

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road  
Natick, Massachusetts 01760

Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

Terrence Reidy  
Acting Secretary

Telephone # (508) 650-4500  
Facsimile # (508) 650-4599

Gloriann Moroney  
Chair

Kevin Keefe  
Executive Director

**DECISION**

**IN THE MATTER OF**

**JOHN MCCABE**

**W85641**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** August 25, 2020

**DATE OF DECISION:** September 15, 2021

**PARTICIPATING BOARD MEMBERS:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

**DECISION OF THE BOARD:** After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of this hearing.

**I. STATEMENT OF THE CASE**

On December 21, 1982, John McCabe pleaded guilty in Suffolk Superior Court to five counts of rape of a child under 16 years of age and two counts of armed robbery. He was sentenced to life in prison with the possibility of parole. His life sentence was to be served from and after his 20 to 25 year sentence imposed in Middlesex Superior Court.<sup>1</sup> On that same date, Mr. McCabe received a 3 to 5-year concurrent sentence for kidnapping and assault with a deadly weapon.

<sup>1</sup> On December 17, 1982, in Middlesex Superior Court, Mr. McCabe received a 30 to 40 year sentence, which was later reduced to a 20 to 25 year sentence, for 3 counts of aggravated rape and armed robbery; 9 to 10 years for assault and battery by means of a dangerous weapon; and 9 to 10 years for kidnapping. All sentences were ordered to run concurrently and have since expired.

Over the course of three weeks in July 1981, 16-year-old John McCabe committed a series of sexual assaults and violent robberies on five female victims.<sup>2</sup> On July 7, 1981, 38-year-old victim 1 was in a park, when Mr. McCabe approached her a total of three times. When he approached her for the third time, he was armed with a piece of wood and a screwdriver. He placed the screwdriver against her neck, took her into the bushes, and raped her. He also threatened to kill her. On July 13, 1981, Mr. McCabe and his codefendant forcibly entered the car of 19-year-old victim 2, who was parked at a mall. Mr. McCabe and his codefendant threatened her with a knife, kidnapped her, and stole her money. On July 20, 1981, 23-year-old victim 3 was walking back to her car in a mall parking lot. Mr. McCabe, armed with a knife, opened her car door and forced his way into the vehicle. He then drove to a secluded area, where he cut the victim with the knife and proceeded to rape her. He then picked up two other males, who also robbed and raped the victim. That same day, victims 4 and 5 (both 15-years-old) were walking home and noticed that they were being followed by a car. Three males were in the car, one of whom was Mr. McCabe. At the time, Mr. McCabe was still in possession of victim 3's car. Two of the males, who were armed with weapons, exited the vehicle. They forced victims 4 and 5 into the car, where they were raped.

## **II. PAROLE HEARING ON AUGUST 25, 2020**

John McCabe, now 57-years old, appeared before the Parole Board for a review hearing on August 25, 2020, and was represented by Attorney Melissa Celli. Mr. McCabe was denied parole after his initial hearing in 2007, and after his review hearing in 2012.<sup>3</sup> In Mr. McCabe's opening statement to the Board, he accepted "full and total" responsibility for his crimes and apologized to his victims for the "great and lasting" harm he caused. Mr. McCabe maintained that he is now committed to rehabilitation, despite his poor adjustment and the violent behavior exhibited throughout his incarceration. Mr. McCabe cited his time at the Treatment Center, as well as his participation in therapy, as a turning point in his rehabilitation. Mr. McCabe admitted that he previously struggled to take responsibility for his sex offenses because of the "shame" he felt. He maintains that he has made significant progress and "will never create another victim."

When Board Members inquired as to whether he's gained insight into the motives behind his sex offenses, Mr. McCabe cited anger and a "high level of hostility towards women" as his causative factors. He was isolated from his family and friends and in a "very bad place" at the time of his crimes. Mr. McCabe disclosed to the Board that his stepmother sexually abused him as a child, which he believes contributed to his violent and deviant behavior. Mr. McCabe admitted to Board Members that rejection was also a significant trigger to his sex offenses. When Board Members inquired about Victim 2's attack, specifically noting that she was the only victim not raped, Mr. McCabe responded that she was "cooperative" and "nice." As such, he did not experience a feeling of anger or rejection. Board Members questioned Mr. McCabe as to whether he committed additional sexual assaults, aside from those he was charged with. Mr. McCabe claimed that he had not, despite admitting to victimizing "over a dozen" women during a psychological evaluation. When asked to address the discrepancy, Mr. McCabe indicated that the clinician took his comments out of context.

---

<sup>2</sup> The names of all sexual assault victims are withheld pursuant to G.L. c. 265, § 24C.

<sup>3</sup> Mr. McCabe postponed his 2017 hearing.

When Board Members discussed Mr. McCabe's treatment and programming efforts, Mr. McCabe stated that he has "learned how to be responsible for [his] thoughts, actions, and behaviors." When the Board noted his engagement in the Alternative to Violence Program (AVP), Mr. McCabe stated that he is a facilitator within the program. Board Members encouraged Mr. McCabe to engage in Restorative Justice, which would help him gain further insight on the impact of his crimes. When questioned as to the Sex Offender Treatment Program, Mr. McCabe said that, although he is currently enrolled in the Maintenance Program, he has yet to complete the program at the Treatment Center. It was noted that, at his most recent classification hearing, Mr. McCabe appeared hesitant about being transferred back to the Treatment Center. Nonetheless, Board Members expressed the importance of SOTP completion, pointing out that Mr. McCabe admitted (to an examiner in 2016) that there could be the "potential" of reoffending if he felt overwhelmed.

The Board questioned Mr. McCabe as to how he has addressed his substance abuse issues. He told the Board that he plans to attend AA/NA meetings when the pandemic is over. Prior to the pandemic, however, he did not attend meetings on a regular basis, claiming that his involvement in other programs prevented him from doing so. Upon questioning, Mr. McCabe admitted that substances were a factor in his offenses, including PCP, marijuana, and alcohol. At the time of the governing offense, he "used as much as he could to stop feeling." Board Members also noted Mr. McCabe's poor institutional adjustment as he has incurred a significant number of disciplinary reports, most recently in 2019. The Board was particularly concerned with the crimes he committed during his incarceration and his resistance to rehabilitation for much of his sentence. During his commitment at the Treatment Center, Mr. McCabe assaulted several correctional officers, stabbed an inmate, and, on one occasion, escaped from the facility for several days. As such, Mr. McCabe was no longer permitted to stay at the Treatment Center and was transferred to DOC custody, where he remains today. Although the Board acknowledged his recent improvement, Mr. McCabe appeared defensive when asked to address his past behavior.

The Board considered testimony in support of parole from Mr. McCabe's wife and stepdaughter as well as the testimony and forensic psychological evaluation of Dr. Leonard Bard. The Board considered a letter of opposition from Boston Police Commissioner William Gross.

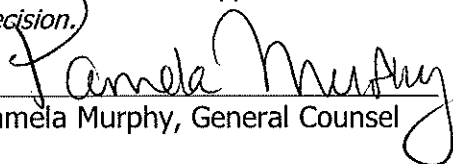
### **III. DECISION**

The Board is of the opinion that John McCabe has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. McCabe has served approximately 40 years for five counts of rape of a child. Mr. McCabe has had a problematic adjustment at times to include escape and assault of staff and inmates. Mr. McCabe has yet to complete the Sex Offender Treatment Program. Mr. McCabe disclosed his motive for rape was due to rejection. He has yet to fully address his causative factors to include anger, violence, and sexual assaults. Mr. McCabe harbored anger/hostility to women due to [an] overwhelming feeling of despair. He presented defensive[ly] and often made excuses for his criminal culpability/behavior. He remains a risk until he completes the SOTP. Mr. McCabe has offered information that has resulted in conflicting expert opinions. Thus, indicating a lack of candor.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. McCabe's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. McCabe's risk of recidivism. After applying this standard to the circumstances of Mr. McCabe's case, the Board is of the unanimous opinion that John McCabe does not merit parole at this time.

Mr. McCabe's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. McCabe to continue working towards his full rehabilitation.

*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.*

  
Pamela Murphy, General Counsel

  
Date