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DECISION

IN THE MATTER OF

MICHAEL BRUYETTE

W42615

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: June 10, 2014

DATE OF DECISION: December 12, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe, Josh Wall

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 a vote of four to two¹ that the inmate is not a suitable candidate for parole. Board Members Bonner and Coleman voted to grant a parole reserve to the Interstate Compact. Parole is denied with a review in two years from the date of the hearing.

I. STATEMENT OF THE CASE²

On July 9, 1986, Michael Bruyette pleaded guilty in Hampden Superior Court to murder in the second degree for killing Thomas Grimshaw, age 30, in Chicopee, Massachusetts. Bruyette was sentenced to life in prison. Bruyette pleaded guilty to conspiracy to commit murder and received a seven to ten year sentence ordered to run from and after his life

¹ Board Member Sheila Dupre was excused from the hearing.

² The facts of the case are derived from police reports, prior Board decisions, and *Commonwealth v. Lisa Becker Grimshaw*, 412 Mass. 505 (1992), a decision by the Supreme Judicial Court affirming co-defendant Lisa Grimshaw's conviction for manslaughter.

sentence for murder. Under the parole eligibility rules in effect at that time,³ the Board aggregated his consecutive sentence with his life sentence, which yielded a single parole eligibility date in August 2002.

This is Bruyette's fourth appearance before the Board. He was denied parole following his initial hearing in 2002 and granted parole following his review hearing in 2007. Bruyette was actually released on parole on October 26, 2009 to live with his father and step mother in Palm Bay, Florida on an Interstate Compact. He remained in Florida under parole supervision until his return to Massachusetts, when his parole was revoked in 2011. Bruyette appeared before the Board on June 12, 2012 for a review hearing following revocation. Parole was denied and a two year review date was set which resulted in this hearing.

Shortly before Mr. Grimshaw's body was discovered on June 5, 1985, Lisa Grimshaw, age 23 (the victim's estranged⁴ wife), solicited Bruyette, age 20, and two others⁵ to kill Thomas Grimshaw. Lisa Grimshaw told the three men about physical abuse she endured by her husband and stated that Mr. Grimshaw had a \$300,000 life insurance policy that she would share with them if they assisted her in killing him.⁶

On the night before the murder, Bruyette and his co-defendants met at Grimshaw's apartment to confirm their plan. Bruyette had baseball bats in his car that a co-defendant had taken from the victim's garage⁷ to use in the murder. Lisa Grimshaw drove Bruyette and one of the associates⁸ to a boat launch area on a river in Chicopee where they hid, awaiting her return. Ms. Grimshaw also provided Bruyette with a photograph of the victim.

Ms. Grimshaw went to Mr. Grimshaw's workplace as he was getting off his shift at 3:00 am and lured him into the car with the promise of sex. She drove the victim to the boat launch, where Bruyette and an associate were waiting with bats in hand to attack him. Bruyette struck the victim in the back of the head and face repeatedly and stole his wallet. Bruyette and his associate left the victim's body by the river bank and threw the bats out the window of Ms. Grimshaw's car as they fled the scene. Later that night, they cleaned the car and stayed at Ms. Grimshaw's apartment, where Bruyette and Grimshaw slept together.

³ See 120 CMR 200.08(3)(c), providing, "A sentence for a crime committed on or after January 1, 1988 which is ordered to run consecutive to a life sentence shall not be aggregated with the life sentence for purposes of calculating parole eligibility."

⁴ The couple was separated and not living together. Lisa Grimshaw had filed for divorce in December of 1982.

⁵ The associates were Ronald Ashey, 19, and his younger brother, Michael Ashey, who was a juvenile at the time.

⁶ Although indicted for first degree murder, Lisa Grimshaw successfully advanced a defense of battered woman's syndrome and was convicted of manslaughter and conspiracy to commit murder. Accordingly, Lisa Grimshaw was sentenced to serve 15 to 20 years for the manslaughter and a concurrent sentence of six to ten years for conspiracy. Michael Ashey, who struck Grimshaw with a bat, was a juvenile and pleaded "delinquent" to murder and was committed to the Department of Youth Services. Ronald Ashey was originally indicted for being an accessory before and after the murder, but *nolle prosequi* were filed on all charges.

⁷ Testimony revealed that Ronald Ashley had stolen the baseball bats from Thomas Grimshaw approximately one week prior to the murder.

⁸ The other associate, Ronald Ashey, remained behind to babysit the Grimshaws' child. After the murder, he told police what had occurred.

II. PAROLE HISTORY

After he was released on parole on October 26, 2009, Bruyette appeared to be adjusting well to his re-entry into the community in Florida. Bruyette took positive steps while on parole that included obtaining full time employment with the City of Palm Bay in their maintenance department and reporting that he had an internship with the City's wastewater management plant. However, on May 6, 2011, Bruyette was arrested and charged with domestic assault and domestic battery. The victim of this offense was a live-in girlfriend who was granted a protective order under Florida law on May 10, 2011.

Although he was found not guilty of the domestic offenses, Bruyette's parole was revoked because his conduct (while it did not result in criminal convictions) constituted several violations of parole conditions. Parole violations included irresponsible conduct (as Bruyette verbally threatened to kill the victim and punched a wall in anger); association with a person with a known criminal record; and violation of a liquor abstinence condition (as evidenced by a photograph of him holding a bottle of beer and testimony that he "drinks every day"). When combined with the issuance of the protective order, the Board concluded that Bruyette was not fit to remain in the community.

Upon his return to Massachusetts as a parole violator in September 2011, Bruyette was employed as a runner at MCI-Cedar Junction. After transferring to MCI-Norfolk in January 2012, Bruyette was unemployed and did not engage in any programming. On June 12, 2012, Bruyette appeared before the Board for a review hearing following revocation and he failed to demonstrate he was no longer a public safety risk. The Board had concerns regarding his lack of insight into his conduct that led to re-incarceration. Re-parole was denied as Bruyette took little responsibility for his actions, instead blaming his plight on a "disgruntled ex-girlfriend."

III. REVOCATION REVIEW HEARING ON JUNE 10, 2014

Michael Bruyette began the hearing by offering an opening statement that included an expression of remorse for the murder of Thomas Grimshaw. Bruyette stated that he failed to understand the full scope of his responsibility for conduct that led to his 2011 parole revocation. Bruyette offered that he now accepts that he was in a personal relationship he should not have had in the first place. He acknowledges that he could have reached out to his supports, including his family and parole officer, to assist him in dealing with issues in his failing relationship which then led to his parole revocation.

Bruyette discussed that since his return to prison in 2011, he has participated in some programming. As of this hearing, Bruyette participates in AA / NA on a weekly basis, although he contends he has no issues with alcohol or drugs.

After his return, Bruyette completed programming that included Emotional Awareness, Restorative Justice, and Countdown to Freedom. Bruyette contended that he had a mindset that was without remorse and marked by a sense of entitlement, but since completing programs such as Emotional Awareness, has developed a level of empathy that would now prevent him from repeating his criminal behavior. Bruyette connected his own feelings of pain by stating that he saw firsthand the negative impact abuse had on his mother and her ultimate

murder, and how he was able to relate his own feelings to what the Grimshaw family must have experienced as a result of his criminal behavior.

The purpose of Bruyette's participation in Restorative Justice was to afford the victims of his crime (in this case, the surviving members of Thomas Grimshaw's family) the opportunity to address Bruyette, the man who so grievously harmed them. It would also provide Bruyette with a better understanding of the impact of his actions and an opportunity to make amends. Of course, that program requires the voluntary participation of the victim's family, which unfortunately in Mr. Bruyette's case, was lacking. Bruyette instead served in an observational role, witnessing the positive and remedial impact this program had on others.

When pressed at the hearing, Bruyette maintained that the decision to revoke his parole was unfair and he repeated the same rationale advanced at his prior hearing. He stated that the person who received the protective order had fabricated the event; that his parole failure was due to being in a "bad relationship"; and that the Board treated him unfairly by returning him to Massachusetts. In so doing, Bruyette overlooked the other aspects of his parole revocation and thus missed an opportunity to demonstrate the skills he contends he has learned in rehabilitative programming since his return.

When asked about programming that he thinks could help him, Bruyette initially related that he could not think of any, but that he had tried to get into the Correctional Recovery Academy (CRA). When asked about additional programming he could have utilized, or efforts he could have taken to advance himself from waiting lists, Bruyette was at times defiant and argumentative.

In seeking a re-parole, Bruyette would like to resume his life in Florida. Bruyette claims support from a significant other and her family, and would like to resume employment with the City of Palm Bay or another municipality in the same line of work that he had while on parole.

There were no attendees at the hearing in support of Bruyette's parole. Hampden County Assistant District Attorney Howard Safford spoke in opposition to parole. ADA Safford discussed the circumstances of the murder of Mr. Grimshaw and noted Bruyette's minimization of his role in the revocation of his parole.

IV. DECISION

At one time, the Board determined that Michael Bruyette was suitable for parole and he had some success. Bruyette had invested himself in rehabilitative programming and continued his education. When released on parole in 2009, he found employment with a Florida municipality in its maintenance department. Bruyette reportedly sought further advancement by availing himself of an internship program to develop skills in waste water management.

Mr. Bruyette, however, detoured from a path of rehabilitation which resulted in the revocation of his parole in 2011. Although the criminal charges stemming from the incident of domestic violence were dismissed, Michael Bruyette bears responsibility for the revocation of his parole, his denials and minimizations notwithstanding. Additionally, Bruyette presents as angered and unable to control his temper, particularly when challenged by Board Members

regarding his continued belief that his return to Massachusetts was the product of an unfair process, rather than by his violation of parole conditions, as outlined in this opinion.

Since being returned to custody, Mr. Bruyette seems to have benefitted from some of the institutional programming made available to him, including his participation in Emotional Awareness. However, it is clear from his minimization of his parole violation and his angry and, at times, defiant presentation at the hearing, that Mr. Bruyette needs to re-focus his efforts to manage his anger and develop better active listening skills.

The standard we apply in assessing candidates 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 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 opinion of the Board, by a vote of four to two (Board Members Bonner and Coleman voted for parole to Interstate Compact with conditions to follow), that Michael Bruyette does not merit parole at this time because Bruyette is not rehabilitated. The review will be in two years from the date of this hearing, during which time Bruyette should commit to a fuller rehabilitation that addresses the areas of his anger and lack of candor.

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.


Janis DiLoreto Smith, Executive Director

12/12/14
Date