



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

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DECISION

IN THE MATTER OF
NORMAN PORTER
W35127

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **January 13, 2015**

DATE OF DECISION: **March 23, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

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 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 in four years from the date of the hearing.

I. STATEMENT OF THE CASE

On September 29, 1960, Robert Porter and his accomplice, Theodore Mavor (both armed and masked), participated in an armed robbery of the Robert Hall Clothing store in Saugus, Massachusetts. During the commission of the crime, one of the men shot and killed the store clerk, Jackie Pigott, with a sawed-off shotgun. The other man shot and wounded the store manager, Ralph Fabiano, with a handgun. While being detained for this crime at the Middlesex County Jail in East Cambridge, Porter secured a firearm and conspired with another inmate to escape. During the escape, the other inmate took Porter's firearm and shot and killed the jail master, David Robinson.

On October 31, 1961, while awaiting trial for the murder of Mr. Pigott, Porter pleaded guilty, in Middlesex Superior Court, to murdering Jail Master Robinson and was sentenced to life in prison. On May 18, 1962, Porter was convicted of second degree murder, in Essex Superior Court, for the death of Mr. Pigott and received a life sentence consecutive to his life sentence (for the murder of Jail Master Robinson). At that time, Porter also received multiple life

sentences for armed robbery while masked, which were ordered to run concurrently with the life sentence for the murder of Jail Master Robinson. He received additional concurrent sentences for lesser charges, which have all since expired.

On September 3, 1975, Governor Dukakis commuted the Robinson sentence and the concurrent life sentences to a term of 36 years and 6 months to life, making Porter immediately eligible for parole to his from and after life sentence in the Pigott case. He was paroled to the Pigott sentence on September 22, 1975. While serving the Pigott from-and-after sentence, Porter escaped from custody on April 27, 1980 and voluntarily returned to custody on April 29, 1980. Eight months later, on December 21, 1985 (while in custody at the Norfolk Pre-Release Center), Porter walked away from the facility and never returned. He was placed on escape status and was deemed a parole absconder on the Robinson case. A parole violation warrant was issued on January 9, 1986.

Porter eluded detection and apprehension for nearly 20 years, until Massachusetts authorities discovered and arrested him in Chicago, Illinois on March 22, 2005. They returned him to Massachusetts the following day.¹ During his time in Chicago, Porter assumed the name Jacob A. Jameson ("J.J. Jameson"), established himself as a poet, lectured at a local church, and worked as a handyman.

On October 14, 2005, a Norfolk Superior Court judge sentenced Porter to serve 3 years to 3 years and 1 day for the 20-year escape and ordered the sentence to run from and after the life sentence in the Pigott case.² This new sentence was aggregated to the Pigott sentence, as it occurred prior to 1988,³ and Porter became eligible for parole in November 2009.⁴

On October 6, 2009, Porter appeared before the Parole Board for his initial eligibility hearing. On November 17, 2009, the Board decided to deny him parole and set a 5 year review date. In denying him parole, the Board noted that although Porter has not received any disciplinary reports since his return to custody, "he has not participated in any institutional programs or held a job." The Board further expressed concern over Porter's "noted long history of alcohol abuse."

II. PAROLE HEARING ON JANUARY 13, 2015

Porter was represented by Attorney Tom Herman. During his opening statement, Porter turned towards the family and supporters of his victims and apologized and expressed regret for his actions. He said that he is not the same person now (at age 75) as he was at age 20, at the time of the murders. He said he "made mistakes," but feels they have been offset by the

¹ Porter had a Final Revocation Hearing for parole violations on the Robinson case, and on October 30, 2007, the Full Board voted unanimously to affirm the revocation and allow the warrant to stand.

² The escape sentence is a crime committed while on parole, and since it occurred prior to July 1, 1994, carries a 2/3 of the minimum sentence parole eligibility, which in this case is 2 years.

³ Parole Board regulations dictate that a sentence received for a crime committed on or after January 1, 1988, shall not be aggregated with a life sentence for the purposes of calculating parole eligibility on the consecutive sentence. See 120 CMR 200.8 (c).

⁴ A positive parole vote would send Porter to the parole warrant on the Robinson case and then to the escape sentence, which could be further reduced by good time credits.

good deeds and hard work that he has done to make himself a better human being. He requested that the Board parole him to his from-and-after sentence and then to Chicago, Illinois.

Porter said that since his last hearing in 2009, he continues to go to therapy, he finished a couple of courses in paralegal studies, and he continues to write. He reports to be in poor health and states that he suffers from chronic obstructive pulmonary disease (COPD), high blood pressure, and other ailments.

Regarding the murder of Mr. Pigott, Porter denies that he was the one who shot Mr. Pigott with the sawed-off shotgun. He claims that he was involved in a separate altercation (during that time) with the store manager, Ralph Fabiano, and admits to using a pistol to shoot Fabiano in the side. It is worth noting, however, that Porter's criminal record contains more than one conviction for possession of a sawed-off shotgun. Regarding the murder of Jail Master Robinson, Porter admits to participating in the escape, but denies that he introduced the firearm.

Regarding his 1985 escape, Porter denies that he had planned the escape ahead of time. This assertion does not appear credible, given that he previously informed the Board (at his 2009 hearing) that he had hidden money in the woods prior to his escape and then used it to make his way to Chicago thereafter. Later in the hearing, Porter even admitted that he escaped following three denials of commutation on the Pigott sentence, and that he had lost hope of being released. This version is further validated by Porter's prior admission, which is contained in a December 19, 2014 Forensic Evaluation Report that was commissioned by Attorney Herman to "determine whether or not Mr. Porter has a diagnosis of anti-social personality disorder." It reads:

Mr. Porter reported that, after the denial of his third request for commutation from his second life sentence, he escaped on December 21, 1985. He had prepared in advance by burying about \$3,000 in the woods outside Norfolk Pre-Release Center to fund his escape. After initially travelling to different cities, he eventually arrived in Chicago, Illinois, where he spent the next 20 years under the alias of Jacob A. Jameson, a name he had chosen out of a phonebook.

Regarding substance abuse, Porter denies that he has a drinking problem. He admits to getting drunk on three occasions while a fugitive in Chicago, but says that he was not drinking on a regular basis. It is surprising that Porter would take this position, given the Board's noted concern in 2009 over his "long history of alcohol abuse." It appears that Porter, under the assumed name of J.J. Jameson, was known as a drinker in Chicago. An October 2005 article from a Chicago publication, "Hiding Between the Lines," states that Porter said that he spent his first years in Chicago "drinking his days away." In the same article, Porter's Chicago friend, David Beaton, also reportedly observed that Porter was struggling with alcoholism and that Porter's drinking made him "unpredictable and unreliable." Another friend, David Gecic, also reportedly noted that "he helped a lot of people kick their drug and alcohol habits, even though he couldn't kick his own."

Five individuals testified in support of parole for Porter, including: (1) David Haley, former Deputy Commissioner of the Department of Correction; (2) Frank Hall, former Commissioner of the Department of Correction; (3) Gordon Walker, Esq., Porter's former attorney; (4) Dr. Alfred DeMaria, Porter's friend; and (5) Joseph Kransdorf, Porter's friend from Chicago. Of note: former Deputy Commissioner Haley said Porter helped to diffuse a prison riot and may have saved his (Haley's) life, and that Porter assisted the institution in getting guns and contraband out of the prison; former Commissioner Hall said he was forever grateful to Porter for diffusing some "very tricky situations," where people could have gotten hurt; Dr. DeMaria noted that Porter has significant medical issues; and Attorney Walker said he traveled to Chicago and spoke with Porter's church and poet friends, who said they forgive and love him.

Seven individuals testified in opposition to parole, including: victim John Pigott's brother and cousin; victim David Robinson's daughter, nephew, and grandson; Essex County Assistant District Attorney Elin Graydon; and Middlesex County Assistant District Attorney Douglas Cannon. ADA Graydon pointed to additional evidence of Porter's drinking problem, noting that he can be seen in an obvious state of intoxication in the film "Killer Poet" (i.e., Killer Poet: The Double Life of Norman Porter (2008)). She also maintains that, during Porter's 20 years as a fugitive, he was arrested in Illinois in 1989 for driving under the influence, he was arrested in Washington in 1990 for shoplifting, and he was arrested in Illinois in 1993 for theft of services.

III. DECISION

The concerns raised in the Parole Board's 2009 decision remain unaddressed by Porter to date. In addition to raising concern over Porter's lack of rehabilitative programming (including substance abuse), the 2009 decision further stated:

The Parole Board acknowledges the strength of community support and Mr. Porter's accomplishments prior to his escape, as validated by his awarded commutation on the second degree life sentence for the murder of Mr. Robinson. However, he continues to minimize his criminal activity as evidenced by his belief that he was leading a crime free lifestyle while on escape from justice under a fake identity and which involved several new arrests. Mr. Porter's escape was a crime on parole, as well as a crime while incarcerated on a second degree life sentence for the murder of Mr. Pigott.

The Board's 2009 decision remains as relevant now as it did then. Rather than address his history of alcohol abuse, Porter has instead chosen to remain in a state of denial. Further, he has not had any rehabilitative programming that addresses his criminal behavior. He is still not suitable for parole.

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, it is the unanimous opinion of the Board that Norman Porter does not merit parole at this time because he is not fully rehabilitated. The review will be in four years, during which time Porter

should engage in programming that minimizes his risk for both substance abuse and future criminal behavior.

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.



Janis DiLoreto Smith, Executive Director

3/23/15

Date