



Charles D. Baker  
Governor

Karyn Polito  
Lieutenant Governor

Daniel Bennett  
Secretary

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*  
**PAROLE BOARD**

*12 Mercer Road*  
*Natick, Massachusetts 01760*

*Telephone # (508) 650-4500*

*Facsimile # (508) 650-4599*



Charlene Bonner  
Chairperson

**DECISION**  
**IN THE MATTER OF**  
**JOHN SWIST**

**W42841**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** July 28, 2015

**DATE OF DECISION:** September 17, 2015

**PARTICIPATING BOARD MEMBERS:** Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

**DECISION OF 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 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 in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

On October 6, 1986, in Bristol Superior Court, John Swist pleaded guilty to murder in the second degree and was sentenced to life in prison with the possibility of parole, after serving 15 years. He committed this murder while on parole from a (May 24, 1984) conviction for larceny from a person. Swist had no co-defendants and there were no appeals filed.

On the evening of June 26, 1985, John Swist, age 19, was walking down a main street in Fall River. Swist had just left a bar (after drinking extensively) and was approached by John Michael in his car. Swist agreed to accompany Mr. Michael back to his apartment in Fall River, where they consumed more alcohol. The conversation, according to what Swist had told his girlfriend, turned to homosexual activities. The men ended up in Mr. Michael's bedroom, where Mr. Michael allegedly asked Swist to tie him up. Swist did so, and then brutally strangled Mr. Michael. After killing Mr. Michael, Swist ransacked his apartment, stole money and jewelry, and left the scene with Mr. Michael's car. The body was discovered days later by Mr. Michael's



landlord when he went to the property to collect overdue rent from a tenant. When the landlord found Mr. Michael's apartment door ajar, he entered the apartment and found the decomposing body of the victim in the bedroom. Mr. Michael was naked and hog-tied. A ligature was found tightly tied around his neck.

In conversation with his girlfriend, Swist indicated that he murdered the victim because he did not want the victim to be able to identify him [Swist], and stated that "the last queer that [Swist] rolled was able to do so." Swist fled the state a few days after the discovery of the body, but was tracked to Chicago, where he was placed under arrest as he stepped off a bus. He was returned to Massachusetts after he waived rendition. Swist made statements to police that implicated him in the murder of John Michael.

## **II. CRIMINAL AND PAROLE HISTORY**

John Swist has a criminal record that consists of larcenous and assaultive offenses. He was on parole from a larceny conviction when he murdered Mr. Michael.

John Swist appeared before the Board for his initial hearing in July 2000. He was denied parole with a five year review. He went before the Board for a review hearing in June 2005, after which he was denied parole with a review in three years. In June 2008, Swist appeared before the Board for the third time. He was again denied parole with a review in five years. The Board noted that Swist had engaged in minimal programming, and had failed to adequately address the concerns noted by the Board after his two prior hearings. Swist postponed his parole hearing in 2013 due to a desire to complete his degree from Boston University and obtain legal representation.

## **III. PAROLE HEARING ON JULY 28, 2015**

John Swist appeared before the Massachusetts Parole Board for the fourth time for a review hearing and was represented by Attorney John Rull. Swist is 50-years-old and is currently serving his sentence at MCI-Norfolk, where he has been since November 1996. He has been incarcerated for 30 years.

Swist provided an opening statement in which he apologized for his "horrible and senseless crime" and said that he is now "absolutely committed to a life of nonviolence and positive growth." Attorney Rull also provided an opening statement that detailed Swist's life prior to his incarceration, including a difficult upbringing and substance abuse. Attorney Rull commented on Swist's accomplishments while incarcerated, including his participation and leadership in institutional programming, as well as becoming comfortable with his own bisexuality. Attorney Rull outlined Swist's parole plan of stepping down to a lower security facility and then to a long-term residential treatment program, while also pursuing a master's degree.

A Board Member asked Swist about the defining moments in his life. Swist testified that the emotional and sexual abuse he experienced as a child were "incredibly traumatic" and "played a key role" in the development of his anger and substance abuse. Swist testified that his insecurities about his sexuality as a teenager also contributed to his anger and self-hatred. Swist said that education and becoming "the person who I always should have been" are his



biggest accomplishments while incarcerated. Swist stated that he gained insight through programs and that his triggers have been reduced. He identified his current triggers as brief moments of doubting himself. When asked about areas where Swist needs further work, he told the Board that he is "hungry" for therapy. The Board commented on Swist's recent involvement in programming, but noted his lack of program involvement prior to 2008. Swist acknowledged that he participated in few programs prior to 2008 because he first needed to obtain "self-forgiveness." He testified that he would "run away" from challenging situations, but is now more accepting of himself. When asked about his substance abuse, Swist testified that he initially used substances daily while incarcerated, but stopped in 1988 because of "self-preservation" after seeing violence in the institution from drugs and alcohol. When asked if he currently attends substance abuse programs, Swist said that he has not attended AA or NA in several years due to their heavy reliance on faith. Swist said he cannot "plug into" the faith-based component of AA and NA, but would be interested in attending AA or NA that is not faith-based, if paroled.

The Board noted that Swist was on parole at the time the murder occurred. Swist told the Board that his previous incarceration was "spent doing nothing," that he "learned nothing," and that on the day he was paroled, he began looking for drugs and alcohol in the community. While on parole for his previous offense, Swist testified that he purchased a gun and carried it "sporadically," but did not use it to commit a crime. Swist said that he would shoplift, rob individuals, and steal from drug dealers in order to get drugs for himself. Regarding the murder of Mr. Michael, Swist described himself as "consumed by anger" during that period of his life and said that "I really despised myself and who I was and who I might be and the questions about my sexuality and my life in general." He described a "wave" of anger that came over him at the time of the murder. Swist told the Board that he initially planned to rob Mr. Michael on the street, but Mr. Michael invited Swist to his home to "drink and smoke."

Swist testified that he viewed this invitation as an opportunity for him to steal more of Mr. Michael's belongings. Swist said that he saw characteristics in Mr. Michael that he despised about himself. Despite being questioned by several Parole Board Members about this, Swist continued to claim that the hate he felt was only directed at himself. He said that Mr. Michael was a "scapegoat." Swist also claimed that Mr. Michael requested to be hog-tied. After the murder, Swist said he took several hundred dollars from Mr. Michael, as well as his car and other keys. When asked about the "rush" and the lack of remorse he felt (as indicated in his version of the offense that was told to parole staff), Swist said he did not remember using that language and that he did not feel a rush. Instead, he told the Board that he felt "regret and fear" within hours of the murder. Attorney Rull said that he submitted a list of discrepancies in the parole hearing documents, including this detail. Attorney Rull said that those statements were derived from a previous parole package, and that Swist does not remember making those statements. It is unclear if Swist truly did not make those statements, or if he is attempting to retract those statements due to their incriminating nature.

Multiple Board Members focused extensively on the likelihood that the murder was a hate crime due to Mr. Michael's homosexuality. They commented on an instance where Swist reportedly made a comment about robbing a "queer" man. Swist described this instance, but testified that he does not remember using hateful language. Swist testified that he did not target LGBTQ individuals, but that he has "victimized" them before. Swist described his robberies as "crimes of convenience" that were not limited to LGBTQ individuals, but stated that



he robbed homosexual men on several occasions because he lived near a homosexual community. When pressed to identify if this murder was a hate crime, Swist denied that it was.

Swist's brother and mother spoke in support of parole. His brother testified that Swist had a large impact on his success and guided him in a better direction. His brother said he will help Swist adjust and surround himself with positive people. Swist's mother testified on the remorse that Swist experiences. She said that she is proud of his accomplishments and will continue to support him.

Bristol County Assistant District Attorney Aaron Strojny spoke in opposition to parole. ADA Strojny testified that this crime was a hate crime and cited several instances where Swist made derogatory comments about homosexual men. He also noted conflicting information in details of the offense, including information that Mr. Michael had never requested to be hog-tied by his previous partner. ADA Strojny also noted the gruesome nature of the murder, and that Mr. Michael was strangled until his "eyeballs popped out of his head."


Attorney Rull provided a closing statement that explained that Swist currently works and associates with inmates from various backgrounds and sexual orientations, and that Swist has respect from both inmates and staff. Attorney Rull said that Swist has obtained "true rehabilitation" through his extensive involvement in programs and education. Swist also provided a closing statement that expressed his sorrow and remorse and how he is committed to living a "healthy life."

#### **IV. DECISION**

Swist brutally murdered 33-year-old John Michael in 1985. Swist was 19-years-old at the time of the murder and on parole for other crimes. He is currently 50-years-old and has been incarcerated for 30 years. Although Swist has involved himself in programming in recent years, his investment in meaningful rehabilitation primarily began in 2008. Despite his stated commitment to rehabilitation and his stated insight, he does not appear to understand or accept the precipitants to committing this murder. While the Board recognizes that Swist victimized multiple people of various sexual orientations, it is apparent that Swist's self-loathing and confusion about his own sexual orientation has played a significant role in his amount of rage and brutality, and his decision to murder Mr. Michael. While Swist does not argue that he tied up Mr. Michael and viciously attacked him, his testimony (that the victim requested to be tied in such a position) not only appears incredulous, but also lacks the candor that the Board deems essential to rehabilitation. The Board concludes that the evidence does not support Swist's version of the offense, and that Swist has not demonstrated the level of rehabilitation that merits a parole release.

The standard 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 an 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, it is the unanimous opinion of the Parole Board that John Swist does not merit parole at this time. Swist does not have sufficient insight into the circumstances of the murder. The review will be in five years, during which time Swist should continue to involve himself in programs that focus on the emotional awareness and understanding of the motives of his criminal 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.*

  
Michael J. Callahan, General Counsel

September 17, 2015  
Date