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Gloriann Moroney
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Executive Director

IN THE MATTER OF
CHRISTOPHER NICHOLS
PETITION FOR PARDON
REPORT AND RECOMMENDATION

YOUR EXCELLENCY:

The Advisory Board of Pardons (hereinafter "the Board") respectfully submits this report and recommendation concerning the pardon petition of Christopher Nichols. Mr. Nichols was convicted of nine offenses in Ayer District Court on May 10, 2002, stemming from conduct occurring on or about April 7, 2002. (*Attachment A*, Ayer District Court Docket Number 0248CR000659). Mr. Nichols' charges are as follows:

- Count 1:** Breaking and Entering at Nighttime with Intent to Commit a Felony, in violation of G.L. c. 266, §16
- Count 2:** Malicious Destruction of Property Under \$250.00, in violation of G.L. c. 266, §127
- Count 3:** Conspiracy to Commit a Crime, in violation of G.L. c. 274, §7
- Count 4:** Malicious Destruction of Property Under \$250, in violation of G.L. c. 266, §127
- Count 5:** Conspiracy to Commit a Crime, in violation of G.L. c. 274, §7
- Count 6:** Larceny from a Building, in violation of G.L. c. 266, §20

- Count 7:** Receiving Stolen Property under \$250.00, in violation of G.L. c. 266, §60
- Count 8:** Attempt to Commit a Crime, in violation of G.L. c. 274, §6
- Count 9:** Possession of Liquor by an Underage Person, in violation of G.L. c. 138, §34C
- Count 10:** Trespass, in violation of G.L. c. 266, §120

With respect to Counts 1, 2, 3, 4, 5, 7, and 8, Mr. Nichols plead guilty, and was sentenced to twenty-seven days of probation. As conditions of his probation, he was ordered to pay restitution, complete fifty hours of community service, and to write a letter of apology. Mr. Nichols also plead guilty to Count 9, and was ordered to pay a \$50.00 fine. His guilty plea on Count 10 was placed on file. A *nolle prosequi* was entered on Count 6. (*Attachment A*).

On or about January 29, 2018, Mr. Nichols submitted a petition for a pardon. (*Attachment B*). Mr. Nichols submitted supplemental materials in support of his petition for a pardon in 2020 and in 2022. (*Attachment C and Attachment D*). On August 29, 2022, the Board conducted a public hearing regarding Mr. Nichols's petition. In his petition and at the public hearing, Mr. Nichols requested a pardon for his 2002 Ayer District Court convictions so that he may pursue employment opportunities in the law-enforcement sector upon his retirement from the military, and so that he may obtain a license to carry a firearm. After due consideration, the Board voted unanimously to recommend favorable consideration of Mr. Nichols's request for a pardon. The reasons for the Board's recommendations are set forth in the body of this opinion.

PROCEDURAL HISTORY

On or about April 7, 2002, Mr. Nichols was arrested by the Westford Police Department, and arraigned the following day, April 8, 2002, in Ayer District Court, Docket Number 0248CR000659. As indicated above, he plead guilty to nine of the ten charges on May 10, 2002, and was sentenced to twenty-seven days of probation. After satisfactorily completing the conditions of his probation, his supervision was terminated on June 5, 2002.

STATEMENT OF THE CASE

On April 7, 2002, members of the Westford Police Department responded to a call from a citizen concerning an incident at the Nab Liquor Store in Westford. The caller reported hearing a loud crashing noise near the store, and stated that she observed two young men walking away from the door. Responding officers observed significant damage to the glass door of the liquor store. The reporting party described the car that the two young men fled to, and officers were able to stop it nearby. Christopher Nichols was present in this car, along with four other young men. The reporting party identified Mr. Nichols as one of the individuals she had seen running from the store with the damaged glass door. Officers recovered open and closed bottles of beer in the car. None of the parties in the car were over the age of twenty-one.

Officers conducted an interview with Mr. Nichols, as well as several of the other occupants of the vehicle. Mr. Nichols admitted that he and his friends had been attempting to procure beer that evening. He stated that they first went to a Quick Mart in Billerica, where Mr. Nichols ran into the store, grabbed a twenty-four pack of beer, and attempted to flee the store with it. Mr. Nichols stated that the box broke, and he was only able to leave the store with two cans of beer. The group then travelled to the Nab Liquor Store in Westford, where he attempted to break into the store by throwing a rock at the glass door. He stated that the glass merely spidered, and that he was therefore unsuccessful in his attempt. The group next targeted the Greystone Market/Texaco, located nearby. Mr. Nichols admitted to officers that he threw a rock through the door, entered the premises, and stole a twelve-pack of beer. (*Attachment E – Westford Police Department Report Number 02-X2484-OF*).

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) record, both dated February 2022, Mr. Nichols has no other adult criminal history. (*Attachment F*).

PARDON PETITION OF CHRISTOPHER NICHOLS

As previously indicated, Christopher Nichols submitted a petition for executive clemency, in the form of a pardon, for a series of 2002 convictions from Ayer District Court. In his petition, he reported that he broke into a gas station while intoxicated, and stole a case of beer. *Attachment B*, page 5; *Attachment C*, page 9. Mr. Nichols expressed that he accepts full responsibility for the offenses. *Attachment D*, page 2. Mr. Nichols explained that at the time of the offense, he was nineteen years old, struggling with the recent loss of two grandparents, and facing an imminent enrollment in the United States Marine Corps Bootcamp, having enlisted in the service at his earliest eligibility. *Attachment D*, pages 1-2.

Mr. Nichols sought a pardon for several reasons. As a twenty-year veteran of the armed services, Mr. Nichols is eligible for retirement from the military. He wishes to pursue a career in law enforcement upon his return to civilian life, and expressed that his felony conviction will almost certainly bar him from holding certain positions. He further stated that he is seeking a license to carry a firearm.

2022 INTERVIEW OF CHRISTOPHER NICHOLS

At the request of the Advisory Board of Pardons, Mr. Nichols was interviewed in 2022, in anticipation of his public hearing. (*Attachment G*). Mr. Nichols presently serves at the Head of Marine Corps Corrections, and is responsible for the development and oversight of correctional policy for the Commandant of the Marine Corps, and providing recommendations to the Secretary of the Navy for policies concerning the Department of Navy Corrections program. He stated that he has held several previous positions in military corrections including roles at the Marine Corps Absentee (Fugitive) Collection Center and Deputy Prisoner Management at the Naval Consolidated Brig. Mr. Nichols has also served as the Parole and Release Chief at the Naval Consolidated Brig, and as part of the Naval Clemency and Parole Board. He earned his Bachelor's degree in Criminal Justice in 2017, and is currently enrolled in a master's degree program. Mr. Nichols resides in Virginia with his wife and four children.

PROCEEDINGS BEFORE THE ADVISORY BOARD

On August 29, 2022, the Advisory Board of Pardons held a public hearing on Christopher Nichols' pardon petition. The hearing was chaired by Gloriann Moroney. Advisory Board of Pardon Members Charlene Bonner, Maryanne Galvin, Tina Hurley, and James Kelcourse were present at the hearing. Board Members Tonomey Coleman and Colette Santa were not present for the hearing, but reviewed the record and participated in deliberations. Mr. Nichols was not represented by counsel.

THE BOARD'S INQUIRY

SOCIAL & PROFESSIONAL HISTORY

Upon inquiry by the Board, Mr. Nichols provided information concerning his social history. Mr. Nichols grew up in Westford, Massachusetts, and attended Westford Academy for high school. Mr. Nichols enlisted in the Marine Corps during his junior year in high school, when he was eighteen years old, and planned to begin his service upon completing high school.

In his opening statement, Mr. Nichols gave a detailed overview of the assignments he has held throughout his military career. He explained that he initially joined the armed services to become a military police officer, and was quickly promoted through several military corrections positions. Mr. Nichols then served as a military recruiter in Brockton, Massachusetts for three years from December 2005 through December 2008, recruiting eighty men and women to the service.

After completing his term as a recruiter, Mr. Nichols was assigned to Washington, D.C. as the Marine Corps Parole Officer, maintaining responsibility for all Marine Corps Prisoners who were being considered for parole or mandatory supervised release. In 2011, Mr. Nichols served for over six months with the Wounded Warrior Regiment in Bethesda, Maryland, assisting wounded service personnel in their transition from military to civilian life. After his volunteer term with the Wounded Warrior Project, Mr. Nichols returned to military corrections, serving in several different capacities, including as the Parole and Clemency Officer at the Naval

Consolidated Brig in Miramar, California, and as a Prisoner Management Officer at the Naval Consolidated Brig in Charleston, South Carolina. In 2014, Mr. Nichols was appointed a Warrant Officer in the corrections field, an honor bestowed on only fifteen other servicemen and women. In 2018, Mr. Nichols was selected to serve as the Officer in Charge of the Marine Corps Absentee Collection Center in Washington, D.C. In 2021, he was promoted to his current position, Head of Marine Corps Corrections. In this role, Mr. Nichols is responsible for the development and oversight of correctional policy for the Commandant of the Marine Corps. Over the course of his military career, Mr. Nichols has earned numerous awards and commendations for meritorious service. Copies of many of these awards were included in his original petition and supplements. *Attachment B, Attachment C, Attachment D.*

Mr. Nichols obtained a Bachelor's in Science in Criminal Justice in 2017. He is currently enrolled in a Master's Degree program, and is enrolled at the FBI National Academy. Mr. Nichols resides in Virginia with his wife and four children.

GOVERNING OFFENSE

The Board inquired about the offense for which Mr. Nichols seeks a pardon. Mr. Nichols accepts responsibility for his offenses, and expressed remorse for his conduct at his hearing. He explained that he and a group of peers were drinking heavily on the evening of the incident, and admitted to stealing a case of beer from a gas station, and breaking a door and stealing additional liquor from another gas station. Mr. Nichols stated that he was nineteen years old, and a senior in high school at the time of his conviction. In the previous month, he had lost two grandparents. He explained that he had enlisted in the Armed Forces when he was a junior in high school, and expected to attend Marine Corp bootcamp shortly, leaving behind his family, girlfriend, and life as he knew it. He reported feeling anxious about the pending transition, and stated that he felt lacking in adult guidance at the time.

Mr. Nichols was arrested in the early morning hours of April 8, 2002, and readily admitted his involvement to Westford Police. He was arraigned in Ayer District Court the same morning,

and plead guilty several weeks later. He explained that he was given a relatively short term of probation in order to ensure that he could attend bootcamp. He completed his probation without incident, and fulfilled all the conditions of his probation, which included performing community service, paying restitution, and issuing a letter of apology.

VICTIM IMPACT

No victim impact statements were provided to the Board.

PRIOR CRIMINAL HISTORY

Mr. Nichols has no other adult criminal history. Mr. Nichols did acknowledge one prior arrest as a juvenile. The charges for that incident were dismissed.

COMPELLING NEED FOR A PARDON

The Board made inquiries concerning Mr. Nichols' compelling need for a pardon. Mr. Nichols explained that he is seeking a pardon so that he may pursue a career in law enforcement upon his retirement from the Marine Corp. He explained that he is currently retirement eligible, and has aspirations to continue to work in corrections, and to apply his considerable experience in the field, after his return to civilian life. He explained that his felony convictions will automatically disqualify him from many positions which he would be otherwise qualified to hold. Mr. Nichols stated that a pardon is necessary for him to be able to retire from the military and continue to work and provide for his family in a civilian capacity.

Mr. Nichols is also seeking authorization to possess a firearm. He has received considerable firearms training while in the military, and will need to be permitted to carry a firearm in order to hold certain law enforcement positions in the future. Mr. Nichols also explained that he wishes to possess a firearm for personal protection. As explained below, Mr. Nichols included a letter from Westford Police Department Chief of Police Mark Chambers, explaining that he would issue a license to Mr. Nichols should his statutory disqualification be removed.

SUPPORT

TESTIMONY

Sarah Nichols

Sarah Nichols testified before the Board, expressing her support for her husband's pardon petition. Ms. Nichols stated that her husband has had an exemplary military career. She explained that Mr. Nichols' conviction will likely impact his employment possibilities in the event that he choose to retire from military service, and that a pardon would enable her and her husband to continue supporting their family through gainful employment. Ms. Nichols also stated that Mr. Nichols has not volunteered to coach their children's sports team, due to the background check requirements, and that a pardon would enable him to be more directly involved in their children's extracurriculars.

Timothy Purcell

Mr. Purcell, the Director of the Navy Corrections Program, testified before the Board, expressing his support for Mr. Nichols' pardon petition. Mr. Purcell stated that Mr. Nichols has served honorably for the past twenty years, and that his twenty years of faithful and honorable service speak volumes about expectations for his future behavior and service. Mr. Purcell urged the Board to recommend a pardon for Mr. Nichols, stating that Mr. Nichols has more than paid his debt for his crime.

Bernard Hess

Bernard Hess testified before the Board, expressing his support for Mr. Nichols' pardon petition. Colonel Hess is Mr. Nichols' direct supervisor, and has been for the past two years. Colonel Hess acknowledged Mr. Nichols' offense, but noted his youth at the time of the offense, and stated that Mr. Nichols' has worked over the past twenty years to make amends for his conduct. He stated that Mr. Nichols' twenty years of corrections experience may be lost if Mr. Nichols cannot gain employment in a relevant field upon retirement, and urged the Board to recommend a pardon for Mr. Nichols.

Joseph Moschetto

Joseph Moschetto testified before the Board, expressing his support for Mr. Nichols' pardon petition. He reiterated the adverse employment consequences that Mr. Nichols' convictions will likely carry upon his retirement, and asked the Board to weigh the severity of Mr. Nichols' crime against his progress and position as of the time of the hearing.

LETTERS

The Board received letters expressing support for Mr. Nichols' petition for the hearing, and also reviewed letters of recommendation submitted in support of his pardon petition. Copies of the letters are included in *Attachments B, C, and D*.

State Representative James Arciero

Representative Arciero submitted a letter dated October 15, 2017, expressing support for Mr. Nichols' petition. Representative Arciero described Mr. Nichols as "an upright, law abiding citizen who has served this nation proudly."

Representative Arciero submitted an updated letter dated February 4, 2022, reiterating his support for Mr. Nichols' petition.

Commanding Officer Carl Brobst

Carl Brobst, the Commanding Officer of Naval Consolidated Brig, Charleston, submitted a letter dated December 13, 2017 recommending Mr. Nichols for a pardon. Commanding Officer Brobst stated that Mr. Nichols is "a model Citizen, Father, Husband, and Marine," and that "his past is no indication of who he is today." Commanding Officer Brobst discussed Mr. Nichols' exemplary history of service, and cited numerous of Mr. Nichols' achievements.

Westford Police Department Chief Mark Chambers

Westford Police Department Chief Mark Chambers submitted a letter dated January 24, 2022, recommending Mr. Nichols' pardon petition be granted, and indicated that although he was unable to issue Mr. Nichols' a firearm permit, due to his felony conviction, that he would issue such a license if the offense were to be pardoned.

Former Westford Police Department Chief Thomas McEnaney

Westford Police Department Chief Thomas McEnaney submitted letters dated February 2016, recommending Mr. Nichols' pardon petition be granted, and indicated that although he was unable to issue Mr. Nichols' a firearm permit, due to his felony conviction, that he would issue such a license if the offense were to be pardoned.

Abel Galaviz

Abel Galaviz submitted a letter dated September 6, 2017 expressing support for Mr. Nichols' pardon petition. Mr. Galaviz worked with Mr. Nichols, and stated, "there are few, if any that match his professionalism, work ethic, and dedication to mission accomplishment."

Colonel Bernard Hess

Colonel Bernard Hess, Head of Marine Corps Law Enforcement, Investigations, & Corrections, submitted a letter dated January 23, 2022 in support of Mr. Nichols' petition. Colonel Hess stated, "Since his conviction, Chris clearly demonstrated exemplary character, behavior and citizenship, through his service as an enlisted Marine, Marine Corps Officer, a Corrections/Law Enforcement professional, and his voluntary service in the communities he's served."

Randall Lamoureux

Randall Lamoureux, President of the Naval Clemency and Parole Board, submitted a letter dated August 29, 2017, in which he expressed support for Mr. Nichols' pardon petition. Mr. Lamoureux worked with Mr. Nichols for over nine years, and described his many accomplishments in military corrections. Mr. Lamoureux reported that in his forty years of government service, he has "rarely experienced any Marine who has served with such devotion to duty, loyalty and honor as Chief Warrant Officer Nichols." He further stated that Mr. Nichols "has unlimited potential for continued law enforcement service and [] would be nothing less than a most valuable asset to any agency."

Mr. Lamoureux submitted an updated letter dated June 29, 2020, in which he reiterated his previous support for Mr. Nichols' petition.

Chief Warrant Officer Joseph Moschetto

Chief Warrant Officer Joseph Moschetto, Former Director of Marine Corps Corrections, submitted a letter dated June 24, 2020, expressing support for Mr. Nichols' pardon petition. He stated, "This letter is my confirmation of Chris' honorable service to our country, his success as a Law Enforcement Official, and his moral compass as a citizen." Chief Warrant Officer Moschetto cited the difficulties that Mr. Nichols will likely face in seeking civilian employment in the corrections field, and reiterated his support for Mr. Nichols' request.

Joseph Moschetto submitted an updated letter, dated January 20, 2022, reaffirming his support for Mr. Nichols' petition

Radomet Pagan

Radomet Pagan, Deputy Director for the Marine Corps Corrections Program, submitted a letter dated December 30, 2017, wrote a letter supporting Mr. Nichols' pardon petition. Mr. Pagan reviewed some of Mr. Nichols' considerable professional accomplishments, and described Mr. Nichols as "trustworthy" and "dependable."

Sergeant Arthur Parra, Jr.

Sergeant Arthur Parra, Jr., submitted a letter dated August 25, 2017, recommending Mr. Nichols' for a pardon. Sergeant Parra reported that Mr. Nichols is "confident, adaptable, and possesses unlimited potential."

William Peck

William Peck, Director of Naval Corrections, submitted a letter dated September 21, 2015, recommending Mr. Nichols for a pardon. Director Peck stated of Mr. Nichols, "[h]is reputation within our law enforcement community is impeccable and second to none."

Timothy Purcell

Timothy Purcell, Director of the Navy Corrections and Programs Office, submitted a letter dated September 4, 2017, speaking in favor of Mr. Nichols' pardon petition. The 2017 letter spoke highly of Mr. Nichols' professional accomplishments.

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Nichols' petition.

LETTERS

No letters were submitted expressing opposition to Mr. Nichols' petition.

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

After careful review and consideration, it is the opinion of 7 of the 7 voting members of the Advisory Board of Pardons that a favorable recommendation for a pardon be sent to the Governor on behalf of Christopher Nichols.

Governor Charles D. Baker's Executive Clemency Guidelines, issued on February 21, 2020 ("Guidelines"), establish the grounds upon which a pardon may be granted and provide assistance to the Advisory Board of Pardons in making recommendations to the Governor on clemency petitions. The Guidelines state that a pardon is "an extraordinary remedy which has the effect of treating the petitioner as if the offense had never been committed." The Guidelines further provide that "[pardons are] intended to remove the barriers that are sometimes associated with a criminal record, thereby facilitating the reintegration of the petitioner into his or her community." The Guidelines state that the nature and circumstances of the offense and the character and behavior of the petitioner are the two "paramount considerations in deciding whether to grant clemency."

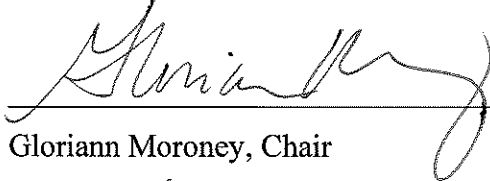
Under the Governor's Guidelines, a person who petitions for a pardon bears the responsibility of demonstrating, by clear and convincing evidence, that:


- (a) The petitioner has clearly demonstrated an acceptance of responsibility for the offense for which the petitioner is seeking clemency;
- (b) the petitioner does not have any pending appeals or challenges to a conviction or sentence;
- (c) the petitioner has made full restitution to his or her victims, in the event of economic injury;


- (d) the petitioner has made exceptional strides in self-development and self-improvement and would be a law-abiding citizen;
- (e) the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (f) the petitioner has contributed to society through the military or public service, or through charitable work;
- (g) the petitioner has demonstrated a period of good citizenship by “leading a responsible and productive life and contributing to [his or her] community in a positive manner” for more than ten years following a felony conviction, “without the structure provided by government supervision,” such as probation or parole;
- (h) there is no alternative remedy available to the petitioner.

At 19 years old and a senior in high school, Mr. Nichols and a group of friends damaged a storefront window and stole alcohol. Mr. Nichols accepts full responsibility for the offense. Mr. Nichols currently serves in the USMC [United States Marine Corps] and has been in the service since 2001. He presented a strong petition which was supported by testimony at the hearing. He has strong family and professional support. He is seeking a pardon to obtain career opportunities in law enforcement, including, but not limited to the Department of Correction. He also seeks to volunteer with his children, which this conviction precludes him from doing. He is also seeking a license to carry a firearm so that he can pursue a career in law enforcement. He is currently pursuing his master’ degree in criminal justice. He has been involved with the Wounded Warrior Project and is the recipient of numerous awards and distinctions through his military career. Therefore, the Board recommends that a pardon be granted.

For the seven members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 17th of October, 2022:


Gloriann Moroney, Chair



Charlene Bonner, Board Member


Tonomey Coleman, Board Member


Maryanne Galvin, Board Member


Tina Hurley, Board Member


James Kelcourse, Board Member


Colette Santa, Board Member