



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION
IN THE MATTER OF
LEONARD ORCUTT**

W88790

TYPE OF HEARING: Initial Hearing
DATE OF HEARING: October 27, 2015
DATE OF DECISION: December 22, 2015

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Sheila Dupre, Tonomey Coleman, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE 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 scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On December 1, 2006, in Plymouth Superior Court, Leonard Orcutt was convicted of three counts of unarmed robbery. The following day he was convicted in the same court of being a habitual offender. Subsequently he was sentenced to concurrent terms of life in prison, with the possibility of parole. Mr. Orcutt is currently 57 years old.

On September 22nd 2000, Mr. Orcutt participated in three bank robberies. Mr. Orcutt robbed the Abington Savings Bank and the Brockton Credit Union in Abington, Massachusetts. Later that same day, Mr. Orcutt robbed the South Shore Savings Bank in Weymouth Massachusetts. All three robberies took place within the course of approximately one half hour. Mr. Orcutt did not display a weapon and no physical injuries were inflicted during the robberies.

The ensuing investigation eventually focused on Mr. Orcutt. On September 26, 2000, investigators arrested Mr. Orcutt in Whitman, Massachusetts. Subsequent to his arrest, Mr.

Orcutt confessed to all three robberies. Mr. Orcutt also confessed to multiple other robberies he was involved in but was never prosecuted for.

II. PAROLE HEARING ON OCTOBER 27, 2015

Mr. Orcutt came before the Parole Board on October 27, 2015 for an initial hearing. Mr. Orcutt gave an opening statement to the Board, in which he apologized for his actions. During the course of the hearing, he spoke about the day of the robberies. According to Mr. Orcutt he gravitated toward robbing banks because he felt it minimized the potential harm to victims. Mr. Orcutt acknowledged to the Board that he now understands his actions were not victimless and he was responsible for the harm he caused.

When questioned by the Board, Mr. Orcutt addressed his behavior prior to his incarceration. Mr. Orcutt described his criminal history as "horrendous". According to Mr. Orcutt he has participated in multiple robberies, many of which he was never prosecuted for. Some of these incidents took place in Massachusetts while others occurred in Florida. Mr. Orcutt cited his battle with substance abuse as the primary motivating factor behind his involvement in these crimes. He also acknowledged difficulty he experienced throughout his institutional adjustment.

Mr. Orcutt discussed with the Board statements he has made in the past in which he expressed the importance of placing victims in fear during a robbery. According to Mr. Orcutt he made these statements in reference to efforts he has taken to protect the victim of his robberies. Mr. Orcutt explained that a victim who was fearful would be less likely to challenge him during a robbery and thus less likely to be injured.

Mr. Orcutt discussed the benefits he has received from his involvement in programming during his incarceration. Mr. Orcutt has participated in multiple programs, including Jericho Circle, Emotional Awareness, and Alternatives to Violence. His participation in programs to address his substance abuse issues, however, has been limited.

In addition to Mr. Orcutt, the Board also received live testimony from numerous witnesses, both in support of and in opposition to Mr. Orcutt's petition for parole. The Board considered testimony from a family friend who described her belief that Mr. Orcutt was ready and able to contribute to society. The Board also heard from Mr. Orcutt's brother who expressed support for his release. Mr. Orcutt's brother described him as a very caring person who lost his way due to his involvement with drugs. Assistant District Attorney Jason Thomas testified on behalf of the Plymouth County District Attorney's Office. ADA Thomas highlighted Mr. Orcutt's criminal history as the primary basis for his argument to deny parole.

III. DECISION

The Board is of the opinion that Mr. Orcutt has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes a longer period of positive institutional adjustment and programming that addresses his substance abuse issues would be beneficial to Mr. Orcutt's rehabilitation.

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. Orcutt'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 whether risk reduction programs could effectively minimize Mr. Orcutt's risk of recidivism.

After applying this standard to the circumstances of Mr. Orcutt's case, the Board is of the unanimous opinion that Mr. Orcutt is not yet rehabilitated and therefore does not merit parole at this time. Mr. Orcutt's next appearance before the Board will take place in five years from the date of the review hearing related to this decision. During the interim, the Board encourages Mr. Orcutt to continue working towards his full rehabilitation by committing to programming that addresses his substance abuse issues.

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 Callahan, Executive Director

December 23, 2015
Date