



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**MICHAEL PERSON**

**W55885**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** December 20, 2016

**DATE OF DECISION:** July 6, 2017

**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 March 5, 1991, in Hampden Superior Court, Michael Person pled guilty to 2 counts of aggravated rape. He received a life sentence on each count, to run concurrent. He also pled guilty to 1 count of assault and battery with a dangerous weapon (a knife), 2 counts of armed assault with intent to murder, 1 count of kidnapping, and 1 count of mayhem. He was sentenced to 9 to 10 years on each of the non-rape convictions, to run concurrent with his life sentences. His life sentences were ordered to run from and after the 5 to 7 year sentence he was (then) serving on 4 counts of unarmed robbery, unrelated to the rape and assault convictions.

Late in the evening of August 22, 1990, 23-year-old Michael Person brutally attacked and repeatedly raped the victim, a 20-year-old-woman whom he did not know. Mr. Person had

followed the woman down a street in Springfield, as she was walking home alone. He ran up behind her and punched her in the face. He then put his hands around her neck, while he held a knife to her throat. When the victim screamed, Mr. Person bit her on the face and threatened her. He then dragged her to a deserted field behind a nearby school, where he repeatedly raped her at knifepoint. He ripped a gold necklace from around her neck and put it in his pocket. As the victim struggled to free herself during the rape, Mr. Person punched her, cut her face and body with the knife, and repeatedly threatened to kill her. Eventually, the victim managed to escape and run to the street, where she was found by police officers. The victim suffered several large cuts to the right side of her face, a large cut on her chin, many small cuts and abrasions on her face, a swollen and bruised left eye, a cut on her stomach, cuts on her upper left arm, and numerous bite-marks on her left arm and wrist. She identified Mr. Person from a photo array, and he was taken into custody several days after the attack. The victim's gold necklace and a black-handled knife were in Mr. Person's possession when he was arrested.

## **II. PAROLE HEARING ON DECEMBER 20, 2016**

Mr. Person, now 50-years-old, appeared before the Parole Board for a review hearing on December 20, 2016. This was Mr. Person's second appearance before the Board, having been denied parole with a five year review after his initial hearing in December 2008.<sup>1</sup> Mr. Person was not represented by an attorney, nor did he have a prepared opening statement. He declined to try and provide one to the Board. A Board Member asked Mr. Person whether he understood why he was denied parole at his last hearing (in 2008) and whether he understood the concerns of the Board regarding his lack of program participation, especially his refusal to complete the Sex Offender Treatment Program (SOTP). His response to the Board was "to be honest with you, I don't know."

Mr. Person was asked to discuss the rape and assault that he perpetrated on a complete stranger. He admitted to the crimes and acknowledged that he pled guilty to all the charges. He maintained, however, that he has no memory of raping and assaulting the victim. He said that he was very intoxicated at the time of the attack and that his "mind went blank." He could not (or would not) tell the Board anything specific about the assault, the victim, or the motive for his brutal actions. He also denied using a weapon against the victim and stated, "They told me there was a knife, but I was drunk and didn't see a weapon."

During his incarceration, Mr. Person has participated in minimal programming and dropped out of the SOTP in 2014. When asked why he dropped out, he said it was because his mother and brother died two weeks apart in 2014, leaving him unable to participate due to the loss. He told the Board that he is currently on the waitlist to re-enroll in the SOTP, but they have not "called him up" yet. The Board noted that he has incurred many disciplinary reports since his incarceration, including two that involved sexually deviant behavior. In 2000, Mr. Person received a disciplinary report for authoring a letter about two inmates that conspired to sexually assault a female staff member. In 2011, he received a disciplinary report for fabricating claims regarding sexual misconduct of staff members, as well as plans to escape from the institution. Mr. Person denied his conduct in both disciplinary reports and told the Board that he "was set-up; it never happened." The Board expressed concern (given his

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<sup>1</sup> Mr. Person was eligible for a review hearing in December 2013, but he voluntarily postponed his hearing due to a disciplinary issue at MCI-Norfolk in 2011. In August 2016, Mr. Person requested to cancel his postponement and he was scheduled for a review hearing accordingly.

underlying crimes and disciplinary reports) that without successful completion of the SOTP, it would be hard to seriously consider his parole suitability.

Mr. Person did not have any supporters in attendance at his hearing, and he declined to provide a closing statement. The Board considered testimony in opposition to parole from Hampden County Assistant District Attorney Howard Safford. ADA Safford also submitted a letter of opposition.

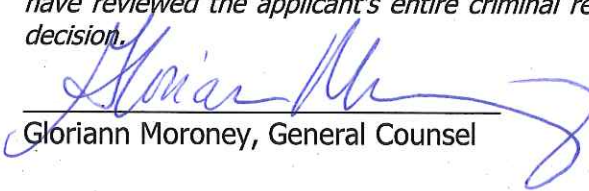
### III. DECISION

The Board is of the opinion that Mr. Person has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Person has a lengthy, violent, criminal history and has yet to address his causative factors. He has also refused the SOTP.

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

Mr. Person'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. Person to continue working towards his full rehabilitation, including participation in the SOTP.

*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

7/6/17  
Date