

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

PAROLE BOARD

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Gloriann Moroney
Chair

DECISION

IN THE MATTER OF

MICHAEL FOSTER

W46916

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **January 24, 2019**

DATE OF DECISION: **September 5, 2019**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Paul Treseler¹

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 four years from the date of the hearing.

I. STATEMENT OF THE CASE

On August 14, 1989, in Norfolk Superior Court, Michael Foster pleaded guilty to the second-degree murder of Anna Foster and was sentenced to life in prison with the possibility of parole.

On December 20, 1986, 18-year-old Anna Foster's naked and clothesline-bound body was discovered in a pond in Wrentham. Ms. Foster had been missing since November 1, 1986. It was determined that Ms. Foster died of strangulation, and that her body had been in the pond for several weeks at the time it was discovered. Michael Foster (age 22) and Ms. Foster had attended a Halloween party on the evening of October 31, 1986. After the party, they

¹ Board Member Treseler was not present at the hearing, nor did he vote. At the time of vote, he was no longer a Board Member. Chair Moroney abstained from the vote, as she was not a Board Member at the time of hearing.

went to a friend's house. In the early morning hours after leaving the friend's house, Mr. Foster strangled his wife. He tied her body with a clothesline and submerged it in a nearby pond in an attempt to conceal the crime. Mr. Foster subsequently joined in efforts to try and find his wife.

Mr. Foster fled to Florida after the body was discovered and, while there, was convicted of several offenses, including battery on a law enforcement officer, disorderly conduct, and grand theft (stealing an automobile). Although he initially fought extradition, Mr. Foster was returned to Massachusetts in 1989 to face the murder charge.

II. PAROLE HEARING ON JANUARY 24, 2019

On January 24, 2019, Michael Foster, now 54-years-old, appeared before the Parole Board for a review hearing. He was represented by Northeastern Law Student Christopher Huben. Mr. Foster was denied parole after his initial hearing in 2004, and after review hearings in 2009 and 2014. In his opening statement to the Board, Mr. Foster read a letter in which he apologized to his mother-in-law for murdering her daughter and then living in her (the mother-in-law's) house afterwards. He apologized, as well, for participating in search parties, while knowing that he was the one responsible for the death of Ms. Foster. Mr. Foster also apologized to his daughter.

When the Board questioned him about his childhood, Mr. Foster spoke of how he started drinking alcohol when he was 11-years-old and that, after his family took in foster children, his drinking and drug use increased. He explained that he was small for his age and was bullied by his peers. When questioned as to whether he had a history of domestic violence, Mr. Foster said that Ms. Foster was his first serious relationship, stating that he "only" hit her on two occasions prior to the murder. Mr. Foster claims that he now recognizes he was a batterer, and that he was emotionally abusive to Ms. Foster as well. Mr. Foster also admitted that he was abusive towards the foster children that his parents had taken in.

When the Board questioned him about the murder of his wife, Mr. Foster admitted that he acted out of jealousy. He and Ms. Foster had been drinking at a party, but argued after someone had flirted with her. The argument resumed when they went back to her mother's house, and he punched Ms. Foster. After punching her, Mr. Foster knew that his marriage was over, stating that Ms. Foster was going to leave him. At that point, he strangled her to death. While he was strangling her, however, Ms. Foster scratched him, causing him to bleed. Mr. Foster worried that his blood on Ms. Foster's clothes would tie him to the murder, so he undressed her and changed his clothes to hide the evidence. Mr. Foster reported how he put Ms. Foster's body in his car and drove to a nearby lake. He tied her arms to her feet, weighted the body down with a cinder block, and then sank the body in the lake. Mr. Foster explained that he returned to the party to create an alibi for himself. He later joined Ms. Foster's parents in search parties, where he pretended to look for her.

The Board questioned Mr. Foster as to his disciplinary reports, including reports for giving tattoos to white supremacist security threat groups and reports for fighting. Mr. Foster denied being a racist, or belonging to a security threat group, and reported that he has not given any tattoos since 2011. Mr. Foster admitted to provoking one of the fights because the inmate was "acting like a jerk." Mr. Foster said that another fight escalated after other inmates insinuated that he was a homosexual.

Board Members discussed Mr. Foster's program involvement during his incarceration. Mr. Foster stated that he completed the Correctional Recovery Academy and is an active member of Alcoholics Anonymous, having been sober for nearly 24 years. A Board Member expressed concern, however, when Mr. Foster shared that he had stopped going to AA meetings for three years. Mr. Foster reported that since his last hearing, he earned a certificate from the NEADS dog program and Graduate Maintenance Program, completed Jericho Circle (twice), participates in the Native American Circle, and works in the Garden Program and in the gym. He said that he is on the waiting list for the Restorative Justice Program. A Board Member expressed concern that, despite 32 years in prison, Mr. Foster has only addressed his domestic abuse issues within the last year. Mr. Foster's parole plan includes a step down to a lower-security facility for one year and then enrollment in a long-term residential program. He plans to attend Alcoholics Anonymous, individual counseling, and domestic abuse counseling. He has a certificate in welding and hopes to find work as a welder.

Ms. Foster's mother and daughter testified in opposition to parole. Her daughter also submitted a letter of opposition. Norfolk County Assistant District Attorney Marguerite Grant testified in opposition to parole and submitted a letter of opposition, as well. Plainville Police Chief James Alfred submitted a letter of opposition

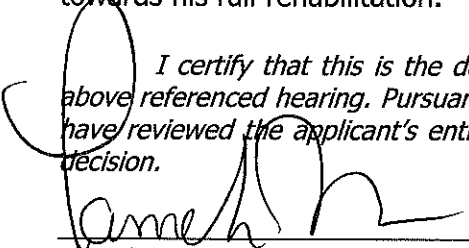
III. DECISION

The Board is of the opinion that Mr. Foster has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Michael Foster brutally murdered his wife and the mother of his child. He has yet to demonstrate a level of rehabilitation that is compatible with the welfare of society.

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. Foster'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. Foster's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Foster's case, the Board is of the unanimous opinion that Michael Foster is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Foster's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Foster to continue working towards his full rehabilitation.

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.


Pamela Murphy, General Counsel

9/5/2019
Date