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DECISION

IN THE MATTER OF

STEVEN WARD

W48627

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: September 30, 2014

DATE OF DECISION: December 4, 2014

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

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 a suitable candidate for parole. Parole is granted to a long term residential treatment program after nine months in lower security at the Department of Correction (DOC), during which time Steven Ward must maintain good conduct and comply with all DOC expectations for programs; activities, and employment.

I. STATEMENT OF THE CASE

On September 18, 1988, in Lowell, Steven Ward, then 16 years old, beat and stabbed 73 year old Louis Poznyk to death.

On June 20, 1990, after a jury trial in Middlesex County Superior Court, Ward was found guilty of first degree murder by reason of extreme atrocity or cruelty and was sentenced to life without the possibility of parole. On December 24, 2013, the Massachusetts Supreme Judicial Court issued a decision in *Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655 (2013), in which the Court determined that the statutory provisions mandating life without the possibility of parole were invalid as applied to those, like Steven Ward, who were juveniles when they committed first degree murder. The SJC ordered that affected inmates receive a parole hearing after serving 15 years. Accordingly, Steven Ward became eligible for

parole, and is now before the Board for an initial hearing after serving 26 years of his life sentence.

On the evening of September 18, 1988, the Lowell police found the body of a homeless man near the parking lot of the Lowell District Court. The seventy-three year old victim, Louis Pozyck, had been stabbed repeatedly and died later.

After investigations led to Steven Ward, he was accompanied by his mother to the police station where he made some statements. In summary, he told the police that on September 18, 1988, he left his house carrying a "butterfly knife." Later in the evening, after spending some time with friends and then with his mother, he went downtown to look for another friend. While doing so, Ward heard a man, Mr. Pozyck, who was lying against the building tell him to "get lost." The two exchanged words and Ward walked over and kicked Mr. Pozyck in the face about four times. Mr. Pozyck started to say something else and Ward took out his knife. While holding the knife, he told Mr. Pozyck to shut up or he would stab him. Mr. Pozyck mumbled something which sounded like "go ahead." He was still on the ground. Ward stabbed Mr. Pozyck three times.

Ward showed other youths hanging out nearby where Mr. Pozyck was lying on the ground. Mr. Pozyck was still alive. Another youth had a kitchen knife. Ward took the kitchen knife and stabbed Mr. Pozyck a number of times. According to Ward, "I stabbed him because Mike¹ and I went back there to kill him, and after I looked at him Mike gave me the knife, so I did it."

II. INSTITUTIONAL AND CRIMINAL HISTORY

Ward has incurred 12 disciplinary reports during his incarceration. His most recent disciplinary report was in 2009 for possession of pornographic material. Ward has not engaged in any behavior deemed threatening or violent for over 15 years. His overall institutional adjustment is considered to be generally positive. He currently receives average housing and work evaluations.

Ward earned his general equivalency diploma in 1991 and continued his education, receiving his Bachelor of Liberal Studies from Boston University in 1999. He continued his path toward change and participated in available programs to assist with his rehabilitation and occupational skill training. His rehabilitative programs include those that focus on conflict resolution, addictions treatment, emotional awareness, and cognitive thinking skills. In addition, Ward has become a facilitator in several programs, a position which is reserved for inmates who have mastered a distinct level in a specific area, and assists with teaching skills to other inmates. He has participated in Jericho Circle since 2009 and Restorative Justice in 2013 and 2014. He is currently employed in the upholstery shop at MCI-Norfolk, where he has worked for 20 years. Ward started as a mattress assembler in 1991 and received training over the years in using the sewing, border, and cutting machines. He has also earned a welder's license.

¹ Michael Morrisette (W49880), a co-defendant, was convicted of second degree murder for his role in the murder and sentenced to life. The Board granted parole to Morrisette following his May 24, 2013 hearing.

Prior to his murder conviction, at the age of 13, Ward received a dismissal after a three month continuance without adjudication for possession of fireworks. At age 15, Ward was charged with shoplifting a carton of cigarettes, but the case was dismissed. The only charges on his adult criminal record consist of charges related to the governing offense.

III. PAROLE HEARING ON SEPTEMBER 30, 2014

Ward appeared for his initial hearing and was represented by Attorney Stephen Paul Maidman and Attorney Wendy Wolf. This was Ward's first appearance before the Parole Board, having become eligible following the SJC's *Diatchenko* decision. Ward has been held in custody since 1988, and until *Diatchenko*, had been serving his life sentence since 1990 without the possibility of parole.

Ward emphasized his progress and commitment to rehabilitation, education, and occupational skill building despite having assumed that he would never have the opportunity for parole. He described his experience of being a 17 year old entering a state prison for men. He stated he had made some progress in the juvenile detention center, but regressed after entering Walpole state prison. He reported that once he was transferred out of Walpole to Norfolk, he was initially afraid to enter the general population. Ward stated that the precipitant to his commitment to change was due to one officer's continued encouragement. Ward stated that after a period of drinking and disruptive behavior, the officer sat him down and told him "You're better than this. Go back to your cell and stay out of trouble." He saw something in me. It was life changing." From that point on, Ward said he was committed to meaningful change. He stated that his last drink was in 1991, and he then began his path to rehabilitation.

Ward was asked by the Parole Board to describe how his efforts have resulted in meaningful change. Ward provided the Parole Board with a list of programs that have had a particular effect on his rehabilitation. Ward stated that he found the programs, such as Emotional Awareness and Jericho Circle, enabled him to "understand the weight of the issues have had on my life and the impact they have had on my life." Ward provided the Parole Board with his history of physical abuse, sexual abuse, and neglect that impacted his development as a young boy. He stated that he learned how his traumatic experiences impacted his life and how they related to his substance abuse, anger, and further destructive behavior. Ward described particular experiences that he stated he never dealt with until he began to engage in counseling and other programs in prison. He stated that, as a child, things would "fester and turn into toxic shame." In addition, Ward described how he emotionally matured and was able to reflect on his crime, the harm he caused others, and the impact his behavior has had on others. Ward described his participation in the Restorative Justice Program as being significant in helping gain insight into the depth of the "harm I caused." Ward said that hearing from survivors of other criminal offenses provided him with a deeper appreciation for how others have been affected by his behavior.

Ward also described at length how his commitment to education and occupational programs has enhanced his overall rehabilitation and his ability to reintegrate successfully into the community. Ward has specialized in upholstery and furniture restoration for 20 years. He described how his own transformation is analogous to his work, stating "furniture can be rebuilt and made into value. I was broken when I came in, too."

Ward was asked to provide the Parole Board with his version of the murder of Louis Pozyck. Ward described in great detail as to how and why he stabbed Mr. Pozyck to death. At the time he committed the murder, he had recently been returned to the custody of his mother after he and his siblings were in and out of various foster homes. Ward stated that he returned angry and confused and had unresolved issues related to his own victimization and trauma. Ward described how he came upon Mr. Pozyck and why he now believes he erupted into a rage of anger and aggression. Although his description of the offense varied somewhat from that of his co-defendant, Michael Morrisette, Ward admitted to the pertinent facts as outlined in the official record. Ward continues to assert that he initially thought that Pozyck was the person who attacked him approximately one year prior. He admits that he quickly recognized that, in fact, Pozyck was not his attacker, but that it did not stop him from following through with his violent acts. Ward also admitted that he initially lied about why he stabbed Mr. Pozyck, telling his co-defendant and others that he was attacked by Mr. Pozyck. He stated at that period of his life, he was also drinking daily to cope with his issues and believes that his substance abuse played some role in his actions that day.

Of particular concern to the Parole Board was the level of violence Ward exhibited when he stabbed Mr. Pozyck and the events that followed their initial encounter. Ward was reluctant to admit that he returned with his friends to make sure Mr. Pozyck was dead. He was asked if he was afraid Mr. Pozyck would identify him after he initially stabbed him. Ward stated that, at age 16, he "wasn't really planning anything, but rather he walked blindly." He was asked if his reason for returning was to kill him, but Ward was unclear if that was his intent when he enlisted others to return to the scene. He stated that although he knew that option was there, he denied that it was a deliberate plan at that time. Reflecting back on his actions, however, Ward did not deny that returning to the scene, along with the behavior that he and his co-defendants engaged in, shows that at some point the decision was made that he wanted to kill Mr. Pozyck. Ward denied having ever engaged in such violence before that day. He stated he started carrying a knife after he was attacked, but denies ever stabbing anyone before or causing any significant physical harm to another human being.

The Parole Board reviewed the findings of multiple psychological evaluations that Ward had shortly following the commission of the murder. The Parole Board cited specific consistent expert opinions that described Ward as being an individual who was amenable to treatment and personality traits that described him as being cooperative and sensitive toward others. Such expert evaluations also described Ward as having a higher than average IQ, with some facets of his cognitive strengths reaching the superior range. The Parole Board thus outlined that Ward seemed to have a foundation of many strengths that were enhanced by his participation in active rehabilitation. Ward agreed that, given his abilities and his support system early on and currently, he has been fortunate. Ward stated that he attributes his strong mentors as being the key to his success. Ward described his re-entry plan which consists of transitioning through lower security to the Heaven's Door Ministry, where he can stay for up to three years. He stated that he would continue to attend Alcoholics Anonymous meetings, religious services, and counseling. After he feels ready to leave the program, he plans to live with his mentors, Hanna and Scott Larson, where he can learn how to drive and learn fiscal responsibility. He eventually plans to live on his own. Ward identified a job opportunity working as an upholsterer in Worcester, which is also where his support system resides.

Ward had many people attend his hearing in support. Speaking in support of Ward's parole were several of Ward's ongoing mentors including Michael Walker (who trained him to be a skilled upholsterer), David Quinones (of the Straight Ahead Ministries Program), Lisa Gigliotti (an advocate from the statewide sentencing commission), and Hannah Larson (also from the Straight Ahead Ministries Program), who testified at an earlier date before the Board. Included in the testimony for Ward's release were descriptions of his strong character, his commitment to rehabilitation, and the supporters' commitment to his ongoing success. Ms. Larson stated that she has known Ward since he was 16 years old, when he was committed to the Westborough Detention Center. Ms. Larson testified to Ward's meaningful change and her family's commitment to continue to help him in whatever areas of need he has upon his re-entry to the community.

Speaking in opposition to Ward's parole was Middlesex Assistant District Attorney Thomas F. O'Reilly. ADA O'Reilly also provided a detailed letter outlining his Office's opposition to Ward's parole. ADA O'Reilly expressed his concern that Ward has minimized his actions by attributing them largely to substance abuse and Post Traumatic Stress Disorder (PTSD) and through his initial defense of claiming that Mr. Pozyck attacked him. ADA O'Reilly also discussed his concern with the brutality of the crime upon an innocent elderly man and his delay in participating in meaningful rehabilitation. ADA O'Reilly stated that although Ward presents himself as a model inmate, his parole should be denied due to his number of disciplinary issues, the nature of the offense, and his lack of participation in rehabilitative programs until after 2007.

IV. DECISION


Ward committed a murder at age 16. The Parole Board considers his age and stage of development at the time of the offense, as well as other social and psychological factors, to be relevant to his commission of the murder. In addition, the four goals of sentencing – punishment, deterrence, rehabilitation, and public protection – have been met in this case. Ward is now 42 years old. While being detained at a Juvenile Detention Center, he developed relationships with treatment providers who attested to his immediate openness and willingness to engage in treatment. Some of these providers have continued to engage with Ward and have agreed to play a significant supportive role in his re-entry. There was also evidence outlined in psychological evaluations that Ward was amenable to treatment, among other strengths, and could thus succeed within the appropriate therapeutic environment.

Following a difficult transition into the adult state prison, Ward began to again invest in meaningful change. Despite having the understanding that he would be serving his life in prison, Ward began to invest in education, treatment, and occupational skill building. When the SJC issued its *Diatchenko* decision on December 24, 2013, Ward learned that he would be given the opportunity for parole. This decision also allowed for his acceptance into further rehabilitative programs, of which Ward took advantage. Ward also developed a support system and release plan that will enable him to address all of his needs. His support system includes those with experience in assisting people successfully re-enter the community after periods of incarceration.

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, the Parole Board grants parole to an approved transition program after nine months in lower security. Appropriate conditions will be included to address Ward's individual needs.

SPECIAL CONDITIONS: Parole to long term residential treatment program; waive work for program participation; supervise for drugs, testing required in accordance with agency policy; supervise for liquor abstinence, testing required in accordance with agency policy; report to assigned Massachusetts Parole Office on day of release; counseling for adjustment issues.

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.



Charlene Bonner, Chairperson

12-4-14

Date