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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

MICHAEL WARE

W32549

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **February 20, 2014**

DATE OF DECISION: **May 8, 2014**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, 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 a suitable candidate for parole. Mr. Ware will be paroled to a long term residential program that will provide substance abuse treatment and transitional support.

I. STATEMENT OF THE CASE

Michael Ware robbed the Playboy Club in Boston's Park Square shortly before 3:00 AM on July 18, 1969. During the course of the robbery, Ware shot and killed two employees, Roger Howes and Robert Hershman. Ware shot Mr. Howes in the right temple and the abdomen. He shot Mr. Hershman once in the chest. Ware was arrested days later and pleaded guilty on January 20, 1970, to two second-degree murders and related crimes. He received concurrent life sentences for the murders. Because of a consecutive sentence for armed robbery, he did not become eligible for parole until 1991.

II. PAROLE HISTORY

After serving 32 years, Michael Ware was released on parole on November 1, 2001, to live with his wife, Cecilla Sederman, at her home in Lawrence. They married 18 years ago, while Ware was incarcerated. They later moved to Methuen where Ware worked at a gas station in Lawrence. In 2005, Ware received radiation and chemotherapy treatments for colon cancer. He recovered and returned to work at the gas station in 2006.

Ware began drinking alcohol in violation of his parole in late 2005 or early 2006. His parole officer worked diligently for many months to assist Ware in resuming his sobriety. On April 19, 2007, his parole officer found him in a bar and took him home. Ware received a graduated sanction from the Parole Board requiring him to attend OCC Level III programming, including increased substance abuse counseling and testing. Two weeks later Ware tested positive for marijuana use. He was allowed to remain in the community with services through OCC. The parole officer learned of a relapse in October 2007. The parole officer ordered Ware to submit to substance abuse testing and Ware admitted that he was drinking alcohol every night. His test was positive for marijuana and also showed possible cocaine use. Ware was again allowed to remain in the community, but received a graduated sanction requiring outpatient substance abuse counseling. In November 2007, Ware relapsed again by drinking alcohol; this time he was returned to custody and his parole was revoked.

The Parole Board denied re-parole after a review hearing in April 2008 due to his "swift and significant downward spiral and his inability to grasp the extent of his addictions and utilize the resources available to assist him." The Parole Board again denied Ware's parole in 2011 due to concerns regarding his continued substance abuse despite the many interventions and treatment options available. Given that Ware's criminal history was related to his addiction, the Parole Board felt that Ware posed a continued risk to public safety. The Parole Board encouraged Ware to seriously address his addiction and demonstrate a commitment to sobriety. One Board Member, Dr. Bonner, voted to grant re-parole to a long-term residential program with mandatory mental health and substance abuse counseling.

III. PAROLE HEARING ON FEBRUARY 20, 2014

The Parole Board focused this most recent hearing on how Michael Ware, who is now 70 years old could maintain sobriety in the community. He presented as an older man who has considerable empathy for others, a long commitment to reform, and sincere remorse for his criminal conduct. Ware has not used alcohol or drugs since his return to custody in 2007. He realizes that his inability to avoid alcohol and drugs in the community, despite all of the interventions and services provided, left the Parole Board with no alternative other than to return him to custody.

Since his last denial of parole in 2011, Ware has used the time to explore the precipitants to his relapse and what resources work best for him in preventing relapse. He completed the Correctional Recovery Academy and, while he does not feel that the traditional twelve step program offered in Alcoholics Anonymous is entirely beneficial for him, he has gained what he can from it. Ware is able to offer more insight into his own treatment needs. He demonstrated that he has explored these issues and realizes that he benefits most from individual counseling as he is able to address his addiction, family, and adjustment issues that

have contributed to his relapses. Ware now believes that he would benefit from the support of a re-entry program in a residential treatment facility where he can gain more intensive counseling and treatment for his addiction and related issues. Ware continues to have the support of his wife, Cecilia Sederman, and other members of the community who were present at the hearing.

Ware described his relapse on parole: "I would go to the package store in the morning and get a quart of beer on the way to work; I would drink two to three quarts a day; alcohol got me out of bed every day; I started buying marijuana: I bought \$20 to \$30 worth weekly." He offered the following thoughts on his plan for sobriety: "I'm looking for professional help so I can deal with the triggers for addiction; I need to be able to identify my stressors and deal with them without alcohol; I do substance abuse work through my church; the church has filled my needs and I truly believe God has removed this barrier from my life."

In considering his drug rehabilitation, Ware said, "I'm proud of myself that I changed myself; I'm not a criminal anymore; thank God because I was a horrible young man." He pointed to his religious involvement as a sign of his reform: "I am involved with church in prison; I was allowed to go with my minister to visit the sick and the dying in the hospital; I was the only inmate allowed to do this; I was working with men with spiritual disabilities; this makes me a better man."

The Suffolk District Attorney's office submitted a letter in opposition to Ware's parole.

IV. DECISION

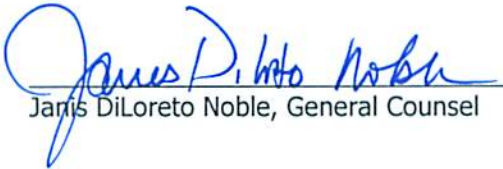
Michael Ware murdered two men during the course of a robbery in 1970. He is now 70 years old and has not committed a violent crime since the murders 44 years ago. He was paroled in 2001 and had a positive adjustment until late 2005 when he started to drink again. His parole officer made numerous attempts to provide Ware with the necessary treatment so that he could regain his sobriety and remain in the community. After numerous failed attempts at maintaining sobriety, Ware left the Parole Board with no alternative but to return him to custody.

Ware has been re-incarcerated since 2007. His return to custody was due to his continued abuse of alcohol and marijuana. Since his most recent denial by the Parole Board in 2011, Ware has made significant strides in addressing the issues that led him to relapse. Ware presents with better insight and a strong commitment to remaining sober. He recognizes that he would benefit from a transition through a residential treatment facility where he can continue his positive progress and gain more intensive services that are not available in the prison setting. He has not committed a violent act since a fight in prison in 1989. It has been 20 years since Ware's poor prison behavior. He does not present a current risk for violence. Through programs and religious involvement, he has reformed his character and behavior. The Parole Board believes that incarceration has served its purpose of refocusing Ware on sobriety and that he is ready to re-enter the community under parole supervision and conditions that will promote his continued sobriety and positive citizenship.

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. Ware is a suitable candidate for parole. He will be paroled to a long term residential treatment facility that will give him support and substance abuse treatment during his transition.

SPECIAL CONDITIONS: Parole to a long term residential treatment program; substance abuse evaluation at the program with requirement to follow any recommended treatment; no drug use; no alcohol use; counseling for substance abuse and adjustment issues.

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.


James DiLoreto Noble, General Counsel


Date