did argue that evening, but denied that he had any intention of murdering her for any reason. He did not believe that the relationship was over, as they had argued before and always made amends. The Board also questioned Foster on his behavior that followed, which included fighting for custody of his daughter, joining the community and family in trying to find his wife, and then fleeing to Florida. The Board asked Foster to consider how the behavior that followed gives further indication as to what type of person he was, and perhaps still is. Foster stated "I acted like I never went to at Anna's mother's house. I was acting like a jerk. I was selfish. I wasn't thinking about anybody but me." He stated that substance abuse played a big part in both the murder and the behavior that followed, and insisted that he is no longer that person. The Board questioned Foster's claim of reform in light of his institutional record and only recent period of better adjustment. He stated that he has been sober since 1995 and has invested in

programs since 2003. Foster acknowledged that he has only recently begun to engage in pertinent programs. He stated that addressing his own mental health issues, primarily depression and anxiety, was a turning point. Foster stated he has gained insight from his programming and is now a facilitator in the non-violent conflict resolution workshop. Foster believes he has been rehabilitated and would continue his treatment in the community. Foster insisted that he has a support system and the tools necessary to function and that he would be an excellent parolee in the community. Foster proposed a parole plan to live with his brother in Rhode Island with additional services to address his mental health and substance abuse needs.

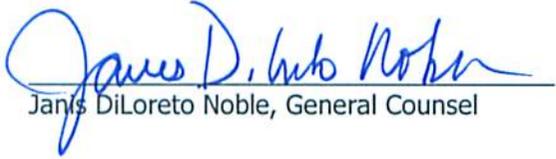
Foster's sister attended the hearing but did not speak. Foster did not have anyone speak in support of his parole. There were numerous members of Anna Marie Foster's family present at the hearing. The Victim Services Unit read a letter of opposition submitted by Foster's daughter, who is also the daughter of the victim. Pam Allen, the victim's mother, spoke in opposition of Foster's parole, and provided further insight into the abuse that her daughter suffered at the hands of Foster. Also speaking in opposition of Foster's parole was Norfolk Assistant District Attorney Marguerite Grant. ADA Grant highlighted the brutal nature of the offense and the horrible behavior that Foster engaged in following the murder of his wife. ADA Grant also noted his extremely violent and poor institutional record, lack of rehabilitation and his two most recent disciplinary reports, one of which included fighting.

III. DECISION

Michael Foster committed a brutal murder of his wife and not only tried to cover up the murder, but he joined her family and community trying to find her. After the body was discovered, Foster fled to Florida where he continued his criminal lifestyle. After pleading guilty to the murder in 1989, Foster filed a pro se motion to withdraw his guilty plea in 1993. Foster only began programming in 2003, and based on his overall institutional adjustment, he has shown little evidence of rehabilitation. Foster has incurred two disciplinary reports, including one involving violence, since his last hearing. These infractions are in addition to his over 100 disciplinary reports, many of which include violence against inmates and staff, substance abuse, and other disturbing behaviors such as throwing feces. While Foster has significantly improved his behavior, his negative and dangerous behavior far outweighs his period of better adjustment. Given the nature of the crime and his long history of antisocial behavior in prison, Foster's path to rehabilitation is long and difficult.

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, the Board finds that Mr. Foster is not a suitable candidate for parole. He will be reviewed for parole in five years, during which time he should continue with rehabilitative programming, sobriety, and improved behavior.

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.


Janis DiLoreto Noble, General Counsel

7/15/14
Date