



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



Advisory Board of Pardons

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IN THE MATTER OF
THOMAS SCHOOLCRAFT
PETITION FOR UNCONDITIONAL 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 Thomas Schoolcraft. Mr. Schoolcraft previously received a conditional pardon from Governor Deval Patrick in January 2015, and now petitions for an unconditional pardon. As a condition of his 2015 pardon, Mr. Schoolcraft was not permitted to possess or carry a firearm. He now seeks relief from that condition.

On April 3, 2006, Mr. Schoolcraft was convicted in Newburyport District Court of one count of Breaking and Entering at Nighttime with Intent to Commit a Felony, Docket Number 0522CR002229. He was sentenced to six months in the House of Correction, suspended for two years, and successfully completed this period of probation.

On or about November 12, 2020, Mr. Schoolcraft submitted a petition for an unconditional pardon. (*Attachment A*). On July 29, 2022, the Board conducted a public hearing regarding Mr. Schoolcraft’s petition. In his petition and at the public hearing, Mr. Schoolcraft requested an unconditional pardon for his 2006 Newburyport District Court conviction so that he may pursue

additional employment opportunities in the corrections field that require the ability to possess and carry a firearm. After due consideration, the Board voted unanimously to recommend favorable consideration of Mr. Schoolcraft's request for a pardon. The reasons for the Board's recommendations are set forth in the body of this opinion.

PROCEDURAL HISTORY

In August 2004, Mr. Schoolcraft was arrested after he and another man were implicated in a series of break-ins in Massachusetts and in southern New Hampshire, including one on Plum Island. A pair of binoculars was stolen from the Plum Island Residence. Mr. Schoolcraft was charged in Rockingham County Superior Court, New Hampshire, and sentenced to a period of incarceration. Upon his release from the New Hampshire facility, he was arraigned in the Newburyport District Court. He plead guilty, and was sentenced to a term of six months incarceration, suspended for two years.

In 2014, Mr. Schoolcraft appeared before the Advisory Board of Pardons on his petition for a pardon. After a public hearing, the Board recommended an unconditional pardon. (*Attachment B – 2014 Recommendation of Advisory Board of Pardons*). After a hearing before the Governor's Council, Mr. Schoolcraft was granted a conditional pardon by Governor Patrick. As a condition of his pardon, Mr. Schoolcraft was prohibited from possessing a firearm.

STATEMENT OF THE CASE

In early 2004, Mr. Schoolcraft, then 18, along with friends, broke into four homes in Plum Island in Newbury, and five homes in southern New Hampshire. The men stole a pair of binoculars from one of the Plum Island homes. After being turned in by one of the individuals who also participated in the break-ins, Mr. Schoolcraft was arrested and charged in both Massachusetts and New Hampshire. Mr. Schoolcraft admitted his involvement to police during a post-arrest interview.

PRIOR CRIMINAL RECORD

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) record, both dated May 25, 2022, Mr. Schoolcraft has no other adult criminal history. (*Attachment C*). Because his New Hampshire record has been expunged, his NCIC query returns no results.

PARDON PETITION OF THOMAS SCHOOLCRAFT

As previously indicated, Thomas Schoolcraft submitted a petition for executive clemency, in the form of an unconditional pardon, for a 2006 Breaking and Entering conviction for which he has received a conditional pardon. In his petition, he reported that his offense had been previously pardoned, and that he now seeks an unconditional pardon in order to obtain a license to carry. *Attachment A*. Mr. Schoolcraft explained that he is employed in the corrections field, and that most states and agencies require job applicants for corrections positions to be eligible for a license to carry a firearm. He reported substantial difficulty obtaining employment due to his inability to possess a firearm.

2022 INTERVIEW OF THOMAS SCHOOLCRAFT

At the request of the Advisory Board of Pardons, Mr. Schoolcraft was interviewed in 2022, in anticipation of his public hearing. (*Attachment D*).

PROCEEDINGS BEFORE THE ADVISORY BOARD

On July 29, 2022, the Advisory Board of Pardons held a public hearing on Thomas Schoolcraft's renewed pardon petition. The hearing was chaired by Gloriann Moroney. Advisory Board of Pardon Members Tonomey Coleman, James Kelcourse, and Colette Santa were present at the hearing. Board Members Charlene Bonner and Tina Hurley were not present for the hearing, but reviewed the record and participated in deliberations. Mr. Schoolcraft was not represented by counsel.

THE BOARD'S INQUIRY

PROFESSIONAL HISTORY

Upon inquiry by the Board, Mr. Schoolcraft provided information concerning his social and professional history. After his release from incarceration in New Hampshire, and conviction in Massachusetts, Mr. Schoolcraft worked in car sales while he was serving his probationary sentence in Massachusetts. He obtained a Bachelor's Degree in psychology from Keene State College in 2011. While enrolled at Keene State College, he began to volunteer in jail facilities. He was eventually offered a job as a corrections officer in Cheshire County. He obtained his Master's degree from Boston University while employed with Cheshire County.

After receiving his pardon, Mr. Schoolcraft worked briefly for the Massachusetts Probation Department, and also sought employment at the Suffolk County Jail. He reported experiencing adverse treatment with both employers due to his criminal history. He relocated to Minnesota when he was hired by the Scott County Sheriff's Office. He stated that he chose to apply to the Minnesota position, because Minnesota is one of the few states that does not require eligibility to carry a firearm in order to work in corrections. He reported positive performance reviews, and expressed enjoyment with his work. He held his position with Scott County for three years, and is presently employed by the Minnesota Department of Corrections as a Transitions Coordinator, as of March 2022. In his current role, he focuses on reentry training and support for individuals released from incarceration.

Mr. Schoolcraft noted that he was married in April 2022, and that he and his spouse purchased a home together. He reported that he is very close with family members still residing in Massachusetts.

GOVERNING OFFENSE

The Board inquired about the offense for which Mr. Schoolcraft previously received a pardon. Mr. Schoolcraft accepted responsibility, and admitted that he and his co-defendant broke into a number of homes, seeking items to steal and resell. He stated that his desire for money and material items made him feel more successful. He stated that he was not struggling with substance use, and that because of his age and immaturity at the time of the offense, there was little thought

and consideration that went into the impact and seriousness of the crimes at the time they were committed.

Mr. Schoolcraft reported that it was the pair's practice to ring doorbells and make noise prior to entering a home, to ensure that no one was home. He stated that he was not interested in placing anyone in fear, but that he simply wished to steal. He resolved to cease his crimes when the pair located an elderly man sleeping in a bedroom in a house that they chose to rob.

VICTIM IMPACT

Lynn Mather, a homeowner of the Massachusetts home that was the subject of Mr. Schoolcraft's Massachusetts conviction, spoke to the Board in support of Mr. Schoolcraft's petition. Her testimony is outlined below.

PRIOR CRIMINAL HISTORY

According to the Massachusetts Board of Probation record and the National Crime Information Center (NCIC) record, both dated May 25, 2022, Mr. Schoolcraft has no other adult criminal history. (*Attachment C*). Mr. Schoolcraft was convicted of crimes in New Hampshire relating to his breaking and enterings, and was sentenced to a year of incarceration. He served approximately eight months in a New Hampshire corrections facility. He applied for a pardon in New Hampshire unsuccessfully. After receiving his pardon in Massachusetts, Mr. Schoolcraft pursued an annulment of his New Hampshire criminal history, and was successful in that effort in 2016. Because his New Hampshire record has been annulled, his NCIC query returns no results.

COMPELLING NEED FOR A PARDON

The Board made inquiries concerning Mr. Schoolcraft compelling need for an unconditional pardon. Mr. Schoolcraft explained that he is seeking an unconditional pardon so that he may attain eligibility to carry a firearm, and therefore become eligible for a wider range of positions in the corrections field. Mr. Schoolcraft explained that he is not necessarily interested in owning a firearm for personal use, but that the vast majority of positions to which he has applied do require at least the ability to obtain a firearms license. Mr. Schoolcraft stated that he has high

aspirations for his career in the corrections field, and may even choose to run for sheriff, or pursue another executive-level position such as a warden. He explained to the Board that many of these positions require a POST Certification, a certification that also requires the ability to possess a firearm.

SUPPORT

TESTIMONY

Lynn Mathers

Lynn Mathers testified before the Board, expressing her support for Mr. Schoolcraft's unconditional pardon petition. Ms. Mathers was the owner of the Newburyport home that Mr. Schoolcraft broke into. She stated that the robbery did not result in major theft, and called Mr. Schoolcraft's offense, "not much of a crime." She described Mr. Schoolcraft as "intelligent, articulate, self-reflective, and honest," and expressed her full support for an unconditional pardon.

Richard Van Winkle

Mr. Van Winkle testified before the Board, and expressed support for Mr. Schoolcraft's unconditional pardon. Mr. Van Winkle is the retired Superintendent of Corrections for Cheshire County, New Hampshire, where Mr. Schoolcraft was employed. He reported that Mr. Schoolcraft rapidly gained respect and acceptance amongst his peers. Mr. Van Winkle stated that Mr. Schoolcraft is deserving of a second chance because he is honest, possesses integrity, is passionate, and exercises empathy for others.

LETTERS

The Board received letters expressing support for Mr. Schoolcraft's pardon petition, submitted alongside his application. Copies of the letters are included in *Attachments A*.

Scott County Sheriff Luke W. Hennen

Scott County Sheriff Luke W. Hennen submitted a letter expressing support for Mr. Schoolcraft's petition. He stated, "During his employment with the Sheriff's Office, Mr. Schoolcraft has shown himself to be a trusted and valued member of our team. He is a hardworking

employee who has fit into our culture, and we are glad to have him.” He also added that an unconditional pardon would open the door to Mr. Schoolcraft having his firearms rights restored in Minnesota.

Retired Superintendent Richard Van Winkler

Former Superintendent Richard Van Winkler submitted a letter expressing support for Mr. Schoolcraft’s petition. He praised his work ethic as a correctional officer. Mr. Van Winkler stated, “I have known few people as motivated and focused as Mr. Schoolcraft,” and expressed hope for Mr. Schoolcraft’s future achievements.

Dr. Jim Carter, Ph.D

Dr. Jim Carter submitted a letter in which he expressed support for Mr. Schoolcraft’s pardon petition. Dr. Carter worked with Mr. Schoolcraft on a training project, and praised his work ethic and ingenuity.

Professor Lynn Mather

Lynn Mather also submitted a letter of recommendation on Mr. Schoolcraft’s behalf. As the victim of his crime, she stated that she has been impressed by his rehabilitation, and praised his positive work history and ability to advance in the face of adversity.

OPPOSITION

TESTIMONY

No individuals testified in opposition to Mr. Schoolcraft’s petition.

LETTERS

No letters were submitted expressing opposition to Mr. Schoolcraft’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 an unconditional pardon be sent to the Governor on behalf of Thomas Schoolcraft.

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."

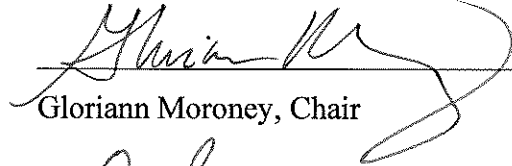
Under the Governor's Guidelines, a person who petitions for a pardon bears the responsibility of demonstrating, by clear and convincing evidence, that:


- (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;

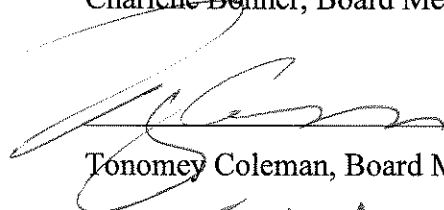
- (e) the petitioner has provided substantial assistance to law enforcement in the investigation or prosecution of other more culpable offenders;
- (f) the petitioner has contributed to society through the military or public service, or through charitable work;
- (g) the petitioner has demonstrated a 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.

Following a conditional pardon that was granted in January of 2015, Mr. Schoolcraft has advanced his professional accomplishments in law enforcement and education. He earned his Master’s degree in Criminal Justice from Boston University in 2015 and has been consistently employed in community corrections and law enforcement. In addition, his New Hampshire conviction was expunged. Since 2015, he has consistently maintained support from his community. Mr. Schoolcraft continues to pursue his goals in law enforcement. As such, the Board is recommending an unconditional pardon so that he can advance in his career.

For the six members of the Advisory Board of Pardons respectfully recommending favorable consideration, signed on this the 11th of October, 2022:


Gloriann Moroney, Chair


Charlene Bonner, Board Member


Tonomey Coleman, Board Member


Tina Hurley, Board Member


James Kelcourse, Board Member


Colette Santa, Board Member