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Tina M. Hurley
Chair

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Acting Executive Director

RECORD OF DECISION

IN THE MATTER OF

JOHN SWIST
W42841

TYPE OF HEARING: **Review**

DATE OF HEARING: **October 26, 2023**

DATE OF DECISION: **January 4, 2024**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted to CRJ following completion of Sex Offender Treatment Program, but not before District Attorney clearance.

PROCEDURAL HISTORY: On October 6, 1986, in Bristol Superior Court, John Swist pleaded guilty to the second-degree murder of John Michael, Jr. He 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. Parole was denied following an initial hearing in 2000, and after review hearings in 2005, 2008, 2015, and 2020. On October 26, 2023, John Swist appeared before the Board for a review hearing. He was represented by Attorney Justin Drechsler. The Board's decision fully incorporates, by reference, the entire video recording of John Swist's October 26, 2023 hearing.

STATEMENT OF THE CASE: On the evening of June 26, 1985, John Swist, age 19, was walking down a main street in Fall River. Mr. Swist had just left a bar (after drinking extensively) and was approached by John Michael, age 33, in his car. Mr. Swist agreed to accompany Mr. Michael back to his apartment in Fall River, where they consumed more alcohol. The conversation, according to what Mr. Swist told his girlfriend, turned to homosexual activities. The men ended up in Mr. Michael's bedroom, where Mr. Swist tied up Mr. Michael and then strangled him to death. Mr. Swist then ransacked the apartment, stole money and jewelry, and left the scene with Mr. Michael's car. Days later, when Mr. Michael's landlord went to collect overdue rent from another tenant, he found Mr. Michael's door ajar. The landlord 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 a conversation with his girlfriend, Mr. Swist indicated that he murdered Mr. Michael because he did not want Mr. Michael to be able to identify him [Swist]. He stated that "the last queer that [Swist] rolled was able to do so." Mr. Swist fled the state a few days after the discovery of the body. He was found in Chicago, where he was placed under arrest as he stepped off a bus. Mr. Swist was returned to Massachusetts, where he made statements to police that implicated him in the murder of John Michael.

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 (if applicable).

DECISION OF THE BOARD: This is 58-year-old John Swist's sixth appearance before the Board. Mr. Swist has completed over 80 programs during his 38 year incarceration. He has been sober for 28 years. Mr. Swist has been involved in the school programs for the last ten years and has been employed as a clerk in the library since 2019. He has been disciplinary report free since 2007. Mr. Swist has engaged in educational opportunities and earned his bachelor's degree. Mr. Swist has now engaged in Sex Offender Treatment programming, as had been recommended by the Board in its prior decisions. Mr. Swist has demonstrated a commitment to programming and addressed the concerns of the Board regarding his re-entry to the community. ADA Jason Mohan appeared on behalf of the Bristol District Attorney's Office. Multiple people appeared at the hearing in support of Mr. Swist. The Board concludes by unanimous decision that John Swist has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society, subject to special conditions.

SPECIAL CONDITIONS: Waive work for two weeks; Curfew - must be home between 10.P.M. and 6.A.M. or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned Massachusetts Parole Office on day of release; No contact with victim's family; Must have substance abuse evaluation and must comply with recommended treatment plan; Must have mental health counseling for transitional purposes and major depressive disorder; CRJ program.

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.


Tina M. Hurley, Chair

1/4/24
Date