



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

SHAWN FISHER
W58410

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **August 17, 2023**

DATE OF DECISION: **November 29, 2023**

PARTICIPATING BOARD MEMBERS: Tina M. Hurley, Dr. Charlene Bonner,¹ Tonomey Coleman, James Kelcourse

STATEMENT OF THE CASE: On April 11, 1995, in Norfolk Superior Court, Shawn Fisher pleaded guilty to second degree murder in the death of 17-year-old Ralph James Tracey. He was sentenced to life in prison with the possibility of parole.

On the evening of June 3, 1993, Shawn Fisher, Christopher Pucillo, Joseph Gauthier, and Ralph Tracey (AKA Jimmy) purchased alcohol and proceeded to drink in a secluded area of the woods in Sharon known as Gavin's Pond. At approximately 9:00 pm (while still in the woods), Mr. Fisher and his two co-defendants made plans to attack Mr. Tracey. After attacking him, they knocked him to the ground and beat him with their fists and feet. As the victim lay motionless on the ground, the men removed his clothes. Mr. Fisher used a branch to penetrate the victim's rectum and strike his testicles. Mr. Fisher and Mr. Gauthier then dragged the victim to the edge of the pond and held his head under water. Mr. Pucillo checked the victim's pulse and found none. Finally, Mr. Fisher stabbed the victim in the neck. They covered the victim's half-submerged body with a blanket and sticks and left the scene. The following day, a local fisherman discovered the victim's body and alerted police. Mr. Fisher and his co-defendants were subsequently arrested.

¹ Dr. Bonner was not present for the hearing, but reviewed the record prior to the vote.

PAROLE HEARING: Mr. Fisher appeared before the Board on August 17, 2023, for a review hearing. He was represented by Attorney Rosemary Scapicchio. Parole was denied following Mr. Fisher's initial hearing in 2009 and a review hearing in 2019. The entire video recording of Mr. Fisher's August 17, 2023 hearing is fully incorporated by reference into the Board's decision.

DECISION OF THE BOARD: 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.

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 a suitable candidate for parole. Parole is granted to a Long-Term Residential Program, but not before District Attorney clearance and 9 months in lower security.

In forming this opinion, the Board has taken into consideration Mr. Fisher's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Fisher's risk of recidivism. After applying this standard to the circumstances of Mr. Fisher's case, the Board is of the opinion that Mr. Fisher is rehabilitated and, therefore, merits parole at this time, subject to special conditions.


Subject appeared with counsel, Rosemary Scapicchio. District Attorney clearance.² Subject has served approximately 30 years for the murder of Ralph Tracey. Subject has taken responsibility for his crime and has expressed remorse for his actions. Subject has completed Criminal Thinking and Substance Abuse education since his last appearance before the Board. He has undertaken leadership and mentorship roles within the institution. He is employed as a deacon's clerk in the chapel office. The Board notes subject's reported history of head trauma and history of ADHD and depression, and that he has committed to mental health treatment in the institution. The Board recognizes the proposed parole plan presented by Mr. Fisher at his hearing. The Board acknowledges Timothy Muse, Coordinator of Community Works Services of Boston, and Jean Trounstone, who spoke in support. Assistant District Attorney Michael McGee and family of the victim spoke in opposition.

Special Conditions: Waive work for LTRP; Curfew: must be at home between 10PM and 6AM or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have mental health evaluation (has a reported history of depression, ADD, TBI, and memory loss); Must have substance abuse

² The Board acknowledges that the prior decision noted that subject should participate in the Sex Offender Treatment Program. However, based on this Board's review of the file, the Board does not make the same recommendation.

evaluation and must comply with recommended treatment plan; Long-term residential program; Must sign releases of information for all providers.

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.


Tina M. Hurley, Chair

11/29/2023

Date