



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

SEBRAN SHAGOURY

W38188

TYPE OF HEARING: Review Hearing

DATE OF HEARING: April 26, 2018

DATE OF DECISION: July 24, 2018

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

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 one year from the date of the hearing.

I. STATEMENT OF THE CASE

On April 17, 1981, after a jury trial in Barnstable Superior Court, Sebran Shagoury was found guilty of aggravated rape and sentenced to life in prison with the possibility of parole after 15 years. On that same date, he received a 10 to 20 year concurrent sentence on a conviction for sodomy. The court filed a charge of assault and battery.

On October 2, 1980, at approximately 1:40 a.m., a female was walking on Tremont Street in Provincetown, when she was physically assaulted by two male subjects, later identified as Stanley Dutra and Sebran Shagoury. The two males dragged the woman to a private parking lot, where they committed rape and sodomy upon her for approximately one to two hours. The two men then dragged her from this location to a Ford van, which was parked in an adjacent parking lot. The two men broke into the van and forced the victim inside, where they continued to rape and sodomize her for another one to two hours. The next morning, police

located Mr. Dutra and Mr. Shagoury and questioned them. Although Mr. Shagoury initially told police that the sex was consensual, he admitted to rape when questioned privately.

II. PAROLE HEARING ON APRIL 26, 2018

Mr. Shagoury was denied parole after both his initial parole eligibility hearing in 1995 and his review hearing in 1999. After a 2003 review hearing, he was released on parole to the Intensive Parole for Sex Offenders program. In 2007, his parole was revoked after receiving a parole violation report that charged Mr. Shagoury with testing positive for THC and violating a special condition for sex offenders. After a 2008 review hearing, Mr. Shagoury was re-paroled. However, in 2014, Mr. Shagoury was again returned to custody on a parole violation after his girlfriend obtained a restraining order against him. After a 2015 review hearing, Mr. Shagoury was re-paroled. On March 2, 2017, Mr. Shagoury was returned to custody on parole violations for failure to disclose his visits to massage facilities in his daily log, as required by his sex offender conditions, and failure to disclose the visits to his sex offender therapist. His parole revocation was affirmed in May 2017.

Mr. Shagoury, now 56-years-old, appeared before the Board for a review hearing on April 26, 2018, and was represented by Attorney Cornelius Madera. Mr. Shagoury is requesting that the Board grant him parole for a fourth time, having been returned to custody on three occasions after parole violations. The Board inquired as to the reason Mr. Shagoury's parole was revoked in 2017. Mr. Shagoury indicated that he failed to note in his daily sex offender diary that he visited massage establishments, nor did he tell his sex offender therapist about the visits. He indicated that he failed to do so, as he did not believe he was doing anything wrong. The Board noted that at his last hearing, Mr. Shagoury told the Board that he would communicate better with his parole officer. Mr. Shagoury replied that he believed he had communicated well, but his last parole officer told him not to contact him about "every little thing." He also said that while (initially) he was required to see his parole officer and therapist once a week, the condition was modified to once a month. Mr. Shagoury indicated that, at one point, his parole officer and supervisor "suddenly became strict with [him]," specifically around the "usage of his phone, internet access and camera." He stated he "felt like [he] was being punished and couldn't understand why."

Mr. Shagoury indicated that during his most recent parole supervision, he worked towards paying off debts he owed and had been doing well. He had injured his back while working, which caused him ongoing back pain. Mr. Shagoury did not have health insurance, so, as a result of his injury, he frequented massage facilities. Mr. Shagoury told the Board that although he did not visit the facilities for any purpose other than for massage therapy, he realizes now that he "could have been in the wrong place at the wrong time" and that his past could "[put] [him] in a bad position." In addition, Mr. Shagoury described his most recent relationship with his ex-girlfriend as "pretty good" and that they "got along" well.

The Board expressed concerns with Mr. Shagoury's frustrations with supervision practices, conditions, and certain parole officers. Mr. Shagoury had indicated at his prior hearing that he "felt the Parole Board was restricting [him] unnecessarily." Mr. Shagoury, however, said that he "never blamed the Parole Board for anything" and that he was always granted his requests by parole officers, including permission to travel out of state on multiple occasions. The Board also noted that, in the past, Mr. Shagoury had three sex-related parole

violation incidents, none of which were reported in Mr. Shagoury's sex-offender diary. The most recent violation involved Mr. Shagoury visiting massage facilities for approximately four months. On one particular day, Mr. Shagoury attended two different facilities within an approximate two hour period. It was also determined that the massage facilities that Mr. Shagoury had visited were being investigated for human sex trafficking and illicit sexual activity, a fact that Mr. Shagoury told the Board he was unaware of at the time.

Mr. Shagoury is currently participating in programming, such as Sex Offender Treatment Maintenance Program, Cognitive Behavioral Therapy, Narcotics Anonymous, and various "self-help groups" and "community meetings." In discussing his home plan, Mr. Shagoury indicated that a friend is holding his apartment for him and that he has a place to work in the event he is granted parole again.

The Board considered the testimony of Mr. Shagoury's two friends and former landlord, his sister, and the daughter of Mr. Shagoury's ex-girlfriend, all of whom expressed support for his release. The Cape & Islands District Attorney Michael O'Keefe submitted a letter of opposition.

III. DECISION

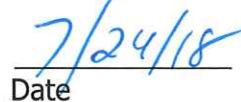
The Board is of the opinion that Sebran Shagoury has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. This is Mr. Shagoury's third return to custody since his initial release on parole. Mr. Shagoury should continue to engage in the SOTP (Sex Offender Treatment Program) maintenance program. The Board has concerns related to the behavior that he exhibited in the community. The Board will request an updated sex offender risk assessment.

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. Shagoury'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. Shagoury's risk of recidivism. After applying this standard to the circumstances of Mr. Shagoury's case, the Board is of the unanimous opinion that Sebran Shagoury is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Shagoury's next appearance before the Board will take place in one year from the date of this hearing. During the interim, the Board encourages Mr. Shagoury to continue working toward 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.


Gloriann Moroney, General Counsel


Date