



Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Acting Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

Advisory Board of Pardons
12 Mercer Road, Natick, Massachusetts 01760
Telephone # (508) 650-4500
Facsimile # (508) 650-4599



Gloriann Moroney
Chair

Kevin Keefe
Executive Director

IN THE MATTER OF
STEPHEN POLIGNONE
PETITION FOR PARDON
REPORT AND RECOMMENDATION

YOUR EXCELLENCY:

The Advisory Board of Pardons (hereinafter "the Board") respectfully submits this report and recommendation concerning the pardon petition of Stephen Polignone. Mr. Polignone was convicted of Larceny and Altering a Motor Vehicle License/Registration on February 4, 1980 in Malden District Court, and sentenced one year of probation.

On or about January 2, 2015, Mr. Polignone submitted a petition for a pardon. (*Attachment A*). On February 28, 2022, the Board conducted a public hearing regarding Mr. Polignone's petition. In his petition and at the public hearing, Mr. Polignone requested a pardon for his convictions so that so that he may obtain a License to Carry a Firearm.

After due consideration, the Board voted unanimously to recommend favorable consideration of Mr. Polignone's request for a pardon. The reasons for the Board's recommendations are set forth in the body of this opinion.

PROCEDURAL HISTORY

On January 10, 1980, Mr. Polignone was arraigned in Malden District Court, Docket Numbers 74 and 75. He pleaded guilty to one count of Larceny and one count of Altering a Motor Vehicle License/Registration on February 4, 1980. (*Attachment B*).¹ He was sentenced to one year of probation. His probation was terminated on February 10, 1981. Mr. Polignone sealed his Massachusetts record on September 30, 2008.

STATEMENT OF THE CASE

According to Mr. Polignone, he was convicted of writing bad checks from an account that he knew had insufficient funds to cover the checks. When doing so, he was in possession of a fake or altered license.

There is no arrest report or incident report regarding these offenses on record with the Malden Police Department.

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) record, both dated September 22, 2021, Mr. Polignone has one additional charge on his Massachusetts record for Minor in Possession of Alcoholic Beverage. He was arraigned on this charge in Chelsea District Court on or about July 11, 1977. It was dismissed upon the payment of court costs. He has no out-of-state charges. (*Attachment C*).

PARDON PETITION OF STEPHEN POLIGNONE

On or about January 2, 2015, Stephen Polignone submitted a petition for clemency, in the form of a pardon, for 1980 convictions for Larceny and Altering a Motor Vehicle

¹ Mr. Polignone's Board of Probation record also reflects an arraignment for one count of Uttering on January 10, 1980. This count was dismissed on February 4, 1980.

License/Registration. In a letter attached to his petition, he stated the following about the offense: “In 1979 I was 23 years of age and wrote two bad checks. At that time, I did not use good judgment and was misguided in my actions. This conviction is the only conviction I have ever had and was a life learning and changing event for me personally and I deeply regret my action.” (*Attachment A*, page 2).

In his letter, Mr. Polignone stated that (at the time) he had been married to his wife for twenty-three years. She is employed as an Assistant Vice President at John Hancock. Mr. Polignone was previously employed as a union ironworker. They have one son and are involved in the community. He stated that they participated in fundraising events for the Georgetown School District and he has also served as a member of the Conservation Commission.

Mr. Polignone’s petition stated that he would like to “legally own a firearm for protection of life and property.” He also reported being a deer hunter and wanting to pass that interest onto his son. Mr. Polignone pointed out that he held a valid License to Carry a Firearm for approximately twenty-five years following his conviction. It was only when he attempted to purchase a rifle that he was contacted by an ATF agent who informed him that he could no longer hold a license.

2022 INTERVIEW OF STEPHEN POLIGNONE

At the request of the Advisory Board of Pardons, Mr. Polignone consented to an interview concerning his petition. (*Attachment D*). The interview took place on February 23, 2022.

During the interview, Mr. Polignone reported that he is retired from the Local 7 Ironworkers union, where he was employed from 1985-2011. He also reported volunteering as Conservation Commissioner for the Town of Georgetown from 2010-2013. Mr. Polignone stated that he received his GED after leaving Saugus High School after the 11th grade. He attended Northshore Community College for approximately

eighteen months and served in the United States Air Force from March to July of 1974, after which time he was honorably discharged. Mr. Polignone stated that he currently lives in Georgetown, MA with Laurene (Castanga) Polignone, his wife of thirty-one years, and their twenty-three-year-old son Michael. He and his wife are involved with the PTA and fundraising for the schools department. He also served the town as Conservation Commissioner for several years.

Regarding the governing offense, Mr. Polignone reported that he wrote two bad checks, knowing there was not enough money to cover the checks. He also reported having a license on him that had been altered.

Mr. Polignone reported during his interview that he would like to obtain a license to carry so that he could obtain a firearm for protection and hunting. He stated that his family members are avid hunters and that he would like to resume the hobby. He also reported that he would like to purchase a home in a gated community, and that a background check could affect his ability to do so.

PROCEEDINGS BEFORE THE ADVISORY BOARD

On February 28, 2022, the Advisory Board of Pardons held a public hearing on Steven Polignone's pardon petition. The hearing was chaired by Gloriann Moroney. Advisory Board of Pardon Members Charlene Bonner, Sheila Dupre, and Tina Hurley were present at the hearing. Board Members Tonomey Coleman and Colette Santa were not present for the hearing, but reviewed the record and participated in deliberations. Mr. Polignone was represented by Attorney Richard Chambers, Jr.

THE BOARD'S INQUIRY

SOCIAL HISTORY

Upon inquiry by the Board, Mr. Polignone provided information concerning his social history. He reported being twenty-three or twenty-four at the time of the offenses and

spending time around the “wrong people.” He reported that he has lived in Massachusetts his entire life, and he currently lives in Georgetown with his wife and adult son. Mr. Polignone stated that he was employed by the ironworkers union for twenty-five years until his retirement and that his wife has been employed at John Hancock for over thirty years. He and his wife host fundraising events for the school system and he previously served on the town’s Conservation Commission.

Mr. Polignone reported that he first obtained a firearms identification card in 1979 and later obtained a license to carry. His license to carry was subsequently renewed three times without any issues, until he purchased a rifle in Maine in approximately 2008. He was contacted by an ATF agent who told him to return the rifle, and that he would no longer be permitted to have a license to carry due to his felony conviction.

GOVERNING OFFENSE

The Board inquired about the offense for which Mr. Polignone seeks a pardon. Mr. Polignone stated that he wrote bad checks (potentially as many as three bad checks) from an account that he had opened in a false name. He knew that the account did not have the funds to cover the amount of the checks and he used a fake license to cash the bad checks. He did not have a clear recollection of whether he paid restitution for the checks.

Mr. Polignone pleaded guilty to Larceny and Altering a Motor Vehicle License/Registration and was sentenced to probation. He completed his probation without incident.

VICTIM IMPACT

No victim impact statements were provided to the Board.

PRIOR CRIMINAL HISTORY

The Board noted that, aside from the governing offenses, Mr. Polignone's criminal history only includes a dismissed charge for Minor in Possession of Alcohol, and does not reflect any other arraignments or convictions in Massachusetts or any other states.

COMPELLING NEED FOR A PARDON

The Board made inquiries concerning Mr. Polignone's compelling need for a pardon. Mr. Polignone reported that he would like to lawfully possess a firearm for "protection of life and property." He also reported being an avid hunter, an interest that he shares with his son. He would like to spend time hunting and shooting with his son. Mr. Polignone also reported that he would like to apply to purchase a home in a gated community in Florida. He has been informed by others that such a process would require a background check and he is concerned that even his sealed record would prevent him from gaining entry into the community.

SUPPORT

TESTIMONY

The Board did not hear any testimony in support of Mr. Polignone's petition.

LETTERS

In advance of Mr. Polignone's hearing, the Board received two letters dated December 4, 2014 and January 27, 2022 from Chief Donald C. Cudmore of the Georgetown Police Department. (*Attachment E; Attachment F*). Chief Cudmore stated that Mr. Polignone possessed a valid License to Carry a Firearm that was issued by the City of Saugus in 1978. It was renewed three times by the Town of Georgetown, until a subsequent renewal was denied on June 6, 2008 as a result of Mr. Polignone's felony conviction from Malden District Court. Chief Cudmore reported

that he would re-issue Mr. Polignone's license to carry if Mr. Polignone were to receive a pardon for his convictions.

The Board also reviewed three letters of recommendation that were previously submitted in support of Mr. Polignone's pardon petition. (*Attachment A*, pages 14-16):

Kevin Laterza Kevin Laterza, a prison guard and friend of Mr. Polignone, submitted a letter dated November 19, 2014 in support of Mr. Polignone's petition for a pardon. Mr. Laterza reported knowing Mr. Polignone for over 30 years and described him as "reliable," "generous," and "a hardworking, family man." He stated that Mr. Polignone is active in the community, including the PTA and sports leagues.

David Carlsen David Carlsen, a friend and former co-worker of Mr. Polignone, submitted a letter dated November 19, 2014 in support of Mr. Polignone's petition for a pardon. Mr. Carlsen reported knowing Mr. Polignone for approximately sixteen years and described Mr. Polignone as a role model in the ironworker union. He reported that Mr. Polignone demonstrated "dedication, honesty and hard work ethic" in his work.

Christopher Tighe Christopher Tighe, a friend of Mr. Polignone, submitted a letter dated November 18, 2014 in support of Mr. Polignone's petition for a pardon. Mr. Tighe reported that he has known Mr. Polignone for thirty years and described him as "a hardworking, honorable, and dedicated individual."

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Polignone's petition.

LETTERS

No letters were submitted in opposition to Mr. Polignone's petition.

OPINION OF THE ADVISORY BOARD

FAVORABLE RECOMMENDATION

After careful review and consideration, it is the opinion of 6 of the 6 voting members of the Advisory Board of Pardons that a favorable recommendation for a pardon be sent to the Governor on behalf of Stephen Polignone.

Governor Charles D. Baker's Executive Clemency Guidelines, issued on February 21, 2020 ("Guidelines"), establish the grounds upon which a pardon may be granted and provide assistance to the Advisory Board of Pardons in making recommendations to the Governor on clemency petitions. The Guidelines state that a pardon is "an extraordinary remedy which has the effect of treating the petitioner as if the offense had never been committed." The Guidelines further provide that "[pardons are] intended to remove the barriers that are sometimes associated with a criminal record, thereby facilitating the reintegration of the petitioner into his or her community." The Guidelines state that the nature and circumstances of the offense and the character and behavior of the petitioner are the two "paramount considerations in deciding whether to grant clemency."

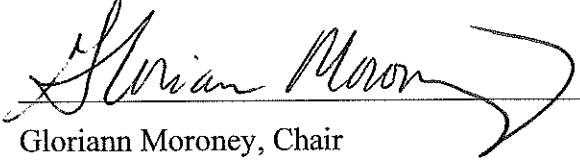
Under the Governor's Guidelines, a person who petitions for a pardon bears the responsibility of demonstrating, by clear and convincing evidence, that:


- (a) The petitioner has clearly demonstrated an acceptance of responsibility for the offense for which the petitioner is seeking clemency;
- (b) the petitioner does not have any pending appeals or challenges to a conviction or sentence;
- (c) the petitioner has made full restitution to his or her victims, in the event of economic injury;


- (d) the petitioner has made exceptional strides in self-development and self-improvement and would be a law-abiding citizen;
- (e) the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (f) the petitioner has contributed to society through the military or public service, or through charitable work;
- (g) the petitioner has demonstrated a period of good citizenship by “leading a responsible and productive life and contributing to [his or her] community in a positive manner” for more than ten years following a felony conviction, “without the structure provided by government supervision,” such as probation or parole;
- (h) there is no alternative remedy available to the petitioner.

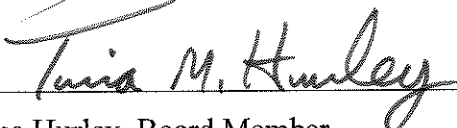
The petitioner is seeking a pardon for a conviction of Larceny and Altering a Motor Vehicle License/Registration from February 1980. He was sentenced to one year of probation, which was successfully completed. The Board notes that Mr. Polignone committed the offenses forty-two years ago and has accepted responsibility for his actions. He successfully completed his probation without incident. The Board further notes that he was forthcoming about the circumstances of the offenses and had no further involvement in the criminal justice system. He has raised a family, maintained employment, and has been involved in the community. He served briefly in the United States Air Force. Additionally, Mr. Polignone had a license to carry from 1979 until 2008, when these convictions prevented him from renewing it. Mr. Polignone is an avid hunter. Hunting with his family and protection of life and property are important to him. The Georgetown Chief of Police has submitted a letter in support of Mr. Polignone’s petition. The Board has also reviewed several additional letters to that speak to Mr. Polignone’s good character. Therefore, the Board recommends that a pardon be granted.


For the six members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 15th of August, 2022:


Gloriann Moroney, Chair


Charlene Berner, Board Member


Tonomey Coleman, Board Member


Tina Hurley, Board Member


Colette Santa, Board Member