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Charlene Bonner  
Chairperson

**RECORD OF DECISION**

**In The Matter of**  
**SEBREN SHAGOURY**  
**W38188**

**TYPE OF HEARING:**    **Revocation Review Hearing**

**DATE OF HEARING:**    **May 19, 2015**

**DATE OF DECISION:**    **July 1, 2015**

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

**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 a unanimous vote that the inmate is a suitable candidate for parole. Upon District Attorney clearance, re-parole is granted to an approved home plan with other conditions.

**I. STATEMENT OF THE CASE**

On October 2, 1980, at approximately 1:40 AM, a white female was walking on Tremont Street in Provincetown, MA. In the area of 11 Tremont Street she was physically assaulted by two male subjects later identified as Stanley Dutra and Sebren Shagoury. These two males physically dragged her to a private parking lot located at 11 Tremont Street, where they committed rape and sodomy upon her for approximately one to two hours. The two defendants then physically dragged her from this location to a Ford van which was parked in an adjacent parking lot. The two defendants then broke into the van and forced the victim inside, where they continued to rape and sodomize her for another one to two hours.

The next morning, police picked up Dutra and Shagoury and brought them in for questioning. Although Shagoury initially told police that the sex was consensual, he admitted it was rape when he was questioned privately.

On April 17, 1981, after a trial by jury in Barnstable Superior Court, Shagoury was found guilty of aggravated rape and sentenced to life imprisonment with the possibility of parole after 15 years. On that same date, he received a 10 to 20 year concurrent sentence on a conviction for Sodomy. The court filed a charge of Assault and Battery.<sup>1</sup> Shagoury appealed his conviction, but the Massachusetts Appeals Court affirmed the judgment of the Superior Court. *Commonwealth vs. Stanley R. Dutra*, Second (and five companion cases), 15 Mass. App. Ct. 542 (1983).

Shagoury was committed to MCI-Cedar Junction on April 17, 1981. He remained there for 13 months. Records indicate that upon his commitment to MCI-Cedar Junction, Shagoury transferred to the protective custody unit due to the nature of his crime and his refusal to enter population. He claimed to have received threats to his life. The classification committee classified Shagoury to remain in protective custody at that facility pending a Sexually Dangerous Person processing. On May 23, 1982, he was transferred to MCI-Norfolk when it was determined that he could enter general population. On August 19, 1982, he was found to not be a Sexually Dangerous Person.

Shagoury appeared before the Board for an initial parole eligibility hearing in November of 1995, and on January 31, 1996, the Board voted to deny parole with a 30 month review date. The Board noted that Shagoury displayed little understanding as to why he committed this brutal rape. He had prior sex offenses on his record and at that point in time had only begun to address these issues in sex offender treatment. Shagoury was advised to continue his recently initiated treatment.

In May of 1997, Shagoury was transferred to the Massachusetts Treatment Center (MTC) to facilitate his continued participation in Sexual Offender Treatment Programming. Shagoury remained at the MTC for approximately six years. On May 3, 1999, Shagoury appeared before the Board for a review hearing, after which the Board voted to deny parole with a two year review date. The Board noted that Shagoury had been addressing the causative factors related to his serious sexual offense through programs. The Board felt that he needed to continue with programming and advance to the next phase of sex offender treatment. They also suggested that he work to improve his institutional behavior.

Shagoury next appeared before the Parole Board for a hearing in May of 2003, after which he was granted a reserve date to the Intensive Parole for Sex Offenders program, pending clearance from the District Attorney's office. He was paroled from the MTC on September 24, 2003.

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<sup>1</sup> Shagoury's co-defendant, Stanley Dutra, was convicted of aggravated rape, sodomy, and assault and battery. He was sentenced to a 35 to 40 year State prison term on the rape conviction and a concurrent term of years on the sodomy conviction. Records indicate he was re-paroled on September 29, 2014.



Shagoury was initially successful on parole, however he began to have trouble after a few years. On October 20, 2006, the Board issued Shagoury a vote of "final warning" for failure to keep his parole officer informed of his actions as well as violating his curfew and being out of state without permission. On June 14, 2007, a parole violation report charged Shagoury with several violations including testing positive for THC and violating a special condition for sex offenders by engaging in the use of personal ads or internet to meet people. The Board voted to provisionally revoke Shagoury on June 22, 2007.

On January 24, 2008, Shagoury appeared before the Board for a review hearing and on February 14, 2008, the Board voted a reserve to an approved home on or after August 30, 2008. Shagoury was also ordered by the Parole Board to be tested four times per year by polygraph and to return to sex offender treatment. Shagoury was re-paroled on September 9, 2008.

On October 22, 2014, Shagoury was again returned to custody on a parole violation because his girlfriend took out a restraining order against him. In addition, Shagoury was charged with Domestic Assault and Battery out of Uxbridge District Court, associating with a person who had a criminal record (a co-worker at his place of employment), and accessing pornography via cable TV. He was also in arrears on his parole supervision fee. He was found not guilty of Domestic Assault and Battery on January 7, 2015. On March 3, 2015, the Board voted to affirm the revocation and put his case on the next available list for further review.

Since his return to custody in 2014, Shagoury has maintained positive adjustment. He was transferred to NCCI Gardner in March 2015. He currently receives positive housing and work evaluations. He received one disciplinary report on March 28, 2015 for missing a medical appointment and was given a written warning as a sanction.

## **II. PAROLE HEARING ON MAY 19, 2015**

Shagoury was represented at this hearing by Attorney Cornelius Madera. The hearing focused on the allegations that formed the basis of Shagoury's parole violations, his past relationships, and testimony from his supporters in the community. Shagoury characterized his time on parole as productive. He said that during that time, he established new ties with family, he had meaningful employment experiences, and learned about how to be more successful in relationships. Shagoury said that while on parole he re-established ties he had made previously as he revived his handyman business and got involved in helping to manage properties owned by friends of his. He also worked toward getting proper licensing to allow him to drive commercial trucks.

Shagoury said that because his employment situation was initially inconsistent and he did not have a steady stream of income, he fell behind on his supervision fees. Shagoury explained that the 2007 allegation that he used personal ads or the internet to meet people was a situation involving a bad joke he played on a friend.

Regarding his more recent parole violations, Shagoury said that the restraining order taken out against him by his now ex-girlfriend was a manifestation of problems in their relationship. He said that at no time did he give her any reason to be fearful of him. Shagoury said in hindsight, he should have ended the relationship a long time ago. He said during an argument



he threw a lamp down and threw a pen at the floor, but they were not aimed at his ex-girlfriend and they were not thrown in her direction. His attorney pointed out that the court declined to renew the restraining order sought by his ex-girlfriend, and that Shagoury was found not guilty of the domestic assault charge.

Shagoury was asked about the allegation that he associated with Kyle Laberge, someone who has a criminal record. He said that this association occurred surrounding his close friendship with Katie LeBarge, Kyle's wife, who also was the daughter of Shagoury's first girlfriend (and a supporting witness at this hearing). He said the relationship involved him giving Kyle work to help the Laberge family's financial situation. Shagoury said he now understands that he needs to get prior permission from his parole officer before he associates with anyone who has a record, even if the association is for positive reasons. He gave the Board examples that he subsequently was working with someone else, and he communicated that to his parole officer who checked the individual's criminal history. Shagoury also said he had other co-workers, who wanted to see him socially outside of work, checked for criminal records prior to agreeing to socialize with them.

Shagoury addressed the allegations that he was watching pornography on cable by saying that his ex-girlfriend's son was the person who ordered those movies. He said he was unaware of such activity until he was back at Cedar Junction and received the reports about the parole violation. Shagoury said that part of the problem was from miscommunication regarding whether the cable subscription was in his name.

Shagoury attributed some of the issues with his supervision fee arrearage to his failure to properly process a fee waiver request. He accepted responsibility and said that he had purchased a \$160 money order for partial payment. Shagoury said that he relied on his ex-girlfriend to send the money order, but apparently she hadn't done so. He said he has since learned about having automated payments set up from his bank account so "this won't happen again."

Shagoury told the Board he has several people who are willing to help him with employment and a place to live should he return to the community. He said he could also resume his handyman business. Shagoury also plans to continue participating in sex offender programming. He said that he would be more proactive in working to have successful relationships.

As to the original offense, Shagoury said the sex offender treatment programming gave him insight into why he committed such a horrific crime. He attributed his involvement in the crime to confusion, being "lost," and a lack of understanding about love and sex. He characterized his thinking as delusional, and expressed sincere remorse and regret about the harm to the victim.

The Board also discussed with Shagoury the extent and depth of the expressions of support from his friends in the community, as evidenced by the numerous letters of support received by the Board. This support was reinforced by the witnesses who testified in support of Shagoury being re-paroled. They included John Marino (friend), Phil Cicio (friend), Sharon Harmon (ex-girlfriend and current friend), Kaitlynn Laberge (longtime friend), and Mary Laurent (older sister).



Mr. Marino told the Board that he owns residential real estate and has known Shagoury for about nine years. He stated that his family likes and trusts Shagoury. He said Shagoury has provided handyman services for his business, and that Shagoury is a hard worker who never complains or loses his cool. He said Shagoury always went out of his way to help the tenants. Mr. Marino said that they have established a strong relationship over the years. When asked by Dr. Bonner if he would be willing to re-employ Shagoury, he answered, "today!"

Mr. Cicio, another former employer who has known Shagoury for ten years, testified that Shagoury's problems in relationships stem from the fact that he is too nice, too caring, and too trusting. He said that issues likely arose because Shagoury never said no, caring more about the other person than himself. He said that Shagoury is so nice that if someone called him and needed a ride from the airport, Shagoury would drop everything and happily help them out. He also related instances where Shagoury would help tenants and not charge them for it.

Kaitlynne Laberge testified that Shagoury has been like a father to her and he has been very kind and never raised his voice to her or her mother, his ex-girlfriend. Ms. Laberge's husband Kyle was the person with the criminal record with whom Shagoury associated. She explained that when he gave Kyle work, Shagoury would try to avoid contact with him and use her as a conduit.

Sharon Harmon testified that she had a relationship with Shagoury and that it ended amicably because of events in Ms. Harmon's life and that it was her choice. She did not want to "hold him back." She stated that they are still friends and she called him the kindest person she ever met. Mary Laurent, Shagoury's older sister, called her brother "one in a million." She called him a good man and a sincere worker with a heart of gold who would go out of his way to help anyone. She praised him for taking time to help her son, to teach him handyman skills, and to stay away from negative influences.

No one testified in opposition to Shagoury's parole, but the Board did receive two letters of opposition. One letter was from the Cape and Islands' Office of the District Attorney, and the other from the acting Chief of Police in Provincetown.

### **III. DECISION**

Shagoury acknowledges the severity of his offense and his need to invest in rehabilitation. At his hearing, Shagoury expressed remorse about what he had done. There was evidence of self-reflection and that Shagoury has learned and benefitted from his time in prison and his programming. He also seems to understand the things he has to do to be successful on parole. He showed insight into past problems in relationships and vowed to be more proactive if it seems that things are not working out in future relationships.

Shagoury has a long list of supporters as evidenced by the people who came to the hearing and the letters submitted from people who know him in the community. What was impressive was the depth of praise and support for the type of person Shagoury has become. Several people called him kind and hard working. They also stressed how much they trust him.

Based on the insight Shagoury displayed about both his prior parole issues and the problems with past relationships, and the strong level of support and praise from members of

the community, the Board finds that Shagoury is a suitable candidate for parole. Pursuant to G.L. c. 123A, Shagoury will remain in custody until the Cape and Islands' Office of the District Attorney determines if a sexually dangerous person petition is warranted.

The standard we apply in assessing candidates for parole is set out in 120 CMR Sec. 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." By statute, granting of parole is accomplished only when the Board Members, by a two thirds majority, vote to grant a parole. 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, the Board unanimously concludes that Sebren Shagoury meets the legal standard for parole. Accordingly, upon clearance by the District Attorney, Shagoury is granted parole to an approved home plan with special conditions.

**SPECIAL CONDITIONS:** Upon clearance by the District Attorney, re-parole to an approved home plan; waive work for two weeks from the date of release; curfew of 10pm to 6am or at the discretion of parole officer; remain drug and alcohol free with testing in accordance with agency policy; no contact with victim of underlying offense; no contact with Andrea Ingersoll; contact with Kyle Laberge with permission of parole officer; attend AA or NA meetings at least three times per week; comply with SEX A conditions; must report to assigned MA parole office on day of release.

*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.*

  
Michael J. Callahan, General Counsel

July 1, 2015  
Date