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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

MICHAEL SKINNER

W42105

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 6, 2012

DATE OF DECISION: May 13, 2013¹

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

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Michael Skinner appeared before the Massachusetts Parole Board on March 6, 2012, for a review hearing. The Board denied parole in 2002 and 2007, and set five year reviews each time.

On February 4, 1986, after a jury trial, Mr. Skinner was convicted of the first-degree murder of 32-year-old Robert Cahill. He appealed the conviction, and the Supreme Judicial Court reversed it because of a faulty supplemental jury instruction and remanded the case to the Superior Court for a new trial. *Commonwealth v. Skinner*, 408 Mass. 88 (1990). On August 23, 1991, after a second jury trial, Mr. Skinner was convicted of second-degree murder and sentenced to serve life in prison.

¹ This decision was delayed because it had been assigned to an employee who left the agency without completing the decision. The Parole Board regrets the uncertainty and inconvenience that this delay caused to those involved.

While he was on bail awaiting his second trial, he was indicted for armed assault in a dwelling and assault and battery. In 1992, following a jury trial, he was sentenced to serve 18 to 30 years for armed assault in a dwelling. This sentence was to run consecutive to the life sentence he was serving. He was also sentenced to serve a concurrent five to ten year prison term for assault and battery. Following a successful motion for a new trial in 2001, the armed assault in a dwelling conviction was vacated due to a faulty jury instruction. He then pleaded guilty to a lesser included offense in 2005, and was sentenced to serve five to ten years in prison, consecutive to the life sentence, but concurrent with the assault and battery sentence. Mr. Skinner now seeks parole to these from and after sentences.

On July 5, 1985, Mr. Skinner shot and killed Robert Cahill while Mr. Cahill was sitting in his parked car. Mr. Skinner and Mr. Cahill had worked together, and Mr. Skinner began placing bets on baseball games by having Mr. Cahill place the bets with his bookie. Shortly before the murder, Mr. Skinner got behind on his payments and fell into debt with Mr. Cahill and, in turn, Mr. Cahill's bookie. Mr. Skinner owed close to \$500, and was supposed to pay by July 5.

Mr. Skinner told fellow employees that he had a problem because of a gambling debt. One co-worker offered to loan him the money to pay the debt, but Mr. Skinner declined. Instead, he told his co-worker that he would handle it himself and that the problem would soon resolve because he had a gun scoped out.

On July 5, the day of the murder, Mr. Skinner and Mr. Cahill met as planned at a local restaurant in Framingham; the purpose of the meeting was for Mr. Skinner to pay off his debt. Mr. Skinner had been paid recently and had money to pay some of the debt. Instead of paying, however, Mr. Skinner suggested moving the conversation to the parking lot of their office building, which was not crowded because July 5 was a holiday for the company. Mr. Skinner had a loaded .22 caliber rifle in his car. Robert Cahill parked his car first, and read the newspaper as he waited for Mr. Skinner. Mr. Skinner parked his car so his window was near Mr. Cahill's window. Mr. Skinner took the rifle and shot Mr. Cahill once in the head, killing him instantly. After the murder, Mr. Skinner went to a family picnic and then on a date.

During the course of the police investigation, Mr. Skinner admitted to shooting the victim.

II. PAROLE HEARING ON MARCH 6, 2012

Michael Skinner has created a very difficult situation for himself by being untruthful at his prior parole hearings. Mr. Skinner gave police different stories during the investigation, and he has continued that pattern of denial, deflection, and deceit at his hearings in 2002 and 2007. He continued this pattern in 2012. He submitted a written statement to the Parole Board prior to the hearing in which he said his gun discharged accidentally; he made the same claim when interviewed by parole staff three weeks before the hearing.

At this hearing, however, Mr. Skinner finally admitted what the evidence established and what was clear to Board Members: he intentionally shot Robert Cahill while the victim was unarmed and seated in his car. Mr. Skinner had spent years concocting events that made it appear that he faced menacing circumstances, when the facts are that Mr. Skinner brought a

loaded rifle that day, lured the victim from a restaurant to an isolated parking lot, and shot the unarmed Mr. Cahill while he read a newspaper in his car.

Mr. Skinner admitted that "I embarrassed myself at my first hearing; at my second hearing I was still making some mistakes." A Board Member asked Mr. Skinner why he lied so many times to the Parole Board. He said, "I just stuck with what was on the paper." It was not clear what that meant.

Mr. Skinner's conduct in prison has been poor with considerable violence. He has five disciplinary reports since his last hearing, including misuse of medication, possession of gambling items, and conspiring with staff to bring a video player with downloaded pornography into the prison. Due to his poor conduct, he was in the segregation unit at Old Colony at the time of the hearing. He has been caught with weapons several times, threatened staff, incited inmates to be disruptive, had an inappropriate physical relationship with a female staff member, tested positive for morphine, and conspired to bring heroin, LSD, steroids, and marijuana into the prison. For the last offense, he was sentenced to serve 36 months in the Disciplinary Detention Unit. Mr. Skinner said, "I did what I needed to do at Walpole."

After many years of poor program participation, Mr. Skinner has been actively involved in programs since 2007. He has completed the Correctional Recovery Academy, Jericho Circle (several phases) and Alternatives to Violence (several phases). He has taken classes offered to inmates by Boston University. Considering that Mr. Skinner made material misrepresentations about the murder in oral and written communications leading up to this hearing, it is clear that Mr. Skinner did not fully accept the lessons of these programs.

Robert Cahill's brother testified in opposition to parole. Paul Cahill provided important information that showed how unlikely it is that the victim was creating circumstances that threatened a person as violent as Michael Skinner. The victim was a mild-mannered person who placed small baseball bets at a local fraternal lodge. He was an avid baseball and Red Sox fan. The victim was a self-taught and well-read man with many intellectual interests. He was an accomplished and very active chess player. There is nothing about Robert Cahill's personality, demeanor, habits, contacts, or interests that would suggest he would be likely to threaten Michael Skinner or that he would create menacing circumstances.

III. DECISION

Michael Skinner was not truthful with the Parole Board when he testified in 2002 and 2007. He submitted a false written statement for this hearing and made false statements in his parole staff interview. At the hearing, Mr. Skinner finally admitted what the evidence and the jury verdict established: that this was a murder and not an accident. His misrepresentations are clear signs of criminal thinking and lack of rehabilitation. His prison conduct shows drug addiction, criminal thinking, and violence. Mr. Skinner has been unproductive during his 27 years of incarceration and he has resisted important lessons from his recent program participation.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that, "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." Applying that appropriately high standard here, the Board finds that Mr. Skinner is not a suitable candidate for parole. Accordingly, parole is denied, with a review in five years.

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.

Josh Wall
Josh Wall, Chairman

May 14 2013
Date