



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

MICHAEL MORRISSETTE

W49880

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: May 21, 2013

DATE OF DECISION: January 23, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, 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, institutional record, the testimony of the inmate at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is a suitable candidate for parole. Parole is granted to an approved home plan after six months in lower security at the Department of Correction (DOC) during which time Mr. Morrisette must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

I. STATEMENT OF FACTS

On September 18, 1988, Michael Morrisette’s friend, Steven Ward, beat and stabbed Louis Pozycek, who was a 73-year-old man living in Lowell, in two separate attacks. Ward was acting alone when he attacked Mr. Pozycek the first time. Morrisette was a joint venturer in the second attack. Earlier in the evening, Michael Morrisette and his friends were hanging out in a Zayre’s parking lot in Lowell, a common gathering place for teens. Morrisette was showing off a knife he was carrying and even suggested to a Dunkin Donuts waitress that he felt like killing someone that night. While the group was hanging out in the in the parking lot, Steven Ward approached them, covered in blood. He told his friends, Morrisette and Brian Gobis, that an old man had attacked him so he beat the man and stabbed him. In order to prove that his story was true, Ward brought Morrisette and Gobis to 19-21 Hurd Street (next to the Lowell District Court) where Mr. Pozycek often spent time. Mr. Pozycek was lying on a foam pad, bleeding

from stab wounds and unable to move. Steven Ward had stabbed the victim seven or eight times and had fractured his skull and nose by kicking him. Upon arriving at the scene, Morrisette took out a lighter and attempted to light the foam pad on fire and burn Mr. Pozycek.

The group left the alley and Steven Ward suggested that they kill Mr. Pozycek because he was suffering. Morrisette told Steven Ward that he would go to jail if Mr. Pozycek identified him and suggested that killing him by burning him would be appropriate because he was only a bum and nobody would care. Shortly after that conversation, the three returned to the alley behind 19-21 Hurd Street. Michael Morrisette handed his knife to Steven Ward who used it to stab Mr. Pozycek several more times. They returned to the Zayre's parking lot, hid Morrisette's knife, and drove around Lowell bragging to at least three different people that they killed someone.

There were three separate jury trials. Steven Ward was convicted of first degree murder and Brain Gobis was acquitted. Michael Morrisette was convicted of second degree murder on February 5, 1991 and sentenced to serve life in prison with parole eligibility at fifteen years.

II. PAROLE AND INSTITUTIONAL HISTORY

Michael Morrisette was before the Parole Board for a Review Hearing after Revocation on November 8, 2011. The vote was "deny with a review in two years." The Board cited "Mr. Morrisette has reduced his risk of violence, but he needs a stronger commitment to sobriety, productivity and parole compliance."

Morrisette was released under parole supervision November 4, 2004, following a parole review hearing in August 2004. The vote did not require a period of transition in minimum security and pre-release. On January 25, 2011, six years later, his parole was revoked because his whereabouts were unknown, he was using drugs, and he failed to notify his parole officer of a change in his home address. During his Massachusetts parole supervision there were instances of marijuana use for which he was sanctioned. He had five positive drug tests for marijuana in 2008 and 2009. In October 2010, Morrisette moved to New Hampshire and his parole supervision was transferred to that state. He had no interaction with the New Hampshire parole authorities until January 2011, when a New Hampshire parole officer assumed supervision. In attempting to contact Mr. Morrisette, the New Hampshire parole officer discovered he was not residing at the approved New Hampshire home plan or working at the approved place of employment. Morrisette later reported that he had returned to live in Massachusetts. However, he never informed either the Massachusetts or New Hampshire parole authorities of his return to Massachusetts. As a result of his manipulation, he was unsupervised for several months.

Morrisette was 17 years old at the time of the offense. He is currently 42 years old and serving his first incarceration and has a limited criminal record. Morrisette has received 21 disciplinary reports, including disobeying orders, being out of place, and obscene and abusive language. He also received a disciplinary report for attempting to introduce marijuana into the institution resulting in a return to higher custody.

Morrisette has engaged in a large number and wide range of institutional programs, including those recommended by the Department of Correction in his risk reduction plan. He received his GED and participated in classes for Heating, Ventilation and Air Conditioning, as well as Welding. Morrisette was involved in counseling from 1996 until his release in 2004.

III. PAROLE HEARING ON MAY 21, 2013

Michael Morrisette appeared for his review hearing, having been given a two year setback following his review hearing after revocation in 2011. He gave an opening statement where he explained he "showed a lack of those responsibilities and priorities" as well as "society engulfed me and I wasn't prepared for that. I lost focus and became comfortable. I felt like a citizen with no restrictions and felt a sense of entitlement. I apologize to this Board for I may have spoken out of context." He reported he "felt depressed and defeated after receiving the parole decision"; however, he stated "I needed a reality check and luckily it wasn't worse."

He described his parole adjustment as "moderate" receiving multiple graduated sanctions. He explained that six months into his parole he began using Marijuana, mainly because he had difficulty sleeping due to family stress. He felt he was doing the "right thing"; however, he realized that "I became entitled, lost focus and I manipulated the process." He expressed upon release he had goals of pursuing his education; however, his main goal was to start his own business. Nevertheless, once his father became ill all his priorities changed to paying the bills and caring for his mother and father. He stated the "burden was a lot for me" and "I took on too much responsibility." Mr. Morrisette expressed concern that he no longer has the support of his parents, who guided him through the transitional period, as they are now deceased. He reported maintaining contact with some family members, including his half-sister and ex-girlfriend.

He stated since his return to custody in 2011, he has received CDL training, attends four AA meetings per month and returned to Alternatives to Violence as a facilitator as it "helped me grow and stopped myself from being complacent. The idea of parole became a priority." Board Members acknowledged he handled himself well during the hearing rather than his previous hearing, of which he presented with an attitude, angry and took no responsibility for his parole failures.

Mr. Morrisette expressed concern that he didn't transition through the DOC and so "going out at age 34, I still had nostalgically adolescent thoughts", therefore, he is asking for a "step-down" through lower custody "to better prepare me to enter society." He conveyed he hopes to transition through pre-release to assist him with employment opportunities. He reported he will utilize any and all available resources to have a successful parole. He described some of those resources as "maintaining a positive relationship with my parole officer, employment, substance abuse counseling, attend therapy, attend AA/NA and maintain contact with my sponsor." Along with those resources Mr. Morrisette described other factors that will support his parole supervision and described those as a "renewed and stronger commitment, trust in myself to do the right thing, gain independence from the DOC, keeping busy, remain in contact with my sponsor and maintain relationships with positive friends and family members."

Morrisette had no supporters of parole in attendance. Middlesex Assistant District Attorney Tom O'Reilly spoke in opposition of parole.

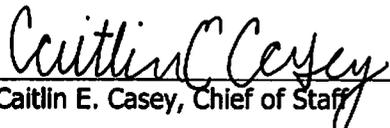
IV. DECISION

Michael Morrisette ignored important requirements of community supervision during his parole. He smoked marijuana regularly and then manipulated the interstate compact process to avoid supervision for months. Avoiding supervision is completely unacceptable, as is persistent drug use. At his 2011 review hearing after revocation, he did not show much understanding of the basic expectations and requirements for parole supervision. Denial of parole in 2011 gave him two additional years of incarceration and gave him the incentive to engage in more rehabilitation. Morrisette has now improved his attitude, reduced his criminal thinking, and recognized the importance of community supervision rules. He presents no current risk for violence and his reduced criminal thinking is a significant rehabilitative step.

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, the Parole Board grants parole to an approved home plan after six months in lower security. This release plan will allow for important supports and treatment during a closely supervised transition.

SPECIAL CONDITIONS: Parole to an approved home plan after six months in lower security; no drug use; no alcohol use; substance abuse evaluation at parole with recommended treatment, if any, to be followed; one-on-one counseling for adjustment issues; GPS for six months minimum and thereafter at the discretion of the parole officer.

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

1/23/14
Date