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Advisory Board of Pardons
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IN THE MATTER OF
MICHAEL PICANSO
PETITION FOR PARDON
REPORT AND RECOMMENDATION

YOUR EXCELLENCY:

The Advisory Board of Pardons (hereinafter "the Board") respectfully submits this report and recommendation concerning the pardon petition of Michael Picanso. Mr. Picanso was convicted of Trespass, Larceny, and Wanton Destruction of Property on August 6, 1986.

On or about April 13, 2016, Mr. Picanso submitted a petition for a pardon. (*Attachment A*). On June 13, 2022, counsel for Mr. Picanso submitted additional documentation in support of his petition for a pardon. (*Attachment B*). On June 27, 2022, the Board conducted a public hearing regarding Mr. Picanso's petition. In his petition and at the public hearing, Mr. Picanso requested a pardon for his convictions so that so that he may obtain a Firearms Identification Card (FID) and potentially advance his career.

After due consideration, the Board voted unanimously to recommend favorable consideration of Mr. Picanso's request for a pardon. The reasons for the Board's recommendations are set forth in the body of this opinion.

PROCEDURAL HISTORY

On July 7, 1986, Mr. Picanso was arraigned in Amesbury District Court, Docket Number 8637CR0857. (*Attachment C*). On August 6, 1986, he pleaded guilty to Larceny and the reduced charges Trespass and Wanton Destruction of Property. He was sentenced to one year of probation for the Larceny and Destruction of Property charges, a \$100 fine for the Trespass charge, and restitution. His probation was terminated on August 6, 1987, and his fines and fees were paid in full. Mr. Picanso has not sealed his Massachusetts record.

STATEMENT OF THE CASE

There is no arrest report or incident report regarding these offenses on record with the Salisbury Police Department. Mr. Picanso's version of events is quoted below, in the section titled "Pardon Petition of Michael Picanso."

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) record, both dated October 26, 2021, Mr. Picanso has one additional charge on his Massachusetts record for Disorderly Conduct. He was arraigned on this charge in Lowell District Court on or about September 25, 1984. It was dismissed upon the payment of court costs. He has no out-of-state charges. (*Attachment D*).

PARDON PETITION OF MICHAEL PICANSO

On or about April 13, 2016, Michael Picanso submitted a petition for clemency, in the form of a pardon, for 1985 convictions for Trespass, Larceny, and Wanton Destruction of Property. In a letter attached to his petition, he stated the following about the offense: "On the night of July 3, 1986, I was driving through Salisbury, MA late at night. I was unfamiliar with the area. While driving, I obtained a flat tire. There was no spare in the car. Myself and another young male who was a passenger in the car, whom I just met that night, set out walking. We were looking for a place to use a phone or ask for a ride. Walking for what seemed to be a while we came across a

car dealership. The acquaintance I was with broke the small window in a car on the lot. We took the bubble spare tire and tire iron. On our way back to the car, we were stopped by a Police Officer.” (*Attachment A*, page 2).

In his letter, Mr. Picanso stated that he was twenty-one years old at the time of these offenses. He reported that since that time he has become an exemplary citizen. He owns and maintains a home, has been employed in the same industry for over twenty years, has raised his children, and participates in their activities and sports. Mr. Picanso reported that he is a member of a gun club and enjoys volunteering there and teaching about firearms and safety.

In his petition, Mr. Picanso stated that since 2015 he has been unable to renew his FID card due to his convictions. He attached a letter from the Westford Police Department denying his application for renewal in 2016, as well as a letter from Chief of Police Thomas McEnaney stating that he would consider Mr. Picanso for renewal if he were to receive a pardon, and therefore become eligible. (*Attachment E*). In his letter, Mr. Picanso also expressed concern that the conviction could interfere with his ability to travel to contract sites for his work at UTC Aerospace.

2022 INTERVIEW OF MICHAEL PICANSO

At the request of the Advisory Board of Pardons, Mr. Picanso consented to an interview concerning his petition. (*Attachment F*). The interview took place on June 10, 2022. During his interview, Mr. Picanso provided an account of the offenses that was identical to the statement contained within his petition for a pardon.

PROCEEDINGS BEFORE THE ADVISORY BOARD

On June 27, 2022, the Advisory Board of Pardons held a public hearing on Michael Picanso’s pardon petition. The hearing was chaired by Gloriann Moroney. Advisory Board of Pardon Members Tonomey Coleman, Tina Hurley, and Colette Santa were present at the hearing. Board Member Charlene Bonner was not present for the hearing, but reviewed the

record and participated in deliberations. Mr. Picanso was represented by Attorney Zachary Lown.

THE BOARD'S INQUIRY

SOCIAL HISTORY

Upon inquiry by the Board, Mr. Picanso provided information concerning his social history. Mr. Picanso grew up in Lowell, MA, and shared that his parents divorced when he was very young. Following their divorce, Mr. Picanso moved into the housing projects in Lowell with his mother. He graduated from Greater Lowell Technical High School in 1983 and pursued higher education to become a machinist. He had a daughter when he was nineteen years old and took her away from her mother, who was addicted to drugs. Mr. Picanso stated that he raised his daughter as a single father. He married a new partner when he was thirty-nine years old and had a son. They are now divorced and share custody of their son.

Mr. Picanso reported that he has worked at UTC Aerospace for twelve years as an Electro-Mechanical Technician, and he has reached the title of Electro-Mechanical Technician 5. He also holds certificates in soldering, cable making, and inspection, which he renews bi-annually. Mr. Picanso currently lives in Westford, MA with his long-time fiancé Sheila and their children. He shared with the Board that his family is most important to him, and even though he sometimes works up to sixty hours a week, he always makes time to do family activities such as working on cars with the children. When Mr. Picanso is not working, he is volunteering at events put on by his car clubs and taking action photos of his son's sports team.

GOVERNING OFFENSE

The Board inquired about the governing offense for which Mr. Picanso seeks a pardon. Mr. Picanso volunteered to the Board that he was twenty-one years old on July 3, 1986, when he was charged with the governing offenses. He was driving in his car with one other man and two women he had met that night, when they got a flat tire. The man Mr. Picanso was with broke a window of a car on a dealership lot so Mr. Picanso could use its spare tire. For his participation

in this felony, he served one year on probation and paid restitution. There were no reported issues during his probationary period, and he paid the restitution in full.

VICTIM IMPACT

No victim impact statements were provided to the Board.

PRIOR CRIMINAL HISTORY

Board Members inquired about one additional offense on Mr. Picanso's record. He acknowledged a charge in the distant past for Disorderly Conduct that was dismissed. He explained that it came about because of a situation where he did not listen to a police officer's direction to remain in his car, and when he talked back to the officer, he was arrested. There have been no other charges on his record since this incident.

COMPELLING NEED FOR A PARDON

Mr. Picanso relayed to the Board that his compelling need for a pardon is two-pronged. First, due to felony on his record, he is not able to obtain the high-level security clearance that is necessary to advance at UTC Aerospace. A pardon would offer him significant opportunity for professional advancement, as well as a larger salary in his current company. Also, if he ever wanted to explore a position at a different company, this would also require security clearance. He stated that the inability to obtain this clearance severely hinders his potential for success in his life. Second, Mr. Picanso is seeking a pardon because he wants to renew his FID card, which he was unable to renew in 2015. His FID was revoked due to the felony conviction on his record, and he voluntarily signed over his two guns to his brother. Beginning in 2009, Mr. Picanso enjoyed teaching his son gun safety and taking him target shooting. They joined a Sportsman's Club together to refine their skills. Mr. Picanso expressed to the Board that the offense on his record has been a real barrier in his life, and that a pardon would alleviate these hardships.

SUPPORT

TESTIMONY

The Board heard testimony from the following individuals in support of Mr. Picanso's petition for a pardon.

Colleen Pagan

Colleen Pagan, Mr. Picanso's daughter, offered testimony in support of her father's petition for a pardon. She highlighted that everything that he has done in life has been for his family. She told the Board that she was in danger every second when she was with her mother, who was heavily addicted to drugs, and that she didn't know what would have happened if her father did not save her. Ms. Pagan stated that when she was in high school, her father sold the motorcycle that he loved to pay for her private school tuition. He was, and still is, devoted to making sure she has the best life she can possibly have.

Michael Picanso, Jr.

Michael Picanso, Jr., Mr. Picanso's son, offered testimony in support of his father's petition for a pardon. He described Mr. Picanso as a devoted father and role model, who inspires him to be a good person. He also told the Board that his father often uses his own past mistakes, including the governing offense, to teach his children that making the wrong decision could completely change their lives.

Michael Martell

Michael Martell, Mr. Picanso's former neighbor, offered testimony in support of Mr. Picanso's petition for a pardon. Mr. Martell stated that he was a former police officer and a current history teacher. He described Mr. Picanso as one of the best people that he knows. Further, he said that if he ever needed anything, Mr. Picanso would be one of the first people he'd call. Mr. Martell stated that and when he thinks of the father he hopes to be to his young children, he uses Mr. Picanso's parenting as a role model.

Chris Coviello

Chris Coviello, a police officer who has known Mr. Picanso for years, offered testimony in support of Mr. Picanso's petition for a pardon. He told the Board a story that when he severely injured his hand, Mr. Picanso dropped what he was doing and drove Mr. Coviello to the hospital. Mr. Coviello also noted that if it weren't for the felony on Mr. Picanso's record, he would have made a great police officer.

Sheila Mawhinney

Sheila Mawhinney, Mr. Picanso's fiancé, offered testimony in support of Mr. Picanso's petition for a pardon. Ms. Mawhinney stated that she has been in a relationship with Mr. Picanso for nine years, and that they are currently engaged. She described him as a highly ethical and disciplined man who takes advantage of any teachable moment for their children. She also relayed to the Board that he inspired and encouraged her to return to school and obtain a degree that she is passionate about, and that his influence changed her life.

LETTERS

In advance of Mr. Picanso's hearing, the Board considered the following letter (*Attachment B*, page 6):

Karman Raye

Karman Raye, Facility Security Officer for Collins Aerospace, submitted a letter dated May 22, 2022 in support of Mr. Picanso's petition for a pardon. This letter stated that Mr. Picanso has been an employee of Collins Aerospace for approximately twelve years, and that he "has not one blemish on his security file." The letter also stated that Mr. Picanso will require security clearance going forward in his career.

The Board also reviewed three letters of recommendation that were previously submitted in support of Mr. Picanso's pardon petition. (*Attachment A*, pages 16-18):

Kyle Ritchie

Kyle Ritchie, Mr. Picanso's manager at UTC Aerospace, submitted a letter dated January 27, 2016 in support of Mr. Picanso's petition for a pardon. Mr. Ritchie described Mr. Picanso as "an extremely dedicated person" and a "great team player" who is always willing to help others.

Tom Canelas

Tom Canelas, a friend and workout partner of Mr. Picanso, submitted a letter dated February 1, 2016 in support of Mr. Picanso's petition for a pardon. Mr. Canelas stated that he has known Mr. Picanso for approximately fifteen years. He described Mr. Picanso as a "highly-disciplined and ethical person."

Michael Martell

Michael Martell, a former neighbor of Mr. Picanso, submitted an undated letter in support of Mr. Picanso's petition for a pardon. He stated that he has known Mr. Picanso for over ten years. He described Mr. Picanso as "an incredible father" and a "responsible and conscientious" neighbor.

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Picanso's petition.

LETTERS

No letters were submitted in opposition to Mr. Picanso's petition.

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

After careful review and consideration, it is the opinion of 5 of the 5 voting members of the Advisory Board of Pardons that a favorable recommendation for a pardon be sent to the Governor on behalf of Michael Picanso.

Governor Charles D. Baker's Executive Clemency Guidelines, issued on February 21, 2020 ("Guidelines"), establish the grounds upon which a pardon may be granted and provide assistance to the Advisory Board of Pardons in making recommendations to the Governor on clemency petitions. The Guidelines state that a pardon is "an extraordinary remedy which has the effect of treating the petitioner as if the offense had never been committed." The Guidelines further provide that "[pardons are] intended to remove the barriers that are sometimes associated with a criminal record, thereby facilitating the reintegration of the petitioner into his or her community." The Guidelines state that the nature and circumstances of the offense and the character and behavior of the petitioner are the two "paramount considerations in deciding whether to grant clemency."

Under the Governor's Guidelines, a person who petitions for a pardon bears the responsibility of demonstrating, by clear and convincing evidence, that:

- (a) The petitioner has clearly demonstrated an acceptance of responsibility for the offense for which the petitioner is seeking clemency;
- (b) the petitioner does not have any pending appeals or challenges to a conviction or sentence;
- (c) the petitioner has made full restitution to his or her victims, in the event of economic injury;

- (d) the petitioner has made exceptional strides in self-development and self-improvement and would be a law-abiding citizen;
- (e) the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (f) the petitioner has contributed to society through the military or public service, or through charitable work;
- (g) the petitioner has demonstrated a period of good citizenship by “leading a responsible and productive life and contributing to [his or her] community in a positive manner” for more than ten years following a felony conviction, “without the structure provided by government supervision,” such as probation or parole;
- (h) there is no alternative remedy available to the petitioner.


Mr. Picanso was convicted in Amesbury District Court for the 1986 breaking and entering of a motor vehicle, larceny, and malicious destruction of property. Mr. Picanso demonstrated a compelling need in his petition and through his testimony that a pardon is necessary to obtain higher security clearance in order to advance his career as an aerospace technician. He was forthcoming about the nature of the crime, which occurred when he was 22 years old, and accepts full responsibility. Mr. Picanso exhibited that he is trusted and respected in his personal and professional life. Mr. Picanso had previously held an FID card, which was not renewed due to a change in the law and this conviction. Mr. Picanso is seeking authorization to legally obtain a firearm again to resume his activities in a sporting club and teaching his son firearm safety.

Therefore, the Board recommends that a pardon be granted.

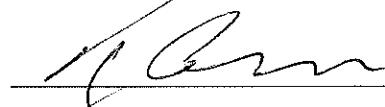
For the five members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 23rd of September, 2022:



Gloriann Moroney, Chair



Charlene Bonner, Board Member



Tonomey Coleman, Board Member



Tina Hurley, Board Member



Colette Santa, Board Member