



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

JOHN ZWICKER
W49269

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **April 25, 2023**

DATE OF DECISION: **October 23, 2023**

PARTICIPATING BOARD MEMBERS: Tina M. Hurley, Dr. Charlene Bonner, Tonomey Coleman, Dr. Maryanne Galvin,¹ James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On October 25, 1990, John Zwicker was found guilty in Plymouth Superior Court of armed assault in a dwelling (two counts), for which he received two concurrent life sentences with the possibility of parole. He completed concurrent sentences of 30 to 40 years on two counts of armed assault with the intent to murder a person 65 or older, two counts of armed burglary, and two additional counts of armed home invasion. Additionally, he received 9 to 10 years for two counts of kidnapping.

On three separate occasions in August 1989, John Zwicker broke into the home of an elderly couple in Brockton. On two of those occasions, he tortured and violently assaulted a 79-year-old male and his 82-year-old wife, both of whom were in poor health. Mr. Zwicker first broke into the couple's home on August 11, 1989, by entering the house through a window in the kitchen and stealing a revolver and ammunition. Six days later, on August 17, Mr. Zwicker appeared in the couple's bedroom carrying the victim's gun. He held the gun to the victim's face and demanded money and valuables. Mr. Zwicker also tormented the couple by engaging in a version of Russian roulette. He removed three bullets from the victim's gun and placed the two remaining bullets in alternate chambers. He pointed the gun back and forth at the couple, asking "which one of you wants to die first?" When neither responded, he pointed the gun at the victim and pulled the trigger not once, but twice. Mr. Zwicker raised the gun a third time and said to the victim, "Guess what's coming next?" The victim turned to his wife and said, "Goodbye." Mr. Zwicker never pulled the trigger. Instead, he warned the victim not to call police and then left

¹ Board Member Galvin was present at the hearing, but did not participate in the decision.

with items he had stolen from the couple. The victim ignored Mr. Zwicker's warning and called the police. He wrote down what happened and kept his notes on the kitchen table.

Ten days later, on August 27, 1989, Mr. Zwicker returned to the victim's home and appeared in their bedroom at around 5:00 a.m. He held a knife in one hand and the victim's notes about the prior incidents in the other. He ordered the male victim from the bed and into a chair, secured him with a belt and, using electrical wire and tubing from the female victim's oxygen tank, bound his hands behind his back. He did the same to the female victim. When she tried to scream, he brandished a riding crop and beat her with it. Mr. Zwicker then turned his attention to the male victim, jabbing him in the back, side, and stomach with the knife. He then beat the female victim with the broken riding crop and a whip. Mr. Zwicker's sadistic torment continued. After stabbing the female victim in the leg, Mr. Zwicker threatened to kill the couple if they reported the incident. He then left with a number of stolen items, but was apprehended a short time later.

Mr. Zwicker appealed his case in 1991 (Commonwealth v. Zwicker, 33 Mass. Appellate Court, 1119 (1992)). The judgments were affirmed. A further appellate review was denied (Commonwealth v. Zwicker, 414 Mass. 1103 (1993)).

PAROLE HEARING: Mr. Zwicker appeared before the Parole Board for a Review Hearing on April 25, 2023. He was not represented by counsel. The entire video recording of Mr. Zwicker's April 25, 2023, hearing is fully incorporated by reference in the Board's decision.

DECISION OF THE BOARD: 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.

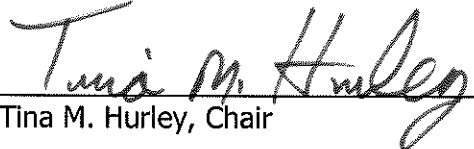
After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. The Board will review in 3 years.

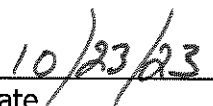
In forming this opinion, the Board has taken into consideration Mr. Zwicker's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Zwicker's risk of recidivism. After applying this standard to the circumstances of Mr. Zwicker's case, the Board is of the unanimous opinion that John Zwicker is not rehabilitated and, therefore, does not merit parole at this time.

The Board is of the opinion that John Zwicker has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. He has been incarcerated for 33 years for the brutal and sadistic torture of two elderly victims. He denied any memories of his crimes and claimed he was in a "fugue" or dissociative state. After a pretrial competency evaluation, he did not have a major mental illness but was diagnosed with anti-social personality disorder and learning disabilities. Subject has a history of setting fires (3 counts). He

self-reported a history of numerous mental health diagnoses; however, states he no longer suffers from any current mental health issues and takes no medication. His last report of an episode was from 2009. The Board suggests that Mr. Zwicker might benefit from a mental health evaluation and a referral to counsel to assist him with a current forensic psychologist report given his mental health history.

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


Date