



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF
MICHAEL HISKIN
W54868

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 10, 2015**

DATE OF DECISION: **December 22, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 at this time. Parole is denied with a review in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On July 28, 1993, in Plymouth Superior Court, Michael Hiskin pleaded guilty to second degree murder and was sentenced to life in prison with the possibility of parole.²

On May 9, 1991, Michael Hiskin (age 21) and his co-defendants Malcom Robinson and Leroy Ivey shot and killed 22-year-old Henry Bynum. Two other victims, a man and a woman, were also shot in the attack, but survived.

¹ The decision to deny parole was unanimous, but five Board members voted to deny parole with a review in 3 years, while one Board member voted to deny parole with a review in four years.

² There are two co-defendants, Malcom Robinson and Leroy Ivey, who also plead guilty on July 28, 1993, to second degree murder. Robinson and Ivey were sentenced to life in prison with the possibility of parole. Ivey was released on parole in March of 2009, and Robinson was released on parole in November of 2009.

On the night of the murder, Hiskin and his co-defendants drove up to 11 Park Street in Brockton asking for "Chuck." They then drove away, but circled back and told people in front of the house to tell "Chuck" that "Chris" (Ivey) wants his money. The third time they returned, they pulled into a lot next to 11 Park Street and began shooting at the house. Mr. Bynum and the other victims were struck by gunfire. The cause of Mr. Bynum's death was multiple gunshot wounds.

Later that evening, Hiskin bragged to a witness, "We shot two dudes and their bitch" and "I was the one who hit him, I had the dead shot." The police apprehended Hiskin and Robinson the following day. When they were taken into custody, they had a .380 caliber firearm in their possession. Ballistics testing confirmed that this was the gun used in the shooting death of Mr. Bynum.

II. PAROLE HEARING ON SEPTEMBER 10, 2015

On September 10, 2015, Michael Hiskin appeared before the Parole Board for the third time. He was previously denied parole after his initial hearing in 2006, and then again in 2011. Hiskin is currently 46-years-old and incarcerated at Shirley Medium where he has been since 2010.

Hiskin provided an opening statement where he apologized for his crime, stating that he "made a mistake," and acknowledged that the victims' families are likely still grieving. Board members then asked relevant questions about Hiskin's upbringing. Hiskin testified that at age 13, he began as a "lookout" for drug dealers, began selling marijuana soon thereafter, and eventually began selling cocaine and crack. Hiskin said he earned thousands of dollars a week selling drugs, that he carried weapons, and was expelled from school due to a Department of Youth Services commitment.

Although Hiskin is committed under the name "Michael Hiskin," he told the Board his birth name is "Sam Jones" and he used the name Michael Hiskin as an alias when he was arrested for the murder. He has numerous prior criminal charges under both names. He said he has also used the name "Teddy Smith." When asked about his multiple aliases, Hiskin said that it was the "nature back then" to use an alias when arrested.

Regarding the murder, Hiskin testified that he did not know the victims prior to the attack. He said that one of his co-defendants knew one of the victims and had problems with him. Hiskin said he had consumed alcohol and smoked marijuana on the day of the shooting. He told the Board he was in the car with his two co-defendants, and he shot his gun 5-6 times at the three victims resulting in the death of Henry Bynum and injuries to the other two. Despite his prior claims of innocence, Hiskin testified at this hearing that he (Hiskin) was the only one who shot at the victims. When asked if he bragged to friends after the murder, Hiskin said he may have made some statements but insisted that they were lyrics to a rap song.

Parole Board members focused extensively on Hiskin's poor institutional adjustment. Hiskin has approximately 40 disciplinary reports, with three placements in the Disciplinary Detention Unit (DDU). His deviant behavior includes an attempted escape from Brockton District Court in 1993, fighting other inmates, threatening corrections officers, providing weapons to other inmates, possession of drugs and alcohol, and, most recently, making

inappropriate sexual comments to a staff member. Hiskin described the attempted escape as a "dumb, impulsive reaction" that he made when another individual said he had keys and could assist in an escape. While incarcerated, Hiskin testified that he was "pretty much not minding my business" in the early part of his incarceration and that this behavior resulted in numerous violent acts and disciplinary reports. Hiskin repeatedly told the Board that he was "trying to fit in" and spent time with the wrong people. Hiskin acknowledged that his violent behaviors resulted in three lengthy sentences in the Disciplinary Detention Unit (DDU), most recently in 2004 for 365 days. Hiskin adamantly denied the disciplinary report where he was found guilty of trying to introduce marijuana into the institution. He also denied knowing that juice could ferment and claimed that he did not intend to produce homebrew.

Parole Board members questioned Hiskin about the appeal he filed in 2005, where he claimed his innocence and attempted to withdraw his guilty plea. He was unsuccessful in his efforts and ultimately denied review by the Supreme Judicial Court in 2007.³ Hiskin told the Board that he filed the appeals because he was "bored," had "nothing to do," and thought it was the normal course of action after speaking with another inmate.

Parole Board members acknowledged Hiskin's relatively positive institutional adjustment after his release from his third DDU sentence, but questioned Hiskin about the disciplinary report he received in 2012 for making inappropriate sexual comments to a female staff member. Hiskin testified that the actions were "nothing serious" and that it was "light flirting." When asked further about the incident, Hiskin said he perceived the staff member to be making flirtatious gestures toward him and that he responded by going to her office and telling her she was "attractive." Hiskin repeatedly testified that this was the only incident and adamantly denied that he was attempting to pursue a sexual relationship. Hiskin said that he "panicked" and pled guilty to the disciplinary report but does not fully agree with the details of it. The female staff member worked in the Correctional Recovery Academy (CRA), and Hiskin was terminated from the program following the incident.

When asked about meaningful program participation, Hiskin said that the Correctional Recovery Academy (CRA) would have been the most meaningful program if he had completed it. He admitted he has not recently tried to re-enroll in the CRA. Hiskin has involved himself in programming since 2006, although his more recent program involvement has been primarily educational and not rehabilitative.

Hiskin seeks a parole to his one year consecutive sentence for his 1993 escape conviction. Following completion of that sentence, he would like to transition to a residential program that will provide him with structure and assist him with finding work. Hiskin told the Board that he also hopes to work with youth and help deter them from criminal lifestyles. He said he talks with his family frequently via telephone, but he is "ashamed" and asks them not to visit him in prison.

Hiskin's son, godmother, and girlfriend spoke in support of parole. His son described Hiskin as "an inspiration" who encouraged him to never become incarcerated. Hiskin's godmother and girlfriend described him as a "changed person."

³ See *Commonwealth v. Hiskin*, 68 Mass. App. Ct. 633 (2007); *Commonwealth v. Hiskin*, 449 Mass 1104 (2007).

Plymouth County Assistant District Attorney Suzanne McDonough spoke in opposition. She described Hiskin's crime as an "unprovoked and senseless killing." ADA McDonough acknowledged that Hiskin has made recent progress while incarcerated but that he is not ready for parole.

Hiskin concluded the hearing by apologizing for sounding deflective in his answers and attributed this to feelings of nervousness. He expressed his appreciation for his family support and stated that he is proud of his son.

III. DECISION

Hiskin has served approximately 24 years of his life sentence and has been denied parole on two previous occasions. Prior to the murder, Hiskin was involved in drug dealing and demonstrated violent and antisocial behavior. His antisocial, oppositional, and violent behavior continued throughout his incarceration. Hiskin has a lengthy disciplinary history, including a recent troubling disciplinary report in 2012 for inappropriate communications with a female staff member. During his incarceration he has received approximately forty disciplinary reports, three of which resulted in lengthy Departmental Disciplinary Unit sanctions.

Although Hiskin has demonstrated a much more positive adjustment in recent years, he still has more work to do. The Board questions Hiskin's credibility given his deflection of responsibility on multiple disciplinary reports, including the most recent infraction in 2012. The Board has concerns with his minimization of his extremely inappropriate behavior towards a female staff member. Furthermore, while Hiskin acknowledged the receipt of substance-related disciplinary reports during his incarceration, and the role drugs and alcohol played in the commission of the crime, he has yet to complete the CRA. He has also failed to complete any other meaningful rehabilitation programs since his last hearing in 2011. He has not fully demonstrated an ability to remain law-abiding, and does not consistently present truthful facts. Hiskin needs to work on his candor, demonstrate a longer period of positive adjustment, and invest in his rehabilitation.

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 unanimous opinion of the Board that Michael Hiskin does not merit parole at this time. The review will be in three years, during which time Hiskin should remain free from disciplinary reports, continue a positive institutional adjustment, and attend rehabilitative programming, particularly the Correctional Recovery Academy (CRA).

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 J. Callahan, Executive Director

December 22, 2015
Date