The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

MICHAEL FOUNTAIN
W35976

TYPE OF HEARING: **Initial Hearing**

DATE OF HEARING: **March 31, 2026**

DATE OF DECISION: **October 19, 2026**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Sarah B. Coughlin, Angelo Gomez Jr., James Kelcourse, Rafael Ortiz[1]

VOTE: Parole is denied with a review in 2 years from the date of the hearing.[2]

PROCEDURAL HISTORY: On January 25, 1977, in Middlesex Superior Court, Michael Fountain pleaded guilty to second-degree murder in the death of Peter DiNatale. He was sentenced to life in prison with the possibility of parole. On an unrelated incident, on October 19, 1977, he received a 3 to 5 year sentence for armed robbery, as well as a 1 year to 1 year and a day sentence for carrying a dangerous weapon and possession of a firearm. These charges were to be served from and after his life sentence. Mr. Fountain elected to waive his parole hearings in 2006, 2013, 2016, and 2021.

On March 31, 2026, Mr. Fountain appeared before the Board for an initial hearing. He was represented by law students at the Northeastern University School of Law as supervised by Attorney Patricia Garin. The Board's decision fully incorporates by reference the entire video recording of Mr. Fountain's March 31, 2026, hearing.

[1]Board Member Ortiz was not present for the hearing but reviewed the video recording of the hearing and the entirety of the file prior to vote.

[2] One Board Member voted to grant parole to LTRP after a 9-month stepdown.

STATEMENT OF THE CASE: On October 28, 1975, Michael Fountain murdered Peter DiNatale at the request of individuals who owed Mr. DiNatale money. Mr. Fountain recruited two associates, co-defendants Robert Mitchell and Lawrence Purves, to assist him with the murder. Mr. Fountain and his two associates lured Mr. DiNatale into a car by convincing him that they would get him the money he was owed. They drove to an athletic field in Somerville, where the men got out of the car and started up a hill next to the field. Reaching the crest of the slope, Mr. Fountain shot Mr. DiNatale five times. Mr. Purves then shot Mr. DiNatale two more times. The three men then returned to the car and drove to Quincy. That morning, an anonymous call alerted police to the location of Mr. DiNatale's body.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

DECISION OF THE BOARD: Mr. Fountain is 72-years-old and uses a wheelchair. Mr. Fountain has had a troubled history of institutional adjustment. He has incurred over 100 disciplinary reports. He reports being sober for only 6 years despite being incarcerated since 1977. The Board finds that Mr. Fountain needs a longer period of stability and sobriety. He would benefit from additional programming with a focus on Empathy and Victim Impact. The Board considered testimony in opposition to parole from Mr. DiNatale's sister. The Board also considered testimony in opposition to parole from Middlesex County Assistant District Attorney Alicia Walsh. The Board concludes that Michael Fountain has not demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

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.

Angelo Gomez Jr., Chair

October 19, 2026
Date