



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Paul M. Treseler
Chairman

DECISION

IN THE MATTER OF

MICHAEL MILLER

W87764

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 6, 2017

DATE OF DECISION: June 4, 2018

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

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 five years from the date of the hearing.

I. STATEMENT OF THE CASE

On June 5, 2006, Michael Miller was convicted of second degree murder in the death of Denise Shearrion. He was sentenced to the mandatory term of life in prison with the possibility of parole.

On August 12, 2002, Mr. Miller and Ms. Shearrion were at her apartment in Roxbury. Just before 6:00 a.m., Ms. Shearrion called 911 to report that she had been stabbed and was "bleeding real bad" and that she couldn't breathe. The operator heard Ms. Shearrion collapse, moan, and gasp for breath for several minutes. The operator also heard Ms. Shearrion utter her last words, "help me." When police and EMTs arrived, Ms. Shearrion was unresponsive and the apartment was awash in blood. Officers found a kitchen knife with a nine inch bloodstained blade on the

bathroom floor and a smaller knife in the rear bedroom. An autopsy determined that Ms. Shearrion received nine stab wounds and had bled to death.

After the stabbing, Mr. Miller called the restaurant (where he worked) and said he would not show up that day because he had a fight with his girlfriend, Denise. Mr. Miller said that she had come at him with a knife and cut him. He then took the knife away and stabbed her, but didn't know if she was still alive. Later that day, Mr. Miller went to his sister's house and changed out of a bloodstained shirt, which the sister later provided to police. One of the bloodstains yielded a DNA match to Ms. Shearrion. The next day, Mr. Miller surrendered willingly to authorities and gave a voluntary statement to two homicide detectives.

II. PAROLE HEARING ON JULY 6, 2017

Mr. Miller, now 50-years-old, appeared before the Parole Board for an initial hearing on July 6, 2017. He was not represented by counsel. In his opening statement to the Board, Mr. Miller apologized to Ms. Shearrion's family for taking her life and expressed his remorse. He also apologized to his own family. Mr. Miller was asked by a Board Member to explain some of the key factors that led him down a path of crime. Mr. Miller explained that when he was a teenager, someone put a shotgun to his face and threatened to kill him over his radio. He gave this individual the radio, but said that he could not let this happen again. So, he bought a firearm. He said, "As I went down that road, my life totally changed." He was asked by a Board Member if he used that weapon. Mr. Miller stated, "Yes, I did." He described an incident when he shot someone during a confrontation. Mr. Miller described another incident involving the same person, when he (Mr. Miller) shot him again. Mr. Miller indicated that he heard this person was paralyzed.

Mr. Miller was asked by a Board Member about his drug of choice during the early 2000's. Mr. Miller said, "I liked to drink beer a lot, sometimes alcohol, and every now and then a little cocaine." During the course of the hearing, Mr. Miller described the crime for which he is incarcerated. He said that his relationship with Ms. Shearrion was "on and off." He stated that on the night of the incident, Ms. Shearrion pulled out a knife. At some point, she dropped it. He said she went to get a second knife from the kitchen and started swinging it. At that time, he put his hand up. Mr. Miller was asked by a Board Member, "How many times did you stab her?" Mr. Miller responded, "At that time when it happened, I didn't know." When he saw the report, however, "it was like nine times." When asked why he stabbed her that many times, he stated that "fear and rage took over me." Mr. Miller was then asked about an incident that occurred while he was in custody. He explained that he took a lock and an extension cord and hit another inmate with it. The inmate then wrapped the extension cord around Mr. Miller's neck but, shortly thereafter, the fight was broken up.

Mr. Miller stated that he has been working in the mattress shop for approximately 7 years. Mr. Miller received his GED and completed two programs: Alternatives to Violence Basic and Alternatives to Violence Advanced. Currently, he is attending Jericho Circle. When Mr. Miller was asked if what he has accomplished to date merits a positive parole vote, his response was "no." He admitted that he has a lot more work to do, particularly in addressing anger management. He indicated that he has been focusing, instead, on work.

The Board considered the testimony of Ms. Shearrion's cousin, daughter, and sister, all of whom spoke in opposition to parole. Suffolk County Assistant District Attorney Ian Polumbaum also spoke in opposition to parole.

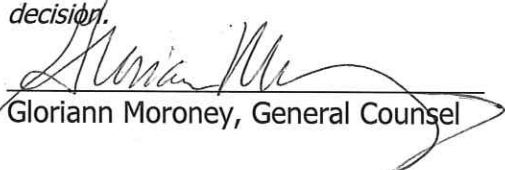
III. DECISION

The Board is of the opinion that Mr. Miller has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Miller has a history of assaultive and violent behavior. He has limited insight, coupled with limited programming. Mr. Miller needs to engage in relevant programming that addresses the causative factors of his crime and identifies the underlying factors as to how he could become so enraged. Further, Mr. Miller has exhibited no understanding of victim empathy.

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

Mr. Miller's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Miller 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.


Gloriann Moroney, General Counsel

6/4/18
Date