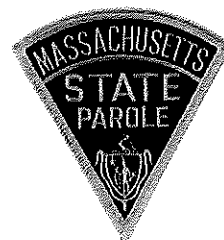




*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

SHAWN FISHER

W58410

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 18, 2019**

DATE OF DECISION: **April 27, 2020**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa

DECISION OF THE BOARD: 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 not a suitable candidate for parole. Parole is denied with a review scheduled in four years from the date of the hearing.

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.¹

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 woods in Sharon known as Gavin's Pond. At approximately 9:00 pm (while still in the woods), Mr. Fisher and his 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

¹ There are two co-defendants in this case, Christopher Pucillo and Joseph Gauthier.

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.

II. PAROLE HEARING ON JUNE 18, 2019

Shawn Fisher, now 46-years-old, appeared before the Parole Board on June 18, 2019. He was represented by Attorney Rosemary Scappicchio. Mr. Fisher was denied parole after his initial hearing in 2009, and waived his review hearing in 2014. In his opening statement to the Board, Mr. Fisher offered a sincere apology for the pain and suffering he caused 26 years ago to the family and friends of Mr. Tracey. He also spoke of spending the past 26 years reflecting on his past, as well as the strides he made in his rehabilitation.

Mr. Fisher provided the Board with a comprehensive overview of the offense. He described the precipitants leading up to the brutal assault, rape, and murder of Mr. Tracey. He spoke of how he taunted the victim prior to sexually assaulting him with a branch, as well as calling him a rapist. It was alleged that Mr. Tracey had (previously) sexually assaulted a friend of theirs. When it became clear that Mr. Tracey would succumb to his injuries, Mr. Fisher grabbed a knife and stabbed him in the neck before attempting to cover up the crime. Mr. Fisher described himself at the time of the offense as having a sense of right and wrong, but explained that he had yet to develop coping skills to deal with the wrong choices. He informed the Board that Mr. Tracey was the victim of his developed indifference and emotional detachment. Mr. Fisher spoke of the years of physical and emotional abuse that he endured at the hands of his mother, causing him to become a bitter, angry, and violent man. He does not believe that intoxication played a role in the offense, but said that he used alcohol to self-medicate.

The Board discussed Mr. Fisher's institutional adjustment; he is currently incarcerated at Old Colony Correctional Center. He is not presently employed within the institution due to receipt of a disciplinary infraction (that was subsequently dismissed). His adjustment has been problematic at times, as evidenced by receipt of approximately 25 disciplinary infractions; two returns to higher security; and a 12 month disciplinary detention unit sanction. Although Mr. Fisher has not incurred a serious disciplinary infraction in three years, the Board indicated concern that this was not long enough due to his prior adjustment. The Board did recognize that he completed some programs such as: Alternatives to Violence program (AVP) and Restorative Justice Reading Group, and has participated in Project Youth.

Mr. Fisher had several supporters in attendance at his hearing. Two of Mr. Tracey's family members attended the hearing in opposition to parole. The Board considered testimony from a family member. Norfolk County Assistant District Attorney Michael McGee testified and submitted a letter of opposition.

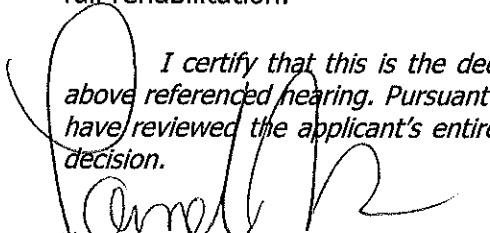
III. DECISION

The Board is of the opinion that Shawn Fisher has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Fisher has served approximately 26 years for the murder of Ralph Tracey. Mr. Fisher and his co-defendants brutally beat to death Mr. Tracey in 1993. Although he has engaged in rehabilitative programming, his adjustment has been problematic at times. It is the opinion of the Board that Mr. Fisher should engage in Sex Offender Treatment, as he admittedly "raped" the victim with a branch.

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. 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 unanimous opinion that Shawn Fisher is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Fisher's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

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.


Pamela Murphy, General Counsel


Date