

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

MICHAEL SIMMONDS

W38014

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 14, 2018

DATE OF DECISION: June 6, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, 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 January 23, 1981, in Hampden Superior Court, Michael Simmonds was found guilty of one count of assault with intent to rape and one count of breaking and entering in a dwelling in the nighttime with intent to commit a felony and making an assault on an occupant therein. He was sentenced to life in prison with the possibility of parole for the breaking and entering in a dwelling in the nighttime with the intent to commit a felony and making an assault on an occupant therein, as well as an additional 5-7 year concurrent sentence for assault to rape. On appeal, the judgment was affirmed against Mr. Simmonds. Additionally, Mr. Simmonds filed a motion for a new trial, which was also denied.

The conviction stems from an incident that occurred on October 21, 1980, when, shortly after midnight, Michael Simmonds broke into a convent in Springfield. He entered the room of a nun and jumped on her bed, straddling her. A struggle ensued, which involved the victim screaming, while Mr. Simmonds tried to pull down the covers and pull up her nightgown. The

victim's nose was broken in the struggle, and they both finally fell to the floor. Another nun responded to the victim's screams and ran out into the hallway of their residence. The witness saw Mr. Simmonds come out of the victim's room, cross the hall, and go down the stairs.

II. PAROLE HEARING ON AUGUST 14, 2018

Mr. Simmonds was granted parole after his initial hearing in 1995. Mr. Simmonds spent six years on parole without incident; however, in 2001, he was returned to custody on a parole violation based upon allegations of sexual abuse against his stepdaughter. Mr. Simmonds was denied parole after his 2003 review hearing. In 2004, Mr. Simmonds was arraigned in Hampden Superior Court on charges of indecent assault and battery on a person over 14, the facts of which stemmed from the same incident for which his parole was revoked in 2001. On December 13, 2004, Mr. Simmonds pleaded guilty to the lesser offense of assault and battery and received a 1 year commitment to be served concurrently with his life sentence. He was subsequently denied parole after his 2008 review hearing. Mr. Simmonds postponed his 2013 review hearing.

Michael Simmonds, now 61-years-old, appeared before the Parole Board for his review hearing on August 14, 2018. He was not represented by counsel. In Mr. Simmonds' opening statement, he claims to have taken full responsibility for his actions and for the bad choices he made. He stated that he has engaged in rehabilitative programming and fully believes that he can live a healthy/pro-social lifestyle. In discussing the governing offense, however, Mr. Simmonds disputes the facts of the case and maintains that his intention was to commit a robbery. He denies knowing that he had entered a convent, and further, denies having any sexual intent during the commission of the offense. In addition, he denied any involvement in a rape that occurred just prior to the governing offense. All charges related to that offense were nolle prossed. In regards to the incident with his step-daughter (a minor) in 2001, which led to his parole violation, Mr. Simmonds admitted that his hands touched her breasts accidentally, but (again) denied any sexual motivation behind the incident. The Board expressed concern as to the behavior that led to Mr. Simmonds' incarceration and the revocation of his parole. Mr. Simmonds further complicated his hearings history, as he admitted to sexually assaulting a 76-year-old woman during his 2008 hearing, and then recanting such statements at this hearing.

The Board questioned Mr. Simmonds as to his progress in rehabilitation since his commitment, as well as his level of insight and candor, in order to evaluate him for parole suitability. The Board acknowledged the programming that Mr. Simmonds engaged in several years ago. Mr. Simmonds is currently incarcerated at the Massachusetts Treatment Center, where he participates in the Sex Offender Treatment Program (SOTP) and Graduate Support Program. Mr. Simmonds is currently addressing additional areas of treatment, including his negative core of beliefs, impulsivity, and hostility towards women. He is employed in walks and grounds. Since his last parole hearing, he has not incurred any disciplinary infractions. Additionally, he completed SOTP in May 2018 and received a certificate in the Serv Safe Food Handling Training.

A friend of Mr. Simmonds spoke in support of parole. The Board considered testimony in opposition to parole from Hampden County Assistant District Attorney Howard Safford.

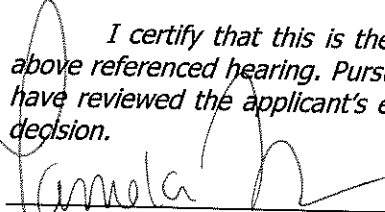
III. DECISION

It is the opinion of the Board that Mr. Simmonds has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society.

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. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Simmonds' risk of recidivism. The Board considered Mr. Simmonds' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. After applying this standard to the circumstances of Mr. Simmonds' case, the Board is of the unanimous opinion that Michael Simmonds is not rehabilitated and, therefore, does not merit parole at this time.

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



Pamela Murphy, General Counsel

6/6/2019
Date