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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

MICHAEL MORRISETTE

W49880

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: November 8, 2011

DATE OF DECISION: February 25, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is denied with a review in two years. The decision is by a vote of 5-2.

I. INTRODUCTION

Michael Morrisette appeared before the Massachusetts Parole Board on November 8, 2011 for a review hearing following his return to custody as a parole violator. After careful consideration of all relevant facts, including the nature of the underlying offense and parole violation, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, institutional record and program involvement while incarcerated, we conclude that the inmate is not a suitable candidate for parole at this time.

II. STATEMENT OF FACTS

On September 18, 1988, Michael Morrisette's friend, Steven Ward, beat and stabbed Louis Pozycek, who was a 73-year-old man living in Lowell. Mr. Ward was acting alone when he attacked Mr. Pozycek the first time. Mr. Ward kicked Mr. Pozycek, fracturing his skull and nose, and stabbed him seven or eight times. Mr. Ward left the scene, and told his friends, including Michael Morrisette, about the crime. To prevent Mr. Pozycek from identifying Steven Ward as his attacker, Michael Morrisette, Steven Ward and another friend, Brian Gobis, returned

to the scene and found Mr. Pozycek suffering from the earlier stabbing. Steven Ward stabbed Mr. Pozycek several more times, causing his death.

Earlier in the evening, Michael Morrisette and his friends were hanging out in a Zayre's parking lot in Lowell, a common gathering place for teens. Mr. Morrisette was showing off a knife he was carrying and even suggested to a Dunkin Donuts waitress that he felt like killing someone that night. While the group was hanging out in the parking lot, Steven Ward approached them, covered in blood. He told his friends that an old man had attacked him so he beat the man and stabbed him. In order to prove that his story was true, Mr. Ward brought his friends to 19-21 Hurd Street (next to the Lowell District Court) where Mr. Pozycek often spent time. Mr. Pozycek was lying on a foam pad, bleeding from stab wounds and unable to move. Mr. Morrisette took out a lighter and attempted to light the foam pad on fire and burn him.

The group left the alley and Steven Ward suggested that they kill Mr. Pozycek because he was suffering. Mr. Morrisette told Steven Ward that he would go to jail if Mr. Pozycek identified him and suggested that killing him by burning him would be appropriate because he was only a bum and nobody would care. Shortly after that conversation, the three returned to the alley behind 19-21 Hurd Street. Mr. Morrisette handed his knife to Mr. Ward who used it to stab Mr. Pozycek numerous times. They returned to the Zayre's parking lot, hid Mr. Morrisette's knife, and drove around Lowell bragging to at least three different people that they killed someone.

There were three separate jury trials. Steven Ward was convicted of first degree murder and Brian Gobis was acquitted. Mr. Morrisette was convicted of second degree murder on February 5, 1991 and sentenced to serve life in prison with parole eligibility at fifteen years.

III. PAROLE AND INSTITUTIONAL HISTORY

Michael Morrisette was before the Board for his initial parole hearing on August 20, 2003. The six member panel was split in its decision with three voting to deny release and three voting for a conditional release. The tie vote resulted in denial of parole. Based on Parole Board policy, the tie vote required a one-year review period. The second hearing took place in August 2004, after which Mr. Morrisette received a positive vote. The vote did not require a period of transition in a minimum security and pre-release. On November 4, 2004, Morrisette was released under parole supervision.

On January 25, 2011, six years later, parole was revoked because Mr. Morrisette's whereabouts were unknown and he failed to notify his parole officer of a change of home address. Parole was also revoked due to drug use and for irresponsible conduct. During his Massachusetts parole supervision, there were instances of marijuana use for which he was sanctioned. He had five positive drug tests for marijuana in 2008 and 2009. In October 2010, Mr. Morrisette moved to New Hampshire and his parole supervision was transferred to that state. Mr. Morrisette had no interaction with the New Hampshire parole authorities until January 2011, when a New Hampshire parole officer assumed supervision. In attempting to contact Mr. Morrisette, the New Hampshire parole officer discovered he was not residing at the approved New Hampshire home or working at the approved place of employment. Mr. Morrisette later reported that he had returned to live in Massachusetts. However, he never informed either the Massachusetts or New Hampshire Parole authorities of his return to Massachusetts. As a result of his manipulation, Morrisette was unsupervised for several months.

Mr. Morrisette was 17 years old at the time of the offense. He is currently 41 years old, serving his first incarceration, and has a limited criminal record. Mr. Morrisette has received 21 disciplinary reports, including disobeying orders, being out of place, and obscene and abusive language. He received a disciplinary report for attempting to introduce marijuana into the institution resulting in a return to higher custody.

Mr. Morrisette is currently incarcerated at MCI Cedar Junction, where he is employed in the kitchen and attends Narcotics Anonymous once every two to three weeks. Prior to his release on parole, Mr. Morrisette had been involved in a large number and wide range of institutional programs, including those recommended by the Department of Correction in his risk reduction plan. He has participated in Mental Health Groups, Alternatives to Violence, College Courses, Lifer's Group, Toastmasters, Aids Awareness, and Growing Together. He received his GED and participated in classes for Heating, Ventilation and Air Conditioning, as well as Welding. Mr. Morrisette was involved in counseling from 1996 until his release in 2004.

IV. PAROLE HEARING ON NOVEMBER 8, 2011

At the parole hearing, Mr. Morrisette offered his description of his move to New Hampshire. He at first suggested that he was blameless and that the New Hampshire parole officer was responsible for the confusion. After questioning, he admitted that he was violated because "it was my responsibility to make sure either state knew where I was so I could be supervised, I did something wrong and I was not reporting to Massachusetts during this period, three months didn't seem that long." He acknowledged that "I should have called [my Massachusetts parole officer]." There are also uncertainties regarding Mr. Morrisette's New Hampshire employer, who informed parole that he had never heard of Mr. Morrisette, but then he said that he knew him but that he did not work there.

Mr. Morrisette admitted to his continued use of marijuana. He stated that "a lot of the people I smoked with were my family; my mother, father and brother all smoked marijuana and I lived in a house where people were using." He admitted to his involvement in a scheme to bring marijuana into the prison in 1991, but was adamant he did not use it while in prison. At his initial parole hearing, Mr. Morrisette denied having substance abuse problems. Mr. Morrisette acknowledged he did not attend counseling after 2005 because he lost his Mass Health Insurance and did not re-apply. When questioned by a Board Member about applying for insurance he stated "I knew I could have applied for insurance, but it would cost some money because I was working." Mr. Morrisette's work history was sporadic. He did not work consistently and collected unemployment for periods of time. He suggests, if re-paroled, he can "find work anywhere."

Mr. Morrisette was questioned regarding his difficulty adhering to rules, as he demonstrated on parole. He was adamant that "I can adhere to rules, I certainly can; it's my associations...I hung with people who are different." He went on to state, "If you don't believe I'm honest, don't give me parole."

Mr. Morrisette's account of his role in the murder is inconsistent with other evidence and the description of facts contained in a Supreme Judicial Court decision that affirmed Steven Ward's conviction. Mr. Morrisette admitted at the hearing that he gave the butcher knife to Mr. Ward, but claimed he was not with Mr. Ward for the second stabbing.

Mr. Morrisette stated during the hearing that "I tried to light the area. I did not try to light the mattress." He said that he showed people the body but that at the time of the murder he was in an alley and the "murder took place behind the house so I didn't see it." He said he

has no memory of making the statements, "I might kill someone tonight" or "who cares, he's just a bum."

Mr. Morrisette is requesting a re-parole to a sober house, which he feels would provide him with the structure he needs to continue addressing his substance abuse issues and positively transition into the community. Following his completion of that program, he would request a transfer of his parole to New Hampshire to reside with his sister and brother-in-law. He would participate in Narcotics Anonymous and work in construction or painting.


Middlesex Assistant District Attorney Tom O'Reilly spoke in opposition to parole. Mr. Morrisette had no supporters of parole in attendance.

V. DECISION

In his initial hearing in 2003 that resulted in parole, Michael Morrisette told the Parole Board that he did not have a drug problem, he had family support, he was a hard worker, he wanted counseling, and he wanted to pursue education. These claims were exaggerated or false, and the promises were empty. He smoked marijuana regularly, his family encouraged his drug use, he did not work steadily and employment did not appear to be a priority for him, he abandoned counseling, and he never pursued education. In 2011, he manipulated the interstate transfer process in order to avoid parole supervision for several months, during which time he smoked marijuana and collected unemployment. This conduct is unacceptable and demonstrates insufficient rehabilitation. Michael Morrisette is likely to re-offend if released and his parole is not compatible with the welfare of society. Accordingly, parole is denied. Mr. Morrisette has reduced his risk for violence, but he needs a stronger commitment to sobriety, productivity, and parole compliance. Two Board Members, Charlene Bonner and Sheila Dupre, voted to grant parole after 18 months in lower security at the Department of Correction.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. This signature does not indicate authorship of the decision.


Janis DiLoreto Noble, General Counsel


Date